



**ASEAN PATENT
EXAMINATION
CO-OPERATION
(ASPEC)**

**DOCUMENT SUBMISSION
GUIDELINE**

CONTENTS

Contents

1	Introduction	1
2	Requirements for requesting ASPEC, ASPEC AIM and PCT-ASPEC.....	2
3	Procedures for requesting ASPEC, ASPEC AIM & PCT-ASPEC	3
4	Enquiries.....	5

ASEAN Patent Examination Co-operation (ASPEC) Guideline

1 Introduction

1.1 The ASEAN Patent Examination Co-operation (ASPEC) Programme is the first regional patent cooperation project. The programme commenced on 15 June 2009. ASPEC enables IP Offices from participating ASEAN member states (“AMS”) to utilise the search and examination (“S&E”) results from another participating AMS IP Office as reference in its own S&E work.

1.2 There are 9 participating AMS IP Offices: Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, Singapore, Thailand and Viet Nam.

1.3 The participating AMS IP Office may consider the S&E documents it receives under the ASPEC programme. It is not obliged to adopt any of the findings or conclusions reached by the other IP Office. It will proceed with and conclude its S&E work as well as decide on whether to grant the patent in the manner that is in accordance with its national laws.

1.4 For patent applicants, when an ASPEC request is filed at a participating AMS IP Office in accordance with the requirements at that Office, the applicant will be able to benefit from expedited processes from the time of filing the ASPEC request until grant.

1.5 Starting on 27 August 2019, 2 new features under ASPEC have been introduced:

1.6 ASPEC Acceleration for Industry 4.0 Infrastructure and Manufacturing (ASPEC AIM)

- Benefits to applicant: turnaround time of 6 months¹ to receive the first office action if an ASPEC request is made for Industry 4.0 patent applications
- Duration: Initial pilot period of 2 years starting from 27 August 2019 to 26 August 2021
- Capacity: Up to 50 eligible applications per year

1.7 Patent Cooperation Treaty ASPEC (PCT-ASPEC)

- Benefits to applicant: additional choice of relying on a Patent Cooperation Treaty (PCT) reports issued from an ASEAN International

¹ Computation of turnaround time starts from the ASPEC AIM request date, the publication end date, or the S&E request date; whichever is the latest.

Searching Authority/International Preliminary Examining Authority (ISA/IPEA)²

- Duration: Initial pilot period of 3 years starting from 27 August 2019 to 26 August 2022
- Capacity: Up to 100 applications per year

1.8 With effect from 15 June 2021, applicant can also utilise written opinion³ established by another participating AMS IP Office⁴.

2 Requirements for requesting ASPEC, ASPEC AIM and PCT-ASPEC

2.1 A patent application in a participating AMS IP Office where the ASPEC Request Form is filed (“second IP Office”) must be a corresponding patent application of the other participating AMS IP Office (“first IP Office”). The ASPEC Request must be supported by S&E documents of the corresponding application from the first IP Office.

2.2 All claims filed in subsequent IP Offices must sufficiently correspond to allowable/patentable claims referred to in the S&E documents from the first IP Office.

2.3 To qualify for PCT-ASPEC and ASPEC AIM, the following eligibility criteria are required:

- **PCT-ASPEC**: The basis to be relied upon for examination should be an international preliminary examination report or a written opinion issued by an ASEAN ISA/IPEA as the first IP Office.
- **ASPEC AIM**: The first IP Office indicates at least one IPC code from [Appendix 1](#) in the report.

2.4 A patent application in the first IP Office is a corresponding application if it is:

1. linked by a Paris Convention priority claim to the patent application in the second IP Office, and vice-versa, or
2. the patent applications in both the first IP Office and second IP Office have the same priority claim from another member of Paris Convention or World Trade Organization, or

² Currently, ASEAN ISA/IPEA refers to the IP Offices of Singapore and the Philippines.

