

**Subcommittee on Patents (General) (Amendment) (No. 2) Rules 2002**

**List of follow-up actions arising from the discussion  
at the meeting on 14 November 2002**

- (1) To seriously re-consider the propriety of introducing the Amendment Rules at this stage given the impending court case where one of the major legal arguments is whether the provisions under section 39(1) is ultra vires. The Administration should also undertake to avoid recurrence of similar incidents in future.
- (2) To re-examine the proposed removal of the one-month time limit under section 39(1) as this will defeat the purpose of requiring proprietor of a patent to file notice of amendment of specification of a patent in order to update the Register in a timely manner. Such a removal may undermine the balance of the entire patent regime as time is a crucial factor. It may cause unnecessary loss to those who are not aware of any amendment of specification of a patent due to failure of the patent proprietor in filing the relevant notice of amendment and put in resources in developing a similar product. To this end, measures should be mapped out to encourage patent proprietors to file the notice of amendment as soon as practicable. Consideration should also be given to vesting the Registrar of Patents with the discretion to extend the time limit.