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STATUTORY INSTRUMENTS

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**1990 No. 2384**

**PATENTS**

**The Patents Rules 1990**

*Made* - - - - *29th November 1990*  
*Laid before Parliament* *6th December 1990*  
*Coming into force* - - *7th January 1991*

The Secretary of State, in exercise of the powers conferred upon him by sections 5(2), 8(3), 12(6), 13(1) and (3), 14(1) and (6), 15(2), (3) and (5), 16(1), 17(1), (2) and (8), 18(1) and (4), 19(1), 20(1), 21(1), 24(2), 25(3) and (5), 28(1), (1A) and (2A), 32(2), (6) and (7), 40(1) and (2), 47(3) and (6), 52(1), 77(6), 78(4), 80(3), 81(2)(b) and (2)(c), 89, 89A, 92(3) and (4), 97(1)(d), 118(1) and (3)(b), 120(1), 123(1) to (3A), (6) and (7), 124, 125A(1), (2) and (3), 127(6) and 130(2) of, and paragraph 4A(5) of Schedule 1 and paragraph 14 of Schedule 4 to, the Patents Act 1977<sup>(1)</sup>, after consultation with the Council on Tribunals pursuant to section 10(1) of the Tribunals and Inquiries Act 1971<sup>(2)</sup>, hereby makes the following Rules:—

*PRELIMINARY*

**Citation and commencement**

1. These Rules may be cited as the Patents Rules 1990 and shall come into force on 7th January 1991.

**Interpretation**

2. In these Rules—

“the Act” means the Patents Act 1977;

“the 1949 Act” means the Patents Act 1949<sup>(3)</sup>;

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(1) 1977 c. 37; section 17(8) was added by the Copyright, Designs and Patents Act 1988 (c. 48), section 295 and Schedule 5, paragraph 3; section 28(1) was amended, and section 28(1A) and 2(A) were added, by the said Act of 1988, section 295 and Schedule 5, paragraph 6; section 32 was replaced by the Patents, Designs and Marks Act 1986 (c. 39), section 1 and Schedule 1, paragraph 4; section 77 was amended by the said Act of 1988, section 295 and Schedule 5, paragraphs 8 and 21; section 89 was replaced, and section 89A was inserted by the said Act of 1988, section 295 and Schedule 5, paragraph 25; section 118(3) was amended by the said Act of 1988, section 295 and Schedule 5, paragraph 28; section 123 was amended by the said Act of 1988, section 295 and Schedule 5, paragraph 29; section 125A was added by the said Act of 1988, section 295 and Schedule 5, paragraph 30; paragraph 4(A) of Schedule 1 was added by section 293 of the said Act of 1988.

(2) 1971 c. 62.

(3) 1949 c. 87.

“declared priority date” means—

- (a) the date of filing of the earliest relevant application specified in a declaration made for the purposes of section 5 where the priority date claimed in the declaration has not been lost or abandoned and where the declaration has not been withdrawn before preparations for the publication of the application in suit have been completed by the Patent Office in accordance with section 16;
- (b) the date of filing of any such application for a patent as is referred to in section 127(4) which is specified in a declaration made for the purposes of that section;
- (c) where an application for a European patent (UK) is, by virtue of section 81(1), to be treated as an application for a patent under the Act, the date of filing of the earliest previous application mentioned in the declaration of for a European patent (UK) under Article 88(1) of the European Patent Convention where the priority date claimed in the declaration has not been lost or abandoned and where the declaration has not been withdrawn before the comptroller directs that the application for a European patent (UK) shall be so treated; or
- (d) where an international application for a patent (UK) is to be treated as an application for a patent under the Act, the date of filing of the earliest application filed in or for a State which is a party to the Convention for the Protection of Industrial Property signed at Paris on 20th March 1883 the priority of which is claimed in a declaration filed for the purposes of Article 8 of the Patent Co-operation Treaty, provided that such priority claim has not been lost or abandoned under the provisions of that Treaty;

“Journal” means the Official Journal (Patents) published in accordance with rule 115.

### **Construction**

**3.** In these Rules, save where otherwise indicated—

- (a) references to a section are references to that section of the Act;
- (b) references to a rule are references to that rule in these Rules;
- (c) references to a Schedule are references to that Schedule to these Rules;
- (d) references to a form are references to that form as set out in Schedule 1;

and references to the filing of a form or other document are references to filing it at the Patent Office.

### **Forms**

**4.—(1)** The forms of which the use is required by these Rules (except the forms mentioned in rule 123(1)) are those set out in Schedule 1.

(2) A requirement under these Rules to use such a form is satisfied by the use either of a replica of that form or of a form which is acceptable to the comptroller and contains the information required by the form set out in that Schedule.

### **International exhibitions**

**5.—(1)** An applicant for a patent who wishes the disclosure of matter constituting an invention to be disregarded in accordance with section 2(4)(c) shall, at the time of filing the application for the patent, inform the comptroller in writing that the invention has been displayed at an international exhibition.

(2) The applicant shall, within four months of filing the application, file a certificate, issued at the exhibition by the authority responsible for the exhibition, stating that the invention was in fact

exhibited there. The certificate shall also state the opening date of the exhibition and, where the first disclosure of the invention did not take place on the opening date, the date of the first disclosure. The certificate shall be accompanied by an identification of the invention, duly authenticated by the authority.

(3) For the purposes of section 130(2) a statement may be published in the Journal that an exhibition described in the statement falls within the definition of international exhibition in subsection (1) of that section.

(4) In the case of an international application for a patent (UK), the application of this rule shall be subject to the provisions of rule 85(3).

### **Declaration of priority for the purposes of section 5**

6.—(1) A declaration for the purposes of section 5 shall be made at the time of filing the application for a patent (“the application in suit”) and shall state the date of filing of any application specified in the declaration and the country in or for which it was made.

(2) Subject to the provisions of rule 26 and paragraphs (3), (4) and (5) below, where the application in suit is for a patent under the Act, the applicant shall, within the period of sixteen months after the declared priority date, furnish to the Patent Office in respect of every application specified in the declaration—

(a) its file number; and

(b) except where paragraph (3) below has effect, a copy of that application duly certified by the authority with which it was filed or otherwise verified to the satisfaction of the comptroller.

(3) Where an application specified in the declaration is an application for a patent under the Act or an international application for a patent which is filed at the Patent Office,—

(a) if the application is filed under section 15(4), the applicant shall, at the time of filing the application, file—

(i) a request that a copy of the application specified in the declaration be prepared for use in the Patent Office; and

(ii) Patents Form 24/77 requesting the comptroller to certify the same; or

(b) if the application is filed otherwise than under section 15(4), the applicant shall file that request and that form in compliance with any request made by the comptroller.

(4) Where the application in suit is an application for a European patent (UK) which, by virtue of section 81, is to be treated as an application for a patent under the Act, the requirements of paragraphs (1) and (2) above shall be treated as having been complied with to the extent that the requirements of rule 38(1) to (3) of the Implementing Regulations to the European Patent Convention have been fulfilled.

(5) Where the application in suit is an international application for a patent (UK) which is to be treated as an application for a patent under the Act, the requirements of paragraphs (1) and (2) above shall be treated as having been complied with to the extent that the requirements of rules 4.10(a) and (c) and 17.1(a) or (b) of the Regulations made under the Patent Co-operation Treaty have been fulfilled.

(6) Where a copy of an application is filed or treated as having been filed under paragraph (2) (b), (3), (4) or (5) above and that application is in a language other than English, subject to rule 85(3)(c) and (d), a translation thereof into English verified to the satisfaction of the comptroller as corresponding to the original text shall be filed within the period of twenty-one months after the declared priority date.

(7) In the case of an international application for a patent (UK), the application of paragraph (6) above shall be subject to the provisions of rule 85(3)(c) and (d).

## *RIGHT TO APPLY FOR AND OBTAIN A PATENT*

### **References under section 8(1)(a) or 12(1)(a)**

7.—(1) A reference under section 8(1)(a) or 12(1)(a) shall be made on Patents Form 2/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the question, the facts upon which the person making the reference relies and the order or other relief which he is seeking.

(2) The comptroller shall send a copy of the reference and statement to—

- (a) any person (other than the person referred to in paragraph (1) above) alleged in the reference to be entitled to be granted a patent for the invention;
- (b) any person, not being a party to the reference, who is shown in the register as having a right in or under the patent application;
- (c) where the application for the patent has not been published, any person (not being a party to the reference) who is an applicant for the patent or has given notice to the comptroller of a relevant transaction, instrument or event; and
- (d) every person who has been identified in the patent application or a statement filed under section 13(2)(a) as being, or being believed to be, the inventor or joint inventor of the invention.

(3) If any person who is sent a copy of the reference and statement under paragraph (2) above wishes to oppose the making of the order or the granting of the relief sought, he (“the opponent”) shall, within the period of two months beginning on the date the copies are sent to him, file in duplicate a counter-statement setting out fully the grounds of his opposition and the comptroller shall send a copy of the counter-statement to the person making the reference and to those recipients of the copy of the reference and statement who are not party to the counter-statement.

(4) The person making the reference or any such recipient may, within the period of two months beginning on the date when the copy of the counter-statement is sent to him, file evidence in support of his case and shall send a copy of the evidence,—

- (a) in any case, to the opponent; and
- (b) in the case of evidence filed by such a recipient, to the person making the reference.

(5) Within the period of two months beginning on the date when the copy of such evidence is sent to him or, if no such evidence is filed, within two months of the expiration of the time within which it might have been filed, the opponent may file evidence in support of his case and shall send a copy of the evidence so filed to the person making the reference and those recipients; and within the period of two months beginning on the date when the copy of the opponent’s evidence is sent to him, that person or any of those recipients may file further evidence confined to matters strictly in reply and shall send a copy of it to the persons mentioned in subparagraphs (a) and (b) of paragraph (4) above.

(6) No further evidence shall be filed except by leave or direction of the comptroller.

(7) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

### **References by co-proprietors under section 8(1)(b) or 12(1)(b)**

8.—(1) A reference under section 8(1)(b) or 12(1)(b) shall be made on Patents Form 2/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the question, the facts relied upon by the co-proprietor making the reference and the order which he is seeking.