³ Written opinion refers to a non-final assessment of the novelty, inventive step and industrial applicability of the claimed invention that is issued by participating AMS IP Offices. Examples of names of “written opinion” used in AMS are “written opinion” in Brunei, Singapore and the Philippines, and “adverse report” in Malaysia.

⁴ Written opinion is an acceptable S&E result for all participating AMS IP Offices except the IP Office of Thailand.

3. the patent applications in both the first IP Office and second IP Office are national phase entry applications from the same Patent Cooperation Treaty (“PCT”) application.

3 Procedures for requesting ASPEC, ASPEC AIM & PCT-ASPEC

Requesting ASPEC & ASPEC AIM

3.1 The applicant is required to file a duly completed ASPEC Request Form in the second IP Office. (Note: The ASPEC Request Form is not required to be filed in the first IP Office.) The ASPEC Request Form shall be accompanied by the following documents⁵:

1. a copy of the written opinion or the Examination report (“minimum documents”) of a corresponding application from the first IP Office, and
2. a copy of the claims referred to in the minimum documents submitted, with at least one claim determined by the first IP Office to be allowable/patentable.

3.2 The submission by the applicant of the S&E results issued by an AMS for an unpublished application to another AMS Office is consent for the other AMS to use the S&E results.⁶

3.3 The applicant can submit more than 1 written opinion from participating AMS IP Offices if the written opinions support the scope of the patent application.

3.4 For ASPEC AIM request, applicants should indicate that the request is for ASPEC AIM in the ASPEC form under Remarks. In addition, applicants are also required to email the monitoring authority (aspec@ipos.gov.sg) and respective ASPEC AIM focal point listed in 4.1. Information that needs to be provided include:

- i. Application no. from first IP Office;
- ii. Desired second IP Office and application no. in the Second IP Office;
- iii. Date of request
- iv. Reliance on written opinion or Examination report; and
- v. Applicant.

3.5 For ASPEC request which relies on a written opinion or written opinions, applicants are required to email the monitoring authority (aspec@ipos.gov.sg) and

⁵ Documents submitted should include a copy of (i) a search report, (ii) a written opinion or an examination report, and (iii) claims referred to in the written opinion or the examination report. A claim correspondence table is optional.

⁶ For unpublished applications, the S&E results issued by the IP Office of the Philippines in this regard constitute a waiver of confidentiality.

respective ASPEC focal point listed in 4.1. Information that needs to be provided include:

- i. Application no. from first IP Office;
- ii. Desired second IP Office and application no. in the Second IP Office;
- iii. Date of request
- iv. Reliance on written opinion or written opinions; and
- v. Applicant.

Requesting PCT-ASPEC

3.6 For PCT ASPEC request, applicants should indicate that the request is for PCT ASPEC in the ASPEC form under Remarks. For AMS IP offices where submission of an ASPEC Request Form is not mandatory, a cover letter indicating the request for PCT-ASPEC with the second IP Office should be submitted. The duly completed ASPEC request form shall be submitted together with the following documents:

1. a copy of the written opinion/international preliminary examination report (“WO/ISA, WO/IPEA or IPER”) established by an ASEAN International Searching Authority/International Preliminary Examining Authority (ASEAN ISA/IPEA) (“minimum documents”) relating to a corresponding application from the first IP Office; and
2. a copy of the claims referred to in the minimum documents submitted, with at least one claim determined by the first IP Office to be allowable/patentable.

3.7 For PCT-ASPEC request, please indicate that it is a PCT-ASPEC request in the ASPEC form. In addition, applicants are also required to email the monitoring authority (aspec@ipos.gov.sg) and respective PCT-ASPEC focal point listed in 4.1. Information that needs to be provided include:

- i. PCT application no;
- ii. Desired second IP Office and application no. in the second IP Office;
- iii. Date of request; and
- iv. Applicant.

3.8 It is possible to make a PCT-ASPEC request at the second IP Office even if the second IP Office is also an ASEAN ISA/IPEA.

