



## LEGAL UPDATES

### **Employer CPF Contribution to be Increased**

From 1 September 2011, the employers' CPF contribution rate will be increased by 0.5 percentage point. For employees who are above 35 years old and earning monthly wages of up to \$1,500, the higher employer CPF contribution rate will continue to be phased in from 0% at the wage of \$50 to the new full rate at the wage of \$1,500. The increased contribution will be credited to the employees' Special Account (including those above 55 years of age). However, the additional 0.5 percentage point does not apply to employers and first and second year Singapore Permanent Residents (SPR) contributing CPF at graduated employer and employee rates. Additionally, the CPF salary ceiling will be revised from \$4,500 to \$5,000 per month.

### **Informed Consent**

*Eu Kong Weng v Singapore Medical Council [2011] SGHC 68*

In this case, the High Court reaffirmed the importance of obtaining informed consent from a patient before invasive surgery is performed on him.

The doctor's failure to do so in this case had resulted in the Disciplinary Committee ("DC") of the Singapore Medical Council ("SMC") finding him guilty of professional misconduct under s 45(1)(d) of the Medical Registration Act (Cap 174, 2004 Rev Ed).

On the facts of the case, the DC was of the view that a fine was an inadequate sentence and thus imposed a sentence of suspension. The DC was also of the view that a signal should be sent to medical practitioners that the interests of the patient should be their overriding concern, and that a doctor must explain to the patient all the treatment options (of which he has knowledge) and risks involved before treating the patient. The doctor appealed against the conviction and sentence of suspension.

The High Court noted that the dispute on whether informed consent was obtained was essentially a factual one and upheld the DC's findings of fact, *inter alia*, that the evidence contemporaneous with the material events did not support the doctor's case that informed consent was obtained.

The High Court also agreed that a suspension was warranted, in light of the importance of obtaining informed consent from a patient and the mission of the SMC to raise the standard of medical treatment of patients in Singapore. While the Court was minded to impose a shorter period of suspension than that imposed by the DC, it was noted that where a suspension was imposed, the Act mandated a minimum period of three months, and the DC had imposed this minimum period. The appeal against sentence was thus dismissed.



## **Patent**

### *Dien Ghin Electronic (S) Pte Ltd v Khek Tai Ting (trading as Soon Heng Digitex) [2011] SGHC 36*

The Plaintiff imported and supplied systems for displaying messages on panels of multicoloured LEDs mounted on the rooftop of taxis. The Defendant was the proprietor of Singapore Patent No. 89354 (the “Patent”) which relates to “a transportation status display system”. The independent claims of the Patent contained the following five essential integers:

- (i) a multi-coloured display mountable on a transportation means for displaying multi-coloured visual information;
- (ii) a display controller for controlling the multi-coloured display;
- (iii) a logic controller for providing logic control in relation to the display of multi-coloured visual information dependent on the information regarding the status of the transportation means;
- (iv) a communication means for communicating information regarding the status of the transportation means between the logic controller and a remote information source; and
- (v) a remote control centre for monitoring and controlling the movement of transportation means.

The Plaintiff commenced the suit seeking, inter alia, revocation of the Patent under Section 78, read with Sections 80 and 82, of the Patents Act. The Plaintiff claimed that the Patent did not sufficiently disclose the invention and that it lacked novelty and inventive step.

The Court found for the Plaintiff on the basis that:

- (a) there was insufficient disclosure as the Patent specification did not enable a person skilled in the art to arrive at the invention described by the Patent.
- (b) at least two earlier publications anticipated the Defendant’s invention as they contained teachings that messages sent by a remote control centre via a communication means may be displayed by an electronic display – in the form of LED display panel or a LCD screen – mounted on buses, and a person skilled in the art would have cognisance of the availability of multicoloured LED and LCD displays on the market at the time of the publications of the prior art.
- (c) the Defendant’s invention lacks inventive step as a notional person skilled in the art does not require much imagination to connect the remote control centre using a communication means with the multicoloured LED display panel on the rooftop of a taxi and the mobile display terminal in the taxi, as opposed to a bus, for the purpose of displaying information in relation to the taxi’s hiring status and for monitoring and controlling the movement of the taxi.

The Patent was accordingly revoked.