(2) The comptroller shall send a copy of the reference and statement to—

- (a) each co-proprietor who is not a party to the reference and who has not otherwise indicated his consent to the making of the order sought;
  - (b) any person to whom it is alleged in the reference that any right in or under an application for a patent should be transferred or granted;
  - (c) any person, not being a party to the reference, who is shown in the register as having a right in or under the patent application;
  - (d) where the application for the patent has not been published, any person (not being a party to the reference) who has given notice to the comptroller of a relevant transaction, instrument or event; and
  - (e) every person who has been identified in the patent application or a statement filed under section 13(2)(a) as being, or being believed to be, the inventor or joint inventor of the invention.
- (3) Any person who receives a copy of the reference and statement and who wishes to oppose the order sought may, within the period of two months beginning on the date when the copies are sent to him, file a counter-statement in duplicate setting out fully the grounds of his opposition.
- (4) The comptroller shall, as appropriate, send a copy of any counter-statement to—
- (a) each co-proprietor who is a party to the reference; and
  - (b) any person to whom a copy of the reference and statement were sent pursuant to paragraph (2) above.
- (5) Any person who receives a copy of the counter-statement may, within the period of two months beginning on the date when the copy is sent to him, file evidence in support of his case and shall send a copy of the evidence so filed to the co-proprietor making the reference and to each person who has filed a counter-statement.
- (6) Any person entitled to receive a copy of the evidence filed under paragraph (5) above may, within the period of two months beginning on the date when the copy is sent to him or, if no such evidence is filed, within two months of the expiration of the period within which it might have been filed, file evidence in support of his case and shall send a copy of the evidence so filed to each of the other parties listed in paragraph (4) above.
- (7) Any person who receives a copy of the evidence filed under paragraph (6) above may, within the period of two months of the date when the copy is sent to him, file further evidence confined to matters strictly in reply and shall as appropriate send a copy of the evidence so filed to the parties listed in paragraph (4) above.
- (8) No further evidence shall be filed by any party except by leave or direction of the comptroller.
- (9) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

### **Orders under section 8 or 12**

9.—(1) Where an order is made under section 8 or section 12 that an application for a patent shall proceed in the name of one or more persons none of whom was an original applicant, the comptroller shall notify all original applicants and their licensees of whom he is aware of the making of the order.

(2) A person notified under paragraph (1) above may make a request under section 11(3) or under that section as applied by section 12(5),—

- (a) in the case of a request by the original applicant or any of the original applicants, within the period of two months beginning on the date when the notification is sent to him; or
- (b) in the case of a request by a licensee, within the period of four months beginning on the date when the notification is sent to him.

### **Prescribed period for new applications under section 8(3) or 12(6)**

10. The prescribed period for the purposes of sections 8(3) and 12(6) shall be three months calculated from the day on which the time for appealing from an order made under either of those subsections expires without an appeal being brought or, where an appeal is brought, from the day on which it is finally disposed of.

### **Authorisation under section 8(5)**

11.—(1) An application under section 8(5) for authority to do anything on behalf of a person to whom directions have been given under section 8(2)(d) or (4) shall be made on Patents Form 3/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the facts upon which the applicant relies and the nature of the authorisation sought.

(2) The comptroller shall send a copy of the application and statement to the person alleged to have failed to comply with the directions.

(3) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

### **Request by joint applicant under section 10 or 12(4)**

12.—(1) A request under section 10 or section 12(4) by a joint applicant shall be made on Patents Form 4/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the facts upon which he relies and the directions which he seeks.

(2) The comptroller shall send a copy of the request and statement to each other joint applicant who shall, if he wishes to oppose the request, within the period of two months beginning on the date when such copies are sent to him, file in duplicate a counter-statement setting out fully the grounds of his opposition; and the comptroller shall send a copy of the counter-statement to the person making the request and to each other joint applicant who is not party to the counter-statement.

(3) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

### **Referral to the comptroller under section 11(5)**

13.—(1) Where, following the making of such an order as is mentioned in section 11(2), a question is referred to the comptroller under subsection (5) of section 11 or that subsection as applied by section 12(5) as to whether any person is entitled to be granted a licence or whether the period or terms of a licence are reasonable, the reference shall be made on Patents Form 5/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the facts upon which the person making the reference relies and the terms of the licence which he is prepared to accept or grant.

(2) The comptroller shall send a copy of the reference and statement to every person in whose name the application is to proceed or, as the case may be, every person claiming to be entitled to be granted a licence, in either case not being the person who makes the reference, and if any recipient does not agree to grant or accept a licence for such period and upon such terms, he shall, within the period of two months beginning on the date when the copies are sent to him, file a counter-statement in duplicate setting out fully the grounds of his objection and the comptroller shall send a copy of the counter-statement to the person making the reference.

(3) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

## INVENTORS

### Mention of inventor under section 13

14.—(1) An application to the comptroller under section 13(1) or (3) by any person who alleges—

- (a) that he ought to have been mentioned as the inventor or joint inventor of an invention in any patent granted or published application for a patent for the invention; or
- (b) that any person mentioned as sole or joint inventor in any patent granted or published application for the invention ought not to have been so mentioned,

shall be made on Patents Form 6/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the facts relied upon.

(2) The comptroller shall send a copy of any such application and statement to—

- (a) every person registered as proprietor of, or applicant for, the patent (other than the applicant under section 13 himself);
- (b) every person who has been identified in the patent application or a statement filed under section 13(2)(a) as being, or being believed to be, the inventor or joint inventor of the invention; and
- (c) every other person whose interests the comptroller considers may be affected by the application.

(3) Any recipient of such a copy of an application and statement who wishes to oppose the application shall, within the period of two months beginning on the date when the copies are sent to him, file a counter-statement in duplicate setting out fully the grounds of his objection and the comptroller shall send a copy of the counter-statement to each of the persons described in this rule other than any person who is party to the counter-statement.

(4) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

(5) The document prescribed for the purposes of section 13(1) shall be an addendum or erratum slip.

### Procedure where applicant is not the inventor or sole inventor

15.—(1) Subject to the provisions of rules 26, 81(3), 82(3) and 85(7)(a), if the applicant or applicants are not the inventor or inventors, a statement under section 13(2) identifying the inventor or inventors and, where required by section 13(2)(b), the derivation of the right of the applicant or applicants to be granted the patent shall be made on Patents Form 7/77, within the period of sixteen months after the declared priority date or, where there is no declared priority date, the date of filing the application.

(2) Where the applicant is not the sole inventor or the applicants are not the joint inventors of the invention the subject of the application and the application does not contain a declared priority date which relates to an earlier relevant application as defined in section 5(5)(b), a sufficient number of copies of Patents Form 7/77 shall be filed by the applicant or applicants within the said period to enable the comptroller to send one to each inventor who is not one of the applicants.

(3) Where the application is an application for a European patent (UK) which by virtue of section 81 is to be treated as an application for a patent under the Act, the requirements of paragraphs (1) and (2) above shall be treated as having been complied with to the extent that the requirements of rule 17 of the Implementing Regulations to the European Patent Convention have been fulfilled.

(4) Where the application is an international application for a patent (UK), the requirements of paragraphs (1) and (2) above shall be treated as having been complied with if the provisions of rules

4.1(a)(v) and 4.6 of the Regulations made under the Patent Co-operation Treaty have been complied with, whether or not there was any requirement that they be complied with.

## *APPLICATIONS FOR PATENTS*

### **Applications for the grant of patents under sections 14 and 15**

**16.**—(1) A request for the grant of a patent shall be made on Patents Form 1/77.

(2) The specification contained in an application for a patent made under section 14 shall state the title of the invention and continue with the description and the claim or claims and drawings, if any, in that order.

(3) The title shall be short and indicate the matter to which the invention relates.

(4) The description shall include a list briefly describing the figures in the drawings, if any.

### **Micro-organisms**

**17.** Schedule 2 shall have effect in relation to certain applications for patents, and patents, for inventions which require for their performance the use of micro-organisms.

### **Drawings**

**18.**—(1) Drawings forming part of an application for a patent made under section 14 shall be on sheets the usable surface area of which shall not exceed 26.2 cm by 17 cm. The sheets shall not contain frames round the usable or used surface. The minimum margins shall be as follows—

top	2.5 cm
left side	2.5 cm
right side	1.5 cm
bottom	1.0 cm

(2) Drawings shall be executed as follows—

- (a) without colouring in durable, black, sufficiently dense and dark, uniformly thick and well-defined lines and strokes to permit satisfactory reproduction;
- (b) cross-sections shall be indicated by hatching which does not impede the clear reading of the reference signs and leading lines;
- (c) the scale of the drawings and the distinctness of their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two-thirds would enable all details to be distinguished without difficulty. If, as an exception, the scale is given on a drawing, it shall be represented graphically;
- (d) all numbers, letters, and reference signs, appearing on the drawings shall be simple and clear and brackets, circles and inverted commas shall not be used in association with numbers and letters;
- (e) elements of the same figure shall be in proportion to each other, unless a difference in proportion is indispensable for the clarity of the figure;
- (f) the height of the numbers and letters shall not be less than 0.32 cm and for the lettering of drawings, the Latin and, where customary, the Greek alphabets shall be used;



- (g) the same sheet of drawings may contain several figures. Where figures drawn on two or more sheets are intended to form one whole figure, the figures on the several sheets shall be so arranged that the whole figure can be assembled without concealing any part of the partial figures. The different figures shall be arranged without wasting space, clearly separated from one another. The different figures shall be numbered consecutively in arabic numerals, independently of the numbering of the sheets;
  - (h) reference signs not mentioned in the description or claims shall not appear in the drawings, and vice versa. The same features, when denoted by reference signs, shall, throughout the application, be denoted by the same signs;
  - (i) the drawings shall not contain textual matter, except, when required for the understanding of the drawings, a single word or words such as “water”, “steam”, “open”, “closed”, “section on AA”, and, in the case of electric circuits and block schematic or flow sheet diagrams, a few short catchwords; and
  - (j) the sheets of the drawings shall be numbered in accordance with rule 20(9).
- (3) Flow sheets and diagrams shall be considered to be drawings for the purposes of these Rules.

### **The abstract**

19.—(1) The abstract shall commence with a title for the invention.

(2) The abstract shall contain a concise summary of the matter contained in the specification. The summary shall indicate the technical field to which the invention belongs and be drafted in a way which allows a clear understanding of the technical problem to which the invention relates, the gist of the solution to that problem through the invention and the principal use or uses of the invention. Where appropriate, the abstract shall also contain the chemical formula which, among those contained in the specification, best characterises the invention. It shall not contain statements on the alleged merits or value of the invention or on its speculative application.

(3) The abstract shall normally not contain more than 150 words.

(4) If the specification contains any drawings, the applicant shall indicate on the abstract the figure or, exceptionally, the figures of the drawings which he suggests should accompany the abstract when published. The comptroller may decide to publish one or more other figures if he considers that they better characterise the invention. Each main feature mentioned in the abstract and illustrated by a drawing shall be followed by the reference sign used in that drawing.

(5) The abstract shall be so drafted that it constitutes an efficient instrument for the purposes of searching in the particular technical field, in particular by making it possible to assess whether there is a need to consult the specification itself.

### **Size and presentation of documents**

20.—(1) All documents (including drawings) making up an application for a patent or replacing such documents shall be in the English language.