3.9 It is also possible to make a PCT-ASPEC request and an ASPEC AIM request simultaneously at the second IP Office. There can be a written opinion/international preliminary examination report established by an ASEAN ISA/IPEA and the patent application contains at least one IPC code that matches with the IPC codes provided in Appendix 1. Please indicate that this is a PCT-ASPEC and ASPEC AIM request in the ASPEC form.

Other information

3.10 All documents for the purposes of ASPEC must be in English. An English translation of documents submitted need not be verified by a translator or by the patent agent unless requested for by the AMS IP Office.

3.11 The ASPEC Request Form and the documents referred to in the above may be filed at any time before the final decision of grant or refusal.

3.12 Subject to the requirements of the AMS IP Office (“second IP Office”), an e-ASPEC request made on the [ASEAN IP Portal](#) may replace the need for a separate ASPEC Request Form (**Annex A**).

3.13 Mandatory requirements for filing an ASPEC application are summarized in the Table in **Annex B**. ASPEC acceleration would begin only when all requisite documents are submitted to the AMS IP Office (“second IP Office”).

3.14 A list of non-exhaustive common mistakes in making ASPEC request is also found in **Annex C**.

4 Enquiries

4.1 For further enquiries relating to the ASPEC programme in the respective countries, kindly contact the following:

Country	Email
Brunei Darussalam	nuralain.abdullah@agc.gov.bn zunaidah.ramli@agc.gov.bn yvonne.lim@agc.gov.bn muiz.ramlee@bruipo.gov.bn
Cambodia	chheanpiseth@yahoo.com rein_bbu@yahoo.com
Indonesia	miayusanti@yahoo.com.au masnugroho@yahoo.com nandie93@yahoo.com thomy_ryan@yahoo.com
Lao PDR	aphivath@yahoo.com s.solasin@gmail.com dip.laopdr@gmail.com sooraphonhkongsap@yahoo.com
Malaysia	aspec@myipo.gov.my
Philippines	aspec@ipophil.gov.ph

Singapore	aspec@ipos.gov.sg
Thailand	aspec@ipthailand.go.th s.vajraphai@gmail.com putchakan2@gmail.com toranin@gmail.com (ASPEC AIM only) napapatchai@gmail.com (PCT-ASPEC only) paphitchaya.dip@gmail.com
Viet Nam	thuha_tran@ipvietnam.gov.vn thanhnoip@gmail.com khoanguyen76@gmail.com huongdl@ipvietnam.gov.vn

ASEAN Patent Examination Co-operation (ASPEC) Request Form

1. Name of Applicant(s) (Further applicants are to be indicated on an additional sheet)

2. Utilisation of ASPEC

Participating ASEAN Member State (AMS)	ASPEC Documents From 1 st AMS IP Office			ASPEC Documents To 2 nd AMS IP Office	
	Documents ⁷ From	Corresponding Patent Application ⁸ Number of the 1 st AMS IP Office	Priority Patent Application Number ⁹ (where applicable)	Documents To Be Used In	Patent Application Number of the 2 nd AMS IP Office (where ASPEC is requested)
Brunei Darussalam					
Cambodia					
Indonesia					
Lao PDR					
Malaysia					
The Philippines					
Singapore					
Thailand					
Viet Nam					

3. Request for PCT-ASPEC or ASPEC AIM pilot programme (Please check against the box if applicable)

The applicant is relying on Patent Cooperation Treaty (PCT) work products¹⁰ from an ASEAN International Searching Authority/International Preliminary Examination Authority ("ISA/IPEA").

The applicant wishes to apply for the ASPEC Acceleration for Industry 4.0 Infrastructure and Manufacturing (ASPEC AIM) pilot.

4. Remarks

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5. Name and Signature of Applicant or Agent/Attorney

Name and Signature

Date

⁷ Documents submitted should include a copy of (i) a search report, (ii) a written opinion or an examination report, and (iii) claims referred to in the written opinion or the examination report. A claim correspondence table is optional.