(2) The specification, abstract and any replacement sheet thereof shall be filed in duplicate.

(3) All documents referred to in paragraph (1) above shall be so presented as to permit of direct reproduction by photography, electrostatic processes, photo offset and micro-filming, in an unlimited number of copies. All sheets shall be free from cracks, creases and folds. Only one side of the sheet shall be used, except in the case of a request for the grant of a patent.

(4) All documents referred to in paragraph (1) above shall be on A4 paper (29.7 cm × 721 cm) which shall be pliable, strong, white, smooth, matt and durable. Each sheet (other than drawings) shall be used with its short sides at the top and bottom (upright position).

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(5) The request for the grant of a patent and the description, claims, drawings and abstract shall each commence on a new sheet. The sheets shall be connected in such a way that they can easily be turned over, separated and joined together again.

(6) Subject to rule 18(1), the minimum margins shall be as follows:

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top	2.0 cm
left side	2.5 cm
right side	2.0 cm
bottom	2.0 cm

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(7) The margins of the documents making up the application and of any replacement documents must be completely blank.

(8) In the application, except in the drawings—

(a) all sheets in the request shall be numbered consecutively; and

(b) all other sheets shall be numbered consecutively as a separate series,

and all such numbering shall be in arabic numerals placed at the top of the sheet, in the middle, but not in the top margin.

(9) All sheets of drawings contained in the application shall be numbered consecutively as a separate series. Such numbering shall be in arabic numerals placed at the top of the sheet, in the middle, but not in the top margin.

(10) Every document (other than drawings) referred to in paragraph (1) above shall be typed or printed in a dark, indelible colour in at least 1 1/2 line spacing and in characters of which the capital letters are not less than 0.21 cm high: Provided that Patents Form 1/77 may be completed in writing, and that graphic symbols and characters and chemical and mathematical formulae may be written or drawn, in a dark indelible colour.

(11) The request for the grant of a patent, the description, the claims and the abstract shall not contain drawings. The description, the claims and the abstract may contain chemical or mathematical formulae. The description and the abstract may contain tables. The claims may contain tables only if their subject-matter makes the use of tables desirable.

(12) In all documents referred to in paragraph (1) above units of weight and measures shall be expressed in terms of the metric system. If a different system is used they shall also be expressed in terms of the metric system. Temperatures shall be expressed in degrees Celsius. For the other physical values, the units recognised in international practice shall be used, for mathematical formulae the symbols in general use, and for chemical formulae the symbols, atomic weights and molecular formulae in general use shall be employed. In general, use should be made of technical terms, signs and symbols generally accepted in the field in question.

(13) If a formula or symbol is used in the specification a copy thereof, prepared in the same manner as drawings, shall be furnished if the comptroller so directs.

(14) The terminology and the signs shall be consistent throughout the application.

(15) All documents referred to in paragraph (1) above shall be reasonably free from deletions and other alterations, overwritings and interlineations and shall, in any event, be legible.

### **Form of statements, counter-statements and evidence**

**21.** Any statement, counter-statement or evidence filed shall, unless the comptroller otherwise directs, comply with the requirements of rule 20(1) and (4) and, except that both sides of the sheet may be used in the case of statutory declarations and affidavits, with the requirements of rule 20(3).

### **Claims in different categories**

**22.** Without prejudice to the generality of section 14(5)(d), an application for a patent which includes,—

- (a) in addition to an independent claim for a product, an independent claim for a process specially adapted for the manufacture of the product, and an independent claim for a use of the product;
- (b) in addition to an independent claim for a process, an independent claim for an apparatus or means specifically designed for carrying out the process; or
- (c) in addition to an independent claim for a product, an independent claim for a process specially adapted for the manufacture of the product, and an independent claim for an apparatus or means specifically designed for carrying out the process,

shall be treated as relating to a group of inventions which are so linked as to form a single inventive concept.

### **Late filed drawings**

**23.** The period prescribed for the purposes of section 15(2) and (3) shall be one month calculated from the date on which the comptroller sends out notification to the applicant that the drawing has been filed later than the date which is, by virtue of section 15(1), to be treated as the date of filing the application or, as the case may be, that it has not been filed.

### **New applications under section 15(4)**

**24.—**(1) Subject to paragraph (2) below, a new application for a patent, which includes a request that it shall be treated as having as its date of filing the date of filing of an earlier application, may be filed in accordance with section 15(4) not later than the latest of—

- (a) the beginning of the sixth month before the end of the period ascertained under rule 34 in relation to the earlier application as altered, if that be the case, under rule 100 or rule 110 (“the rule 34 period”);
- (b) where the earlier application is amended as provided by section 18(3) so as to comply with section 14(5)(d), the expiry of the period of two months beginning on the day that the amendment is filed; and
- (c) where the first report of the examiner under section 18 is made under subsection (3), the expiry of the period specified for reply to that report:

Provided that, where the first report of the examiner under section 18 is made under subsection (4) and the comptroller notifies the applicant that the earlier application complies with the requirements of the Act and these Rules, notwithstanding the foregoing provisions of this paragraph but subject to paragraph (2) below, a new application may be filed not later than the expiry of the period of two months beginning on the day that the notification is sent.

(2) Where any of the following dates falls before the date ascertained under paragraph (1) above, a new application may only be filed before that date instead of the date so ascertained—

- (a) the date when the earlier application is refused, is withdrawn, is treated as having been withdrawn or is taken to be withdrawn;
- (b) the expiry of the rule 34 period ascertained in relation to the earlier application; and
- (c) the date when a patent is granted on the earlier application.

(3) Where possible, the description and drawings of the earlier application and the new application shall respectively relate only to the matter for which protection is sought by that application. However, when it is necessary for an application to describe the matter for which

protection is sought by another application, it shall include a reference by number to that other application and shall indicate the matter for which protection is claimed in the other application.

**Periods prescribed under section 15(5)(a) and (b) and 17(1) for filing claims, abstract and request for preliminary examination and search**

**25.**—(1) The period prescribed for the purposes of section 15(5)(a) shall be,—

- (a) if the application contains no declared priority date, the period of twelve months calculated from its date of filing; or
- (b) if the application does contain a declared priority date, the last to expire of the period of twelve months calculated from the declared priority date and the period of one month calculated from the date of filing the application.

(2) Subject to the provisions of rules 81(3), 82(3) and 85(7)(a), the period prescribed for the purposes of sections 15(5)(b) and 17(1) shall be,—

- (a) if the application contains no declared priority date, the period of twelve months calculated from its date of filing; or
- (b) if the application does contain a declared priority date, the period of twelve months calculated from the declared priority date.

(3) Where a new application is filed under section 8(3), 12(6), 15(4) or 37(4) after the end of the period prescribed in paragraph (1) or (2) above, as the case may be, the period prescribed for the purposes of sections 15(5) and 17(1) shall be the period which expires on the actual date of filing of the new application.

**Extensions for new applications**

**26.**—(1) Where a new application is filed under section 8(3), 12(6), 15(4) or 37(4) after the period of sixteen months prescribed in either rule 6 or rule 15, then, subject to the following provisions of this rule,—

- (a) the requirements of those rules shall be complied with at the time of filing the new application; and
- (b) the requirements of paragraph 1(2)(a)(ii) and (3) of Schedule 2, in a case to which they apply, shall be complied with not later than the later of the time ascertained under the said paragraph 1(3) and the time of filing the new application.

(2) Where a new application is filed under any of those sections—

- (a) within the period prescribed in paragraph (6) of rule 6 as modified, in the case of an international application, by rule 85(3), the requirement of that paragraph shall have effect as provided therein; or
- (b) after that period, the requirements of that paragraph shall be complied with at the time of filing,

subject, in either case, to paragraph (3) below.

(3) Where a new application is filed under section 15(4) after—

- (a) the period of sixteen months prescribed in rule 6(2) or rule 15(1); or
- (b) the period prescribed in rule 6(6) as modified, in the case of an international application, by rule 85(3),

but within an extension of that period under rule 110(3) or (4) in respect of the earlier application, the requirements of rule 6(2) and (3), rule 6(6) or rule 15, as the case may be, shall be complied with before the end of the extended period.

### **Period for publication of application**

27. The period prescribed for the purposes of section 16 shall be the period of eighteen months calculated from the declared priority date or, where there is no declared priority date, the date of filing the application.

## *EXAMINATION AND SEARCH*

### **Preliminary examination and search under section 17**

28.—(1) A request under section 17(1)(a) for a preliminary examination and search shall be made on Patents Form 9/77.

(2) On a preliminary examination the examiner shall determine, not only whether the application (“the application in suit”) complies with those requirements of the Act and these Rules which are designated by rule 31 as formal requirements for the purposes of the Act, but also whether the requirements of rules 6(1) and (2) and 15(1) and the provisions of section 15(3) have been complied with.

(3) The comptroller may, if he thinks fit, send to the applicant a copy of any document (or any part thereof) referred to in the examiner’s report under section 17(5).

### **Procedure where earlier application made**

29. Where the preliminary examination under rule 28 reveals that an earlier relevant application declared for the purposes of section 5 has been stated in the application in suit to have a date of filing more than twelve months before the date of filing of the application in suit, the Patent Office shall notify the applicant that the earlier relevant application will be disregarded unless, within one month, he supplies the Patent Office with a corrected date, being one which falls within those twelve months.

### **Address for service**

30. Every person concerned in any proceedings to which these Rules relate and every proprietor of a patent shall furnish to the comptroller an address for service in the United Kingdom; and that address may be treated for all purposes connected with such proceedings or patent (as appropriate) as the address of the person concerned in the proceedings or of the proprietor of the patent.

### **Formal requirements**

31.—(1) The requirements of rules 16(1), 18(1) and (2) (other than those contained in paragraph (2)(h)), 20 (other than those contained in the last sentence of paragraph (11) and in paragraphs (12) and (14)) and 30 shall be formal requirements for the purposes of the Act.

(2) Where the application is—

- (a) an application for a European patent (UK); or
- (b) an international application for a patent (UK)

which, by virtue of section 81 or 89, as the case may be, is to be treated as an application for a patent under the Act, the said requirements of rules 16(1), 18(1) and (2) and 20 shall be treated as having been complied with to the extent that the requirements of the corresponding provisions of the Implementing Regulations to the European Patent Convention or, as the case may be, of the Regulations made under the Patent Co-operation Treaty, have been fulfilled.

### **Searches under section 17(6) and (8)**

**32.**—(1) Where an examiner conducts a search under section 17(6) in relation to the first only of two or more inventions specified in the claims of an application, the Patent Office shall notify the applicant of that fact.

(2) If the applicant desires a search to be conducted under section 17(6) in relation to a second or subsequent invention specified in the claims, he shall, before the expiry of the period specified for the making of observations on the report made under section 18(3), request the Patent Office on Patents Form 9/77 to conduct such a search and pay the search fee for each invention in respect of which the search is to be made.

(3) The fee for a supplementary search under section 17(8) shall be accompanied by Patents Form 9/77.

(4) The comptroller may, if he thinks fit, send to the applicant a copy of any document (or any part thereof) referred to in the examiner's report under section 17 pursuant to subsection (6) or (8) thereof.

### **Request for substantive examination under section 18**

**33.**—(1) A request for a substantive examination of an application for a patent shall be made on Patents Form 10/77.

(2) Subject to the provisions of rules 83(1), 85(7)(b) and paragraphs (3) and (4) below, the request shall be made and the fee for the examination paid within six months of the date of publication of the application in accordance with section 16.

(3) Where an application is subject to directions under section 22(1) or (2), the request shall be made and the fee paid within two years of the declared priority date or, where there is no declared priority date, from the date of filing the application except in the case of a new application made under section 8(3), 12(6) or 15(4) after the expiry of the said two years, when the request shall be made and the fee paid at the time of filing the new application.

(4) When he gives the applicant the opportunity under section 18(3) to make observations on the examiner's report under subsection (2) of that section, the comptroller may, if he thinks fit, send to the applicant a copy of any document (or part thereof) referred to in the report.

(5) Where a new application is filed under section 8(3), 12(6), 15(4) or 37(4) then,—

(a) if the new application is filed within two years calculated from the declared priority date or, where there is no declared priority date, from the date treated as its date of filing, the request shall be made and the fee for the examination paid within those two years; and

(b) if the new application is filed after the expiration of those two years, the request shall be made and the fee for the examination paid at the time of filing the new application.

### **Period for putting application in order**

**34.**—(1) Subject to the provisions of paragraph (2) below and of rule 83(3), for the purposes of sections 18(4) and 20(1), the period within which an application for a patent shall comply with the Act and these Rules,—

(a) subject to the following provisions of this paragraph, shall be the period of four years and six months calculated from its declared priority date or, where there is no declared priority date, from the date of filing of the application; and

(b) in the case of an application under section 8(3), 12(6) or 37(4), shall be—

(i) the period of four years and six months calculated from the declared priority date for the earlier application or, where there is no such declared priority date, the date of filing of the earlier application; or

(ii) the period of eighteen months calculated from the actual date of filing of the application,

whichever expires the later.

(2) In a case where,—

- (a) before or after these Rules come into force, a third party makes observations under section 21 on an application;
- (b) the examiner, for the first time in a report under section 18(3), relies upon the substance of those observations to report that the patentability requirements of the Act are not met; and
- (b) following that report, and within the last three months of the period ascertained under paragraph (1) above (including any alteration thereof under rule 100 or rule 110 or an alteration thereof previously made under this paragraph) but after these Rules come into force, the comptroller gives the applicant the opportunity under section 18(3) to make observations on the report and to amend the application,

the period within which an application for a patent shall comply with the Act and these Rules shall expire at the end of the period of three months beginning on the date when the comptroller sends notification to the applicant of that opportunity.

#### **Amendment of request for grant**

**35.** Subject to rule 45(3), an application for amendment of the request for the grant of a patent shall be made on Patents Form 11/77 and shall be accompanied by a document clearly identifying the proposed amendment.

#### **Amendment of application before grant**

**36.—(1)** Unless the comptroller so requires, the applicant may not amend the description, claims and drawings contained in his application before the comptroller sends to the applicant the examiner's report under section 17(5).

(2) An applicant may of his own volition amend his application in accordance with the following provisions of this rule but not otherwise.

(3) After the comptroller has sent to the applicant the examiner's report under section 17(5) and before he sends to the applicant the first report of the examiner under section 18, the applicant may of his own volition amend the description, claims and drawings contained in his application.

(4) After the applicant has been sent the first report of the examiner under section 18, in addition to his right under section 18(3) to amend the application so as to comply with the requirements of the Act and these Rules, the applicant may of his own volition amend once the description, claims or drawings of the application: provided that, if the examiner's first report is made under section 18(3), the amendment shall be filed at the same time as the applicant replies to that report or, if the examiner's first report is made under section 18(4), the amendment shall be filed within two months of that report being sent to the applicant.

(5) Any further amendment to the description, claims or drawings which the applicant desires to make of his own volition may only be made with the consent of the comptroller following the filing of Patents Form 11/77 accompanied by a document clearly identifying the proposed amendment.

#### **Observations on patentability under section 21**

**37.—(1)** Subject to paragraph (2) below, the comptroller shall send to the applicant a copy of—

- (a) any document containing observations which he receives under section 21 in connection with the application; and

- (b) any document referred to in any such observations being a document which he receives from the person making them.
- (2) Nothing in paragraph (1) above shall impose any duty on the comptroller in relation to any document—
- (a) a copy of which it appears to the comptroller is readily available for retention by the applicant; or
- (b) which in his opinion is not suitable for photocopying, whether on account of size or for any other reason.
- (3) If the period ascertained under rule 34 (as altered, if that be the case, under rule 100 or rule 110) has not expired and the comptroller has not sent to the applicant notice in accordance with section 18(4) that the application complies with the requirements of the Act and these Rules, the observations shall be referred to the examiner conducting a substantive examination of the application under section 18; and the examiner shall consider and comment upon them as he thinks fit in his report under that section.

#### *GRANT, AMENDMENT AND CONTINUATION OF PATENT*

#### **Certificates of grant**

- 38.** A certificate that a patent has been granted shall be in the form set out in Schedule 3.

#### **Renewal of patents**

**39.**—(1) If, except in the case of a European patent (UK), it is desired to keep a patent in force for a further year after the expiration of the fourth or any succeeding year from the date of filing an application for that patent as determined in accordance with section 15, Patents Form 12/77, in respect of the next succeeding year, accompanied by the prescribed renewal fee for that year, shall be filed in the three months ending with the fourth or, as the case may be, succeeding anniversary of the date of filing:

Provided that, where a patent is granted in the three months ending with the fourth or any succeeding anniversary as so determined or at any time thereafter, Patents Form 12/77, accompanied by the prescribed renewal fee, in respect of the fifth or succeeding year may be filed not more than three months before the expiration of the fourth or relevant succeeding year but before the expiration of three months from the date on which the patent is granted.

(2) If it is desired, at the expiration of the fourth or any succeeding year from the date of filing an application for a European patent (UK), as determined in accordance with Article 80 of the European Patent Convention, and provided that mention of the grant of the patent is, or has been, published in the European Patent Bulletin, to keep the patent in force, Patents Form 12/77, accompanied by the prescribed renewal fee, shall be filed in the three months ending with the fourth or, as the case may be, succeeding anniversary of the date of filing as so determined:

Provided that, where any renewal fee is due on, or within the period of three months after, the date of publication in the European Patent Bulletin of the mention of the grant of the patent, being a date on or after that on which these Rules come into force, that renewal fee may be paid within those three months; but, where the date of such publication is before that on which these Rules come into force, the proviso to rule 39(2) of the Patents Rules 1982(4) shall continue to apply.

(3) On receipt of the prescribed renewal fee accompanied by Patents Form 12/77 duly completed, the comptroller shall (if the patent has been granted) issue a certificate of payment on the appropriate portion of that form.

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(4) [S.I. 1982/717](#) to which there are no relevant amendments.



(4) Where the period for payment of a renewal fee pursuant to paragraph (1) or (2) above has expired, the comptroller shall, not later than six weeks after the last date for payment under that paragraph and if the fee still remains unpaid, send to the proprietor of the patent a notice reminding him that payment is overdue and of the consequences of non-payment.

(5) The comptroller shall send a notice under paragraph (4) above to—

- (a) the address in the United Kingdom specified by the proprietor on payment of the last renewal fee; or
- (b) where another address in the United Kingdom has been notified to him for that purpose by the proprietor since the last renewal, that address,

and, in any other case, the address for service entered in the register.

(6) A request for extending the period for payment of a renewal fee shall be made on Patents Form 12/77 and shall be accompanied by the prescribed renewal fee and the prescribed additional fee for late payment.

#### **Amendment of specification after grant**

**40.**—(1) An application to the comptroller for leave to amend the specification of a patent shall be made on Patents Form 14/77 and shall be advertised by publication of the Journal and in such other manner, if any, as the comptroller may direct.

(2) Any person wishing to oppose the application to amend shall, within two months from the date of the advertisement in the Journal, give notice to the comptroller on Patents Form 15/77.

(3) Such notice shall be accompanied by a copy thereof and be supported by a statement in duplicate setting out fully the facts upon which the opponent relies and the relief which he seeks. The comptroller shall send a copy of the notice and of the statement to the applicant.

(4) Within the period of two months beginning on the date when such copies are sent to him, the applicant shall, if he wishes to continue with the application, file a counter-statement in duplicate setting out fully the grounds upon which the opposition is resisted; and the comptroller shall send a copy of the counter-statement to the opponent.

(5) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

(6) An application under this rule shall be accompanied by—

- (a) a copy of the specification as published on which the proposed amendment is clearly identified;
- (b) if the specification as published is not in English, a document containing a translation into English of the part of the specification proposed to be amended and a translation into English of the part as proposed to be amended verified to the satisfaction of the comptroller as corresponding to the original text; and
- (c) in the case of an application for amendment of a European patent (UK), a copy of the specification for that patent as published,

and, if the specification as published is not in English, the applicant shall, if the comptroller so requests, supply a translation thereof into English verified to his satisfaction as corresponding to the original text.

(7) Where leave to amend a specification is given, the applicant shall, if the comptroller so requires, and within a time to be fixed by him, file a new specification as amended, which shall be prepared in accordance with rules 16, 18 and 20.

### **Restoration of lapsed patents under section 28**

**41.**—(1) An application under section 28 for the restoration of a patent, including an application for restoration of a patent which lapsed not more than twelve months before these Rules came into force (being in any case a patent which has lapsed by reason of a failure to pay any renewal fee),—

(a) may be made at any time within the period of nineteen months beginning on the day on which it ceased to have effect; and

(b) shall be made on Patents Form 16/77 supported by evidence of the statements made in it; and the comptroller shall publish in the Journal notice of the making of the application.

(2) If, upon consideration of the evidence, the comptroller is not satisfied that a case for an order under section 28 has been made out, he shall notify the applicant accordingly and, unless within one month the applicant requests to be heard in the matter, the comptroller shall refuse the application.

(3) If the applicant requests a hearing within the time allowed, the comptroller shall, after giving the applicant an opportunity of being heard, determine whether the application shall be allowed or refused.

(4) If the comptroller decides to allow the application, he shall notify the applicant accordingly and require him, within two months after the notification is sent to him, to file Patents Form 17/77, together with Patents Form 12/77, duly completed, and the amount of any unpaid renewal fee, upon receipt of which the comptroller shall order the restoration of the patent and advertise the fact in the Journal:

Provided that, in a case where a notification under this paragraph is sent to the applicant before these Rules come into force, this paragraph shall have effect as if the words “within two months after the notification is sent to him” were omitted.

### **Notification of lapsed patent**

**42.** Where a patent has ceased to have effect because a renewal fee has not been paid within the period prescribed in rule 39(1) or (2) and the extended period specified in section 25(4) has expired without the renewal fee and prescribed additional fee having been paid, the comptroller shall, within six weeks after the expiration of the extended period, notify the proprietor of the patent of the fact and draw his attention to the provisions of section 28.

### **Surrender of patents**

**43.**—(1) A notice of an offer by a proprietor of a patent under section 29 to surrender his patent shall be given on Patents Form 18/77 and shall be advertised by the comptroller in the Journal.

(2) At any time within two months from the advertisement any person may give notice of opposition to the surrender to the comptroller on Patents Form 19/77.

(3) Such notice shall be accompanied by a copy thereof and be supported by a statement in duplicate setting out fully the facts upon which the opponent relies and the relief which he seeks. The comptroller shall send a copy of the notice and of the statement to the proprietor of the patent.

(4) Within the period of two months beginning on the date when such copies are sent to him, the proprietor of the patent shall, if he wishes to continue with the surrender, file a counter-statement in duplicate setting out fully the grounds upon which the opposition is resisted; and the comptroller shall send a copy of the counter-statement to the opponent.

(5) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

## REGISTRATION

### Entries in the register

**44.**—(1) No entry shall be made in the register in respect of any application for a patent before the application has been published in accordance with section 16.

- (2) Upon such publication, the comptroller shall cause to be entered in the register—
- (a) the name and address of the applicant or applicants;
  - (b) the name and address of the person or persons stated by the applicant or applicants to be believed to be the inventor or inventors;
  - (c) the title of the invention;
  - (d) the date of filing and the file number of the application for the patent;
  - (e) the date of filing and the file number of any application declared for the purposes of section 5(2) or 127(4) and the country in or for which the application was made;
  - (f) the date on which the application was published; and
  - (g) the address for service of the applicant or applicants.
- (3) The comptroller shall also cause to be entered in the register—
- (a) the date of filing of the request for substantive examination;
  - (b) the date on which the application is withdrawn, taken to be withdrawn, treated as having been withdrawn, refused or treated as having been refused;
  - (c) the date on which the patent is granted;
  - (d) the name and address of the person or persons to whom the patent is granted if different to the entries made in accordance with paragraph (2)(a) above;
  - (e) the address for service if different to the entry made in accordance with paragraph (2)(g) above; and
  - (f) notice of any transaction, instrument or event referred to in section 33(3).
- (4) The comptroller may at any time enter in the register such other particulars as he may think fit.

### Alteration of name or address

**45.**—(1) A request by any person, upon the alteration of his name, for that alteration to be entered in the register or on any application or other document filed at the Patent Office shall be made on Patents Form 20/77.

(2) Before acting on a request to alter a name, the comptroller may require such proof of the alteration as he thinks fit.

(3) A request by any person for the alteration or correction of his address or address for service entered in the register or on any application or other document filed at the Patent Office shall, if not made on a form filed under any provision of these Rules, be made in writing and shall identify any relevant application or patent.

(4) If the comptroller is satisfied that a request to alter a name or to alter or correct an address or address for service may be allowed, he shall cause the register, application or other document to be altered accordingly.

### Registrations under section 33

**46.**—(1) An application to register, or to give notice to the comptroller of, any transaction, instrument or event to which section 33 applies shall be made on Patents Form 21/77.

(2) Unless the comptroller otherwise directs, an application under paragraph (1) above shall be accompanied by—

- (a) a certified copy of any document which establishes the transaction, instrument or event; or
- (b) a certified copy of such extracts from such document as suffice to establish the transaction, instrument or event.

#### **Request for correction of error**

47.—(1) Without prejudice to rule 45(3), a request for the correction of an error in the register or in any document filed at the Patent Office in connection with registration shall be made on Patents Form 22/77; and the correction shall be clearly identified on a document annexed to the form or, if not, on the form itself.

(2) The comptroller may call for such written explanation of the reasons for the request or evidence in support of it as he may require in order to satisfy himself that there is an error and, upon being so satisfied, shall make such correction as may be agreed between the proprietor of the patent or applicant and the comptroller.

#### **Request as to payment of renewal fee**

48. A request for information about the date of payment of any renewal fee shall be made on Patents Form 23/77 and shall be accompanied by the appropriate fee.

#### **Inspection of register**

49.—(1) The register or entries or reproductions of entries in it shall be made available for inspection by the public on payment of the prescribed fee between the hours of 10.00 am and 4.00 pm on weekdays, other than Saturdays and days which are specified as excluded days for the purposes of section 120.

(2) A request to be allowed to inspect the register shall be made on Patents Form 23/77 and shall be accompanied by the appropriate fee.

#### **Advertisements in relation to register**

50. The comptroller may arrange for the publication and advertisement of such things done under the Act or these Rules in relation to the register as he may think fit.

#### **Entries relating to sections 8(1), 12(1) and 37(1)**

51. On the reference to the comptroller of a question under section 8(1), 12(1) or 37(1), he shall, subject to rule 44(1), cause an entry to be made in the register of the fact and of such other information relating to the reference as he may think fit.

#### **Certificates and copies supplied by comptroller**

52.—(1) Upon request made on Patents Form 24/77 and payment of the appropriate fee, but subject to paragraph (3) below, the comptroller shall supply—

- (a) a certified copy or certified extract falling within section 32(11);
- (b) a copy of an entry in or an extract from the register or a copy of or an extract from anything referred to in section 32(11)(b), certified by the impression of a rubber stamp;
- (c) a certificate for the purposes of section 32(10).

(2) Upon request made on Patents Form 23/77 and payment of the appropriate fee, but subject to paragraph (3) below, the comptroller shall supply an uncertified copy of an entry in or an uncertified extract from the register or an uncertified copy of or an uncertified extract from anything referred to in section 32(11)(b).

(3) The restrictions on making documents available for inspection contained in rule 93(4) shall apply equally to the supply by the comptroller under this rule of copies of or extracts from such documents or requests as are referred to in rule 93(4); and nothing in this rule shall be construed as imposing upon the comptroller the duty of supplying copies of or extracts from any document or file of a description referred to in rule 93(5).

### **Order or direction by court**

**53.** Where any order or direction has been made or given by the court—

- (a) transferring a patent or application or any right in or under it to any person;
- (b) that an application should proceed in the name of any person;
- (c) allowing the proprietor of a patent to amend the specification; or
- (d) revoking a patent;

the person in whose favour the order is made or the direction is given—

- (i) shall file Patents Form 25/77 accompanied by an office copy of the order or direction; and
- (ii) if the comptroller so requires and before a time fixed by him, shall file a specification as amended (prepared in accordance with rules 16, 18 and 20),

and thereupon the specification shall be amended or the register rectified or altered, as the case may require.

## *ENTITLEMENT TO PATENT*

### **Reference of question to the comptroller under section 37(1)**

**54.—(1)** A reference under section 37(1) shall be made on Patents Form 2/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the question, the facts upon which the person making the reference relies and the order which he is seeking.

(2) The comptroller shall send a copy of the reference and statement to every person who is not a party to the reference being—

- (a) a person who is shown on the register as having any right in or under the patent; or
- (b) a person who is alleged in the reference to be entitled to a right in or under the patent.

(3) If any person who is sent a copy of the reference and statement under paragraph (2) above wishes to oppose the making of the order sought (“the opponent”), he shall, within the period of two months beginning on the date when such copies are sent to him, file in duplicate a counter-statement setting out fully the grounds of his opposition and the comptroller shall send a copy of the counter-statement to the person making the reference and to those recipients of the copy of the reference and statement who are not party to the counter-statement.

(4) The person making the reference or any such recipient may, within the period of two months beginning on the date when the copy of the counter-statement is sent to him, file evidence in support of his case and shall send a copy of the evidence,—

- (a) in any case, to the opponent; and

(b) in the case of evidence filed by such a recipient, to the person making the reference.

(5) Within the period of two months after the copy of such evidence is sent to him or, if no such evidence is filed, within two months of the expiration of the time within which it might have been filed, the opponent may file evidence in support of his case and shall send a copy of that evidence to the person making the reference and to those recipients; and within the period of two months after the copy of the opponent's evidence is sent to him, that person or any of those recipients may file further evidence confined to matters strictly in reply and shall send a copy of it to the persons mentioned in sub-paragraphs (a) and (b) of paragraph (4) above.

(6) No further evidence shall be filed by any party except by leave or direction of the comptroller.

(7) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

### **Applications under section 37(3)**

**55.**—(1) An application under section 37(3) for authority to do anything on behalf of a person to whom directions have been given under section 37(2)(d) shall be made on Patents Form 3/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the facts upon which the applicant relies and the nature of the authorisation sought.

(2) The comptroller shall send a copy of the application and statement to the person alleged to have failed to comply with the directions.

(3) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

### **Time limit for new application**

**56.** Where the comptroller orders that a new application may be made under section 37(4), it shall be made within three months calculated from the day on which the time for appealing from that order expires without an appeal being brought or, where an appeal is brought, from the day on which it is finally disposed of.

### **Request under section 38(3)**

**57.**—(1) Where an order is made under section 37 that a patent shall be transferred to one or more persons none of whom was an old proprietor of it or that a person other than an old proprietor may make a new application for a patent, a request under section 38(3) for the grant of a licence to continue working or, as the case may be, to work the invention shall, in the case of any of the old proprietors, be made within two months, and in the case of a licensee, four months, of his being notified by the comptroller of the making of the order.

(2) Where such an order is made, the comptroller shall notify the old proprietor or proprietors, and their licensees of whom he is aware, of the making of the order.

### **Reference to comptroller under section 38(5)**

**58.**—(1) Where a question is referred to the comptroller under section 38(5) as to whether any person is entitled to be granted a licence or whether the period or terms of a licence are reasonable, the reference shall be made on Patents Form 5/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the facts upon which the person making the reference relies and the terms of the licence which he is prepared to accept or grant.

(2) The comptroller shall send a copy of the reference and statement to the new proprietor or proprietors and every person claiming to be entitled to be granted a licence, in either case not being the person who makes the reference, and if any recipient does not agree to grant or accept a licence

for such period and upon such terms, he shall, within the period of two months beginning on the date when such copies are sent to him, file a counter-statement in duplicate setting out fully the ground of his objection and the comptroller shall send a copy of the counter-statement to the person making the reference.