⁸ A patent application from another ASPEC participating ASEAN country is a corresponding patent application if it is linked by a Paris Convention priority claim to the patent application of which ASPEC is requested for, and vice versa, or it shares the same priority claim with the patent application of which ASPEC is requested for, from another patent application of a Paris Convention member country.

⁹ Please indicate the patent application number which the corresponding patent application claims priority from, where applicable.

¹⁰ Written opinion of the International Search Authority (ISA), Written opinion of the International Preliminary Examining Authority (IPEA), or International Preliminary Examination Report issued within the PCT framework. An international search report should also be provided where applicable.



Mandatory requirement for making ASPEC request at AMS IP Office (“Second IP Office”)

AMS (Second IP Office)	Is the usage of local registered agent mandatory for ASPEC request?	Must the Written Opinion ⁴ , Search and Examination report from the first AMS IP Office be enclosed for the ASPEC request to be valid?	Must a Claims Correspondence Table be enclosed for the ASPEC request to be valid?	Is a hardcopy of the ASPEC request Form Required?	Can an E-ASPEC request via ASEAN IP Portal be made?
Brunei Darussalam	Yes, must be filed by a local agent	Yes	Yes	Yes	Not at the moment
Cambodia	Yes, the ASPEC request can only be filed by the agent or representatives on behalf of the applicant in case the applicant has no local contact in Cambodia	Yes	Yes	Yes	Yes. The request should be made by local agent or representatives
Indonesia	Yes, must be filed by a local agent	Yes	Yes	Yes	Not yet
Lao PDR.	Yes	Yes	Yes	Yes	Yes. Requester must be local agent

Malaysia	<p>Yes, an ASPEC request can be filed by the agent on behalf of the applicant if the applicant has neither domicile nor residence in Malaysia.</p> <p>Nevertheless, the applicant himself can file an ASPEC request if the applicant is the national of Malaysia</p>	Yes	Yes	Yes. No indication for ASPEC/PPH request in the patents' forms	Yes, the request should be made by local agent.
Philippines	Yes	Yes	<p>No</p> <p>The basis for this is the ASPEC request form for Philippines, we have this in the footnote "Documents submitted should include a copy of (i) a search report, (ii) an examination report and (iii) claims referred to in the examination report.</p> <p>A claim correspondence table is optional</p>	Yes	Yes, provided that the request is filed by the local agent/representative

Singapore	Yes. Alternatively, the ASPEC request could also be made by the applicant with a valid local address for service	Yes	Yes	No. The applicant could select the ASPEC/PPH request checkbox in the Patents Form 11 or 12	Yes
Thailand	Yes, according to Ministerial Regulation No. 21 clause 13, the applicant has not domicile nor residence in Thailand shall appoint registered attorney (Who was registered by DIP Director General registration) for filling application	Yes, according to DIP Notification Re. request for utilize ASEAN Patent Search and Examination Results on substantive examination clause 3.	Yes, according to DIP Notification Re. request for utilize ASEAN Patent Search and Examination Result on substantive examination clause 2	Yes, according to DIP Notification Re. request for utilize ASEAN Patent Search and Examination Results on substantive examination clause 2	No, because every e-filing system shall comply with Regulation and Method of Government Electronic Transactions Decree
Viet Nam	Yes. The ASPEC request could also be filed applicants themselves if there is no patent agent on behalf of them	Yes	Yes	No	Yes. But the request must be filed by a patent agent or applicants themselves if there is no patent agent on behalf of them

Common mistakes in making ASPEC request

1. ASPEC requests were filed with patent granted by the first IP Office, but without S&E reports; or
2. ASPEC requests were filed with modified examination report from a non-AMS office and without S&E report made by the first IP Office; or
3. ASPEC requests were filed with PCT S&E report, but without S&E report made by the first IP Office; or
4. ASPEC requests were filed without S&E report; or
5. ASPEC requests were filed with search report, but without examination report (including citations and patentability analysis).



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ASEAN Patent Examination
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