(3) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

### *EMPLOYEES' INVENTIONS*

#### **Application under section 40 for compensation**

**59.**—(1) An application to the comptroller under section 40 for an award of compensation shall be made on Patents Form 26/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the facts relied upon.

(2) The prescribed period for the purposes of section 40(1) and (2) shall, in relation to proceedings before the comptroller, be that period which begins when the relevant patent is granted and which expires one year after it has ceased to have effect:

Provided that, where a patent has ceased to have effect by reason of a failure to pay any renewal fee within the period prescribed for the payment thereof and an application for restoration is made to the comptroller under section 28, the said period shall,—

- (a) if restoration is ordered, continue as if the patent has remained continuously in effect; or
- (b) if restoration is refused, be treated as expiring one year after the patent ceased to have effect or six months after the refusal, whichever is the later.

(3) The comptroller shall send a copy of the application and statement to the employer who, if he wishes to contest the application, shall within the period of two months beginning on the date when such copies are sent to him, file a counter-statement in duplicate setting out fully the grounds on which he disputes the employee's right to the award sought, and the comptroller shall send a copy of the counter-statement to the employee.

(4) The employee may, within the period of two months beginning on the date when the copy of the counter-statement is sent to him, file evidence in support of his case and shall send a copy of the evidence to the employer.

(5) Within the period of two months beginning on the date when the copy of the employee's evidence is sent to him or, if the employee does not file any evidence, within two months of the expiration of the time within which the employee's evidence might have been filed, the employer may file evidence in support of his case and shall send a copy of the evidence to the employee; and within the period of two months beginning on the date when the copy of the employer's evidence is sent to him, the employee may file evidence confined to matters strictly in reply and shall send a copy of that evidence to the employer.

(6) No further evidence shall be filed by either party except by leave or direction of the comptroller.

(7) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

#### **Application under section 41(8) to vary etc awards of compensation**

**60.**—(1) Where an award of compensation has been made to an employee under section 40(1) or (2) an application under section 41(8) to vary, discharge, suspend or revive any provision of the order shall be made on Patents Form 27/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the facts relied upon and the relief which is sought.

(2) Thereafter the provisions of rule 59(3) to (7) shall apply to an application made under section 41(8) by an employee as they apply to an application referred to in that rule and to an application made under section 41(8) by an employer as if references in those paragraphs to the employee were references to the employer and references to the employer were references to the employee.

### *LICENCES OF RIGHT*

#### **Application under section 46(1) for entry in the register**

**61.**—(1) An application under section 46(1) shall be made on Patents Form 28/77.

(2) Every entry made in the register consequent upon such an application shall be published in the Journal and in such other manner (if any) as the comptroller thinks necessary.

#### **Application under section 46(3) to settle licences of right**

**62.**—(1) An application under section 46(3)(a) or (b) (made on or after the date on which these Rules come into force) shall be made on Patents Form 29/77 which shall be filed in duplicate together with,—

- (a) in the case of an application by the proprietor of the patent, two copies of a draft of the licence he proposes and of a statement of the facts he relies on; and
- (b) in the case of an application by any other person, two copies of a draft of the licence he seeks.

(2) The comptroller shall,—

- (a) in the case of an application by the proprietor, send a copy of Patents Form 29/77 and a copy of the documents filed under subparagraph (a) of paragraph (1) above to the person to whom the proprietor proposes to grant the licence; and
- (b) in the case of an application by any other person, send a copy of Patents Form 29/77 and a copy of the documents filed under subparagraph (b) of that paragraph to the proprietor.

(3) Within the period of two months beginning on the date when the documents are sent to him under paragraph (2) above,—

- (a) in the case of an application by the proprietor, the person referred to in paragraph (2)(a) above may file a counter-statement setting out fully the grounds of his objection; and
- (b) in the case of an application by any other person, the proprietor may file a statement setting out fully the grounds of his objection,

and, if he does so, at the same time shall send a copy of the statement or counter-statement, as the case may be, to the other party.

(4) Within the period of two months beginning on the date when a statement under paragraph (3)(b) above is sent to him, the person therein referred to may file a counter-statement; and, if he does so, he shall at the same time send a copy of the counter-statement to the proprietor.

(5) No further statement or counter-statement shall be served by either party without the leave or direction of the comptroller.

(6) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

(7) Notwithstanding its repeal by rule 123(3), rule 63 of the Patents Rules 1982(5) shall continue to apply to an application made under it before these Rules come into force.

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(5) [S.I. 1982/717](#) to which there are no relevant amendments.



### **Application by proprietor under section 47(1) for cancellation of entry**

63. An application under section 47(1) shall be made on Patents Form 30/77 and shall be accompanied by Patents Form 12/77 and fees to the amount of the balance of all renewal fees which would have been payable if the entry had not been made.

### **Application under section 47(3)**

64.—(1) An application under section 47(3) shall be made on Patents Form 31/77 within two months after the making of the relevant entry and shall be accompanied by a copy of the application supported by a statement in duplicate setting out fully the nature of the claimant's interest and the facts upon which he relies.

(2) The comptroller shall send a copy of the application and statement to the proprietor of the patent.

### **Procedure on receipt of application made under section 47**

65.—(1) Every application under section 47(1) or (3) shall be advertised in the Journal and the period within which notice of opposition to the cancellation of an entry may be given under section 47(6) shall be two months after the advertisement.

(2) Such notice shall be given on Patents Form 32/77 and shall be accompanied by a copy thereof and supported by a statement in duplicate setting out fully the facts upon which the opponent relies.

(3) The comptroller shall send a copy of the notice and statement to the applicant for cancellation of the entry who, if he desires to proceed with the application, shall, within the period of two months beginning on the date when such copies are sent to him, file a counter-statement in duplicate setting out fully the grounds on which the opposition is contested and the comptroller shall send a copy of the counter-statement to the opponent.

(4) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

### **Procedure after cancellation of entry pursuant to section 47(3)**

66. Where the comptroller cancels an entry in the register pursuant to section 47(3), he shall inform the proprietor of the patent who shall, within such period as the comptroller specifies, file Patents Form 12/77, accompanied by fees to the amount of the balance of all renewal fees which would have been payable if the entry had not been made.

### **Declaration under paragraph 4A of Schedule 1 to the Act**

67.—(1) A declaration under paragraph 4A of Schedule 1 to the Act shall be made on Patents Form 58/77.

(2) The comptroller shall cause to be entered in the register notice of any declaration filed under the said paragraph 4A and the entry in the register shall be published in the Journal and in such other manner (if any) as the comptroller thinks necessary.

## *COMPULSORY LICENCES*

### **Application under section 48(1) for compulsory licence**

68. An application under section 48(1) shall be made on Patents Form 33/77 and shall be accompanied by a statement in duplicate of the facts upon which the applicant relies and evidence in duplicate verifying the statement.

### **Application by Crown under section 51**

**69.** An application under section 51(1) for an order or entry under section 51(3) shall be made on Patents Form 34/77 and shall be accompanied by a statement of the facts upon which the applicant relies and evidence verifying the statement.

### **Procedure on receipt of application under section 48 or 51**

**70.**—(1) If upon consideration of the evidence submitted with Patents Form 33/77 or 34/77, the comptroller is not satisfied that a prima facie case has been made out for the making of an order or entry, he shall notify the applicant accordingly, and unless, within one month of such notification, the applicant requests to be heard in the matter, the comptroller shall refuse the application.

(2) Where the applicant requests a hearing within the time allowed, the comptroller, after giving the applicant an opportunity of being heard, shall determine whether the application may proceed or whether it shall be refused.

(3) If upon consideration of the evidence the comptroller is satisfied that a prima facie case has been made out for the making of the order or entry, or if, after hearing the applicant, he so determines, he shall direct that the application shall be advertised in the Journal and shall send a copy of the application, the statement and the evidence filed in support thereof to the proprietor of the patent and any other person shown on the register as having any right in or under the patent.

### **Opposition under section 52(1)**

**71.**—(1) The time within which notice of opposition under section 52(1) may be given shall be two months after the advertisement of the application in accordance with rule 70.

(2) Such notice shall be given on Patents Form 35/77 and shall be accompanied by a copy thereof and supported by a statement in duplicate setting out fully the facts upon which the opponent relies and evidence in duplicate verifying the statement.

(3) The comptroller shall send a copy of the notice, the statement and the evidence to the applicant who, if he desires to proceed with his application, shall within the period of two months beginning on the date when such copies are sent to him, file evidence in duplicate confined to matters strictly in reply and the comptroller shall send a copy thereof to the opponent.

(4) No further evidence shall be filed by either party except by leave or direction of the comptroller.

(5) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

## *INFRINGEMENT PROCEEDINGS BEFORE COMPTROLLER*

### **Procedure on reference to comptroller under section 61(3)**

**72.**—(1) Where a reference is made to the comptroller under section 61(3), the parties thereto shall make it on Patents Form 36/77, accompanied by a joint statement giving full particulars of the matters which are in dispute and of those on which they are in agreement.

(2) The procedure set out in this rule shall apply unless the only matter stated in the reference to be in dispute is the validity of any patent or part of a patent.

(3) The party to the dispute who is the proprietor of the patent or an exclusive licensee of the patent (such party being referred to in this and the next following rule as the plaintiff) shall within fourteen days of making the reference file a statement in duplicate giving full particulars of his case on the matters in dispute.

(4) The comptroller shall send a copy of the plaintiff's statement to the other party to the dispute (referred to in this and the next following rule as the defendant), who shall, within the period of two months beginning on the date when such copy is sent to him, file a counter-statement in duplicate setting out fully the grounds on which he contests the plaintiff's case and the comptroller shall send a copy of the counter-statement to the plaintiff.

(5) If the defendant alleges in his counter-statement that the patent or any part of it alleged by the plaintiff to have been infringed is not valid, the plaintiff shall, within the period of two months beginning on the date when the counter-statement is sent to him, file a further statement in duplicate setting out fully the grounds on which he contests the defendant's allegation; and the comptroller shall send a copy of the further statement to the defendant.

(6) Subject to such directions as the comptroller may give, the plaintiff may, within the period of two months beginning on the date when the counter-statement is sent to him, or, if he has filed a further statement under paragraph (5) above, within the period of two months thereof, file evidence in support of his case and shall send a copy thereof direct to the defendant.

(7) Within the period of two months beginning on the date when the copy of the plaintiff's evidence is sent to him or, if the plaintiff does not file any evidence, within two months of the expiration of the time within which such evidence might have been filed, the defendant may file evidence in support of his case and shall send a copy of it to the plaintiff; and, within the period of two months beginning on the date when the copy of the defendant's evidence is sent to him, the plaintiff may file further evidence confined to matters strictly in reply and shall send a copy of it direct to the defendant.

(8) No further evidence shall be filed by either party except by leave or direction of the comptroller.

(9) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

### **Procedure where validity of patent in dispute**

**73.**—(1) Where the only matter stated in the reference made under section 61(3) to be in dispute is the validity of any patent or part of a patent, the procedure set out in this rule shall apply.

(2) The defendant shall, within fourteen days of making the reference, file a statement in duplicate giving full particulars of the grounds on which he alleges that the patent or part of the patent is invalid.

(3) The comptroller shall send a copy of the defendant's statement to the plaintiff, who shall, within the period of two months beginning on the date when the copy is sent to him, file a counter-statement in duplicate giving full particulars of the grounds on which he contests the defendant's allegations, and the comptroller shall send a copy of it to the defendant.

(4) Subject to such directions as the comptroller may think fit to give, the defendant may, within the period of two months beginning on the date when the copy of the plaintiff's counter-statement is sent to him, file evidence in support of his case, and shall send a copy of it to the plaintiff.

(5) Within the period of two months beginning on the date when the copy of the defendant's evidence is sent to him or, if the defendant does not file any evidence within two months of the expiration of the time within which such evidence might have been filed, the plaintiff may file evidence in support of his case and shall send a copy of it to the defendant; and, within the period of two months beginning on the date when the copy of the plaintiff's evidence is sent to him, the defendant may file further evidence confined to matters strictly in reply and shall send a copy of it to the plaintiff.

(6) No further evidence shall be filed by either party except by leave or direction of the comptroller.

(7) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

#### **Procedure on application under section 71**

**74.**—(1) An application to the comptroller under section 71 for a declaration that an act does not, or a proposed act would not, constitute an infringement of a patent shall be made on Patents Form 37/77 and shall be accompanied by a copy thereof and a statement in duplicate, setting out fully the facts upon which the applicant relies as showing that subparagraphs (a) and (b) of section 71(1) have been complied with and the relief which he seeks.

(2) The comptroller shall send a copy of the statement to the proprietor of the patent who shall, if he wishes to contest the application, within the period of two months beginning on the date when the copy is sent to him, file a counter-statement in duplicate setting out fully the grounds on which he contests the applicant's case; and the comptroller shall send a copy thereof to the applicant.

(3) Subject to such directions as the comptroller may think fit to give, the applicant may, within the period of two months beginning on the date when the copy of the counter-statement is sent to him, file evidence in support of his application and shall send a copy thereof to the proprietor of the patent.

(4) Within the period of two months beginning on the date when the copy of the applicant's evidence is sent to him or, if the applicant does not file any evidence, within two months of the expiration of the time within which such evidence might have been filed, the proprietor of the patent may file evidence in support of his case and shall send a copy of that evidence to the applicant; and, within the period of two months beginning on the date when the copy of the proprietor's evidence is sent to him, the applicant may file further evidence confined to matters strictly in reply and shall send a copy of it to the proprietor.

(5) No further evidence shall be filed by either party except by leave or direction of the comptroller.

(6) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

### *REVOCATION OF PATENTS*

#### **Procedure on application for revocation under section 72**

**75.**—(1) An application to the comptroller for the revocation of a patent shall be made on Patents Form 38/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the grounds of revocation, the facts upon which the applicant relies and the relief which he seeks.

(2) The comptroller shall send a copy of the application and statement to the proprietor of the patent.

(3) Within the period of two months beginning on the date when such copies are sent to him, the proprietor of the patent shall, if he wishes to contest the application, file a counter-statement in duplicate setting out fully the grounds upon which the application is contested; and the comptroller shall send a copy of the counter-statement to the applicant.

(4) The applicant may, within the period of two months beginning on the date when the copy of the counter-statement is sent to him, file evidence in support of his case and shall send a copy of the evidence to the proprietor.

(5) Within the period of two months beginning on the date when the copy of the applicant's evidence is sent to him or, if the applicant does not file any evidence, within two months of the expiration of the time within which such evidence might have been filed, the proprietor of the patent may file evidence in support of his case and shall send a copy of that evidence to the applicant; and,

within the period of two months beginning on the date when the copy of the proprietor's evidence is sent to him, the applicant may file further evidence confined to matters strictly in reply and shall send a copy of it to the proprietor.

(6) No further evidence shall be filed by either party except by leave or direction of the comptroller.

(7) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

### **Award of costs**

76. If, in proceedings before the comptroller under section 72, the proprietor of a patent offers to surrender it under section 29, the comptroller shall, in deciding whether costs should be awarded to the applicant for revocation, consider whether proceedings might have been avoided if the applicant had given reasonable notice to the proprietor before the application was filed.

### **Revocation and amendment of patents under section 73**

77.—(1) The opportunity to be given by the comptroller under subsection (1) or (2) of section 73, to the proprietor of a patent to make observations and to amend the specification of the patent shall be given by the comptroller sending to the proprietor notice informing him that he may make the observations and amend the specification and that, if he wishes to do so, he must do so within three months after the notice is sent to him.

(2) Where the comptroller gives leave under section 73 for the specification of the patent to be amended, he may, before the specification is amended, require the applicant to file a new specification as amended, prepared in accordance with rules 16, 18 and 20.

## *AMENDMENT OF PATENTS IN INFRINGEMENT OR REVOCATION PROCEEDINGS*

### **Amendment of patent under section 75**

78.—(1) Where in proceedings before the comptroller a proposed amendment under section 75 is advertised, notice of opposition to such an amendment shall, within the period of two months from the date of advertisement in the Journal, be filed on Patents Form 15/77.

(2) Such notice shall be accompanied by a copy thereof and be supported by a statement in duplicate setting out fully the facts upon which the opponent relies and the relief which he seeks. The comptroller shall send a copy of the notice and statement to the proprietor of the patent and any other party to the proceedings before the comptroller.

(3) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

(4) Where the comptroller gives leave under section 75 for the specification of the patent to be amended, he may, before the specification is amended, require the applicant to file a new specification as amended, prepared in accordance with rules 16, 18 and 20.

## *EUROPEAN PATENTS AND PATENT APPLICATIONS AND NATIONAL PROCESSING OF INTERNATIONAL APPLICATIONS*

### **Entries in the register**

79.—(1) Upon publication of an application for a European patent (UK) under Article 93 of the European Patent Convention, the comptroller shall cause to be entered in the register a copy of every

entry which, at the date of such publication, has been made in the Register of European Patents kept under Article 127 of that Convention in respect of that application.

(2) The comptroller shall also cause to be entered in the register in respect of an application for a European patent (UK) which has been published under Article 93 of the Convention copies of any entry made in the Register of European Patents following such publication, provided that an application to that effect is made to the comptroller on Patents Form 39/77, accompanied by a copy of the relevant entry in the Register duly certified to the satisfaction of the comptroller.

### **European Patents and applications (UK): translations**

**80.** Schedule 4 shall have effect in cases where translations are required by the Act to be filed in connection with applications for, and with, European patents (UK).

### **Procedure for making request under section 81(2)(b)(i)**

**81.**—(1) A request referred to in section 81(2)(b)(i) shall be made on Patents Form 41/77 and the period within which such a request may be made shall be three months from the date on which the applicant is notified by the European Patent Office that his application for a European patent (UK) has been deemed to be withdrawn.

(2) In such a case, the applicant shall file Patents Form 40/77, and, where necessary, a translation in duplicate into English of the application, within a period of two months from the date on which the comptroller receives the request mentioned in paragraph (1) above.

(3) The applicant shall also, within the period referred to in paragraph (2) above, for the purposes of section 15(5)(b), file Patents Form 9/77, and, for the purposes of section 13(2), file Patents Form 7/77.

### **Procedure where section 81(2)(b)(ii) applies**

**82.**—(1) Where section 81(2)(b)(ii) applies, the period within which a request may be transmitted to the comptroller shall be the twenty months calculated from the declared priority date or, where there is no declared priority date, the date of filing of the application for the European patent (UK).

(2) Upon receipt of the request, the comptroller shall notify the applicant thereof and Patents Form 40/77 and, where necessary, a translation in duplicate into English of the application shall be filed by the applicant within the period of four months calculated from the date of the notification.

(3) The applicant shall also, within the period referred to in paragraph (2) above, for the purposes of section 15(5)(b), file Patents Form 9/77 and, for the purposes of section 13(2), file Patents Form 7/77.

### **Procedure for making request for substantive examination where section 81(2) applies**

**83.**—(1) The period within which a request may be made to the comptroller for substantive examination of any application for a patent to which section 81(2) applies shall be two years from the declared priority date or, where there is no declared priority date, the date of filing of the application for the European patent (UK).

(2) The request shall be made on Patents Form 10/77.

(3) Where an application for a European patent (UK) is to be treated as an application for a patent under the Act, the period prescribed for the purposes of sections 18(4) and 20(1) shall be the period which expires four years and six months after the declared priority date, or where there is no declared priority date, the date of filing of the application for the European patent (UK).

### **Recognition of determinations in proceedings before comptroller**

**84.** Any person seeking recognition in proceedings before the comptroller of a determination by a competent authority of a relevant contracting state other than the United Kingdom of a question to which section 82 applies shall furnish the comptroller with a copy thereof certified as a true copy by an official of the said authority.

### **International applications for patents: section 89**

**85.—(1)** Subject to the provisions of this rule, in relation to an international application for a patent (UK) which is, under section 89, to be treated as an application for a patent under the Act, the prescribed periods for the purposes of section 89A(3) and (5) are—

- (a) the period of twenty months calculated from the date which, by virtue of section 89B(1)(b), is to be treated as the declared priority date or, where there is no declared priority date, the date of filing of the international application for a patent (UK); or
- (b) in a case where the United Kingdom has been elected in accordance with Chapter II of the Patent Co-operation Treaty—
  - (i) before the expiry of nineteen months calculated from the declared priority date, the period of thirty months calculated from the declared priority date; or
  - (ii) where there is no declared priority date and the United Kingdom has been so elected before the expiry of nineteen months calculated from the date of filing of the international application for a patent (UK), the period of thirty months calculated from the date of filing of that international application.

(2) Where, in accordance with paragraph 1 of Schedule 2, the information specified in subparagraph (2)(a)(ii) of that paragraph is added to an international application for a patent (UK), rule 113(1) shall not apply in respect of that information; and where the translation of the information, the filing of which is required to satisfy the relevant conditions of section 89A(3), has not been filed at the Patent Office before the end of the relevant period referred to in paragraph (1) above,—

- (a) the comptroller shall give notice to the applicant at the address furnished by the applicant in accordance with rule 30 requiring the applicant to file the translation within the period of two months commencing on the day on which the notice is sent; and
  - (b) the relevant period shall be treated in respect of the translation as not expiring until the end of the period specified in the notice given under subparagraph (a) above.
- (3) In the case of an international application for a patent (UK),—
- (a) rule 5(1) shall not apply if the applicant, on filing the application, states in writing to the receiving office that the invention has been displayed at an international exhibition;
  - (b) rule 5(2) may be complied with—
    - (i) where subparagraph (a) of paragraph (1) above applies, at any time before the end of the period of twenty-two months, or
    - (ii) where subparagraph (b) of paragraph (1) above applies, at any time before the end of the period of thirty-two months,after the declared priority date or, if there is no declared priority date, the date of filing of the international application for a patent (UK);
  - (c) rule 6(6) shall have effect with the substitution, for the reference to the period of twenty-one months after the declared priority date, of a reference to the period of twenty-two months after that date;
  - (d) where the United Kingdom has been elected in accordance with Chapter II of the Patent Co-operation Treaty before the expiry of the nineteenth month after the declared priority

date, rule 6(6) shall have effect with the substitution, for the reference to the period of twenty-one months after the declared priority date, of a reference to the period of thirty-two months after that date; and

- (e) where a translation into English of a document or part of a document is required by the Act or these Rules to be filed—
- (i) before the end of the relevant period referred to in paragraph (1)(a) above, verification of the translation, as required by rule 113(1), may be given to the comptroller at any time before the end of the period of twenty-two months, or
  - (ii) before the end of the relevant period referred to in paragraph (1)(b) above, verification of the translation, as required by rule 113(1), may be given to the comptroller at any time before the end of the period of thirty-two months,

after the declared priority date or, if there is no declared priority date, the date of filing of the international application for a patent (UK).

(4) Where the relevant period referred to in paragraph (1) above has been extended under rule 100 or rule 110 so as to expire later than one month before the end of a period prescribed by paragraph (3) above or (7) below, paragraphs (3) above and (7) below shall have effect with the substitution for the period so prescribed of a period ending one month later than the relevant period referred to in paragraph (1) above as so extended.

(5) For the purposes of section 89A(3) and (5), to the extent that the application and any amendment as published under the Patent Co-operation Treaty and any amendment annexed to the international preliminary examination report under Chapter II of the Treaty are not in English, a translation into English of the application as originally filed or, as the case may be, of the application as originally filed and of the amendment is necessary; however, the translation—

- (a) shall exclude the request and abstract unless—
  - (i) the applicant expressly requests the comptroller to proceed earlier than the expiry of the period prescribed in paragraph (1) above; and
  - (ii) a copy of the application published by the International Bureau has not yet been sent to the Patent Office in accordance with the Treaty; and
- (b) shall include any textual matter in the drawings in a form which complies with rule 49.5(d) of the Patent Co-operation Treaty.

(6) The comptroller shall publish any translation supplied in accordance with section 89A(3) or (5) following the filing of Patents Form 43/77 and payment of the prescribed fee.

(7) In the case of an international application for a patent (UK) in respect of which the conditions specified in section 89A(3)(a) are satisfied, the period prescribed—

- (a) for the purposes of sections 13(2), 15(5)(b) and 17(1),—
  - (i) where subparagraph (a) of paragraph (1) above has effect, shall be the period which expires twenty-two months; or
  - (ii) where subparagraph (b) of paragraph (1) above, has effect, shall be the period which expires thirty-two months; and
- (b) for the purposes of section 18(1),—
  - (i) where subparagraph (a) of paragraph (1) above applies, shall be the period which expires two years; or
  - (ii) where subparagraph (b) of paragraph (1) above applies, shall be the period which expires thirty-two months,

after the declared priority date or, if there is no declared priority date, the date of filing of the international application for a patent (UK).



(8) Where, in relation to an international application for a patent (UK), the applicant desires that section 89(1) shall not cease to apply to the application by virtue of the operation of section 89(3), application shall be made to the comptroller on Patents Form 44/77, accompanied by a statement of the facts upon which the applicant relies.

(9) An international application for a patent (UK) shall not be treated as withdrawn under the Act if it, or the designation of the United Kingdom in it, is deemed to be withdrawn under the Patent Co-operation Treaty where, in the same or comparable circumstances in relation to an application under the Act (other than an international application)—

- (a) the comptroller could have directed that an irregularity be rectified under rule 100 or that an extension be granted under rule 110; and
- (b) the comptroller determines that the application would not have been treated as withdrawn under the Act.

(10) Where under section 89(3) an application is not to be treated as withdrawn and the applicant wishes to proceed—

- (a) the comptroller may amend any document received by the Patent Office from the receiving office or the International Bureau and alter any period or time which is specified in the Act or these Rules upon such terms (including payment of any appropriate prescribed fee) as he may direct; and
- (b) the fee prescribed under section 89A(3) shall not be payable.

(11) Where the applicant satisfies the comptroller that,—

- (a) because of an error made by the receiving office, an international application for a patent (UK) has been accorded a date of filing which is not correct; or
- (b) the declaration made under Article 8(1) of the Patent Co-operation Treaty has been cancelled or corrected by the receiving office or the International Bureau because of an error made by the office or the Bureau,

the comptroller may amend any document received by the Patent Office from the receiving office or the International Bureau or alter any period or time which is specified in the Act or these Rules as if the error were an error on the part of the Patent Office.

(12) Where—

- (a) an international application for a patent (UK) purports to designate the United Kingdom; and
- (b) the applicant alleges that he has been refused a filing date under the said Treaty on account of an error or omission in any institution having functions under the said Treaty,

the applicant may apply to the comptroller for it to be treated as an application under the Act by filing Patents Form 44/77, accompanied by a statement of the facts upon which he relies; and the comptroller may amend any document filed by the applicant and alter any period or time which is specified in the Act or these Rules upon such terms as he may direct.

(13) In this rule “receiving office” has the same meaning as in the Patent Co-operation Treaty.

### **Obtaining evidence for proceedings under European Patent Convention**

**86.**—(1) An application to the comptroller under section 1 of the Evidence (Proceedings in Other Jurisdictions) Act 1975(6), as applied by section 92 of the Act, for an order for evidence to be obtained in the United Kingdom shall be made ex parte on Patents Form 45/77 and shall be accompanied by an affidavit made by a person duly authorised in that behalf by the relevant convention court, evidencing that the request is made in pursuance of a request issued by or on behalf

of that court and that the evidence to which the application relates is to be obtained for the purposes of civil proceedings before it.

(2) After such an application as is mentioned in paragraph (1) above has been made, an *ex parte* application for a further order or directions in relation to the same matter may be made to the comptroller in writing.

(3) The comptroller may allow an officer of the European Patent Office to attend the hearing of such an application as is mentioned in paragraph (1) above and examine the witnesses or request the comptroller to put specified questions to them.

### **Communication of information to European Patent Office**

87. The comptroller may authorise the communication to the European Patent Office or the competent authority of any country which is party to the European Patent Convention of such information in the files of the Patent Office as may be disclosed in accordance with section 118 and rule 93.

## *HEARINGS, AGENTS AND CORRECTION OF ERRORS*

### **Comptroller's discretionary powers**

88.—(1) Before exercising any discretionary power vested in him by or under the Act adversely to any party to a proceeding before him, the comptroller shall, unless the party concerned consents to shorter notice, give that party at least fourteen days' notice of the time when he may be heard.

(2) If, in *inter partes* proceedings, a party desires to be heard, he shall give notice in writing to the comptroller; and the comptroller may refuse to hear any party who has not given such notice before the day appointed for the hearing.

(3) In *inter partes* proceedings, any party who intends to refer at the hearing to any document (other than a report of a decision of any court or of the comptroller) not already mentioned in the proceedings shall, unless the comptroller consents and the other party agrees, give at least fourteen days' notice of his intention with details of, or a copy of, the document to the comptroller and the other party.

(4) After hearing the party or parties desiring to be heard or, if no party so desires, without a hearing, the comptroller shall decide the matter and shall notify all parties of his decision and, if any party so desires, shall give his reasons for the decision.

### **Admittance to hearings before comptroller**

89.—(1) Subject to the following provisions of this rule, where a hearing before the comptroller of any dispute between two or more parties relating to any matter in connection with a patent or an application for a patent takes place after the publication of the application under section 16, the hearing of the dispute shall be in public.

(2) After consulting those parties to the dispute who appear in person or are represented at a hearing to which paragraph (1) above applies, the comptroller may direct that the hearing be not held in public, but without prejudice to paragraph (3) below.

(3) A member of the Council on Tribunals or of its Scottish Committee may, in his capacity as such, attend such a hearing or any other hearing before the comptroller under these Rules.

### **Agents**

90.—(1) Unless the comptroller otherwise directs in any particular case—

- (a) all attendances upon him may be made by or through an agent; and
- (b) every notice, application or other document filed under the Act may be signed by an agent.

(2) Where after a person has become a party to proceedings before the comptroller he appoints an agent for the first time or appoints one agent in substitution for another, the newly appointed agent shall file Patents Form 51/77 in duplicate on or before the first occasion when he acts as agent.

### **Correction of errors in patents and applications**

**91.**—(1) Except where rule 45(3) or paragraph 4 of Schedule 4 has effect, a request for the correction of an error of translation or transcription or of a clerical error or mistake in any specification of a patent, in an application for a patent or in any document filed in connection with a patent or such an application shall be made on Patents Form 47/77 and shall be accompanied by a document clearly identifying the proposed correction; and the comptroller may, if he thinks fit, require that the correction be shown on a copy of the document of which correction is sought.

(2) Where such a request relates to a specification, no correction shall be made therein unless the correction is obvious in the sense that it is immediately evident that nothing else would have been intended than what is offered as the correction.

(3) Where the comptroller requires notice of the proposed correction to be advertised, the advertisement shall be made by publication of the request and the nature of the proposed correction in the Journal and in such other manner (if any) as the comptroller may direct.

(4) Any person may, at any time within two months after the date of the advertisement, give notice to the comptroller of opposition to the request on Patents Form 48/77.

(5) Such notice shall be accompanied by a copy thereof and be supported by a statement in duplicate setting out fully the facts on which the opponent relies and the relief which he seeks. The comptroller shall send a copy of the notice and the statement to the person making the request who, if he desires to proceed with the request, shall within the period of two months beginning on the date when the copies are sent to him, file a counter-statement in duplicate setting out fully the grounds on which he contests the opposition and the comptroller shall send a copy of the counter-statement to the opponent.

(6) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

## *INFORMATION AND INSPECTION*

### **Request for information under section 118**

**92.**—(1) A request under section 118 for information relating to any patent or application for a patent may be made—

- (a) as to when a request for substantive examination has been filed or the prescribed period for doing so has expired without the request having been filed;
- (b) as to when the specification of a patent or application for a patent has been published;
- (c) as to when an application for a patent has been withdrawn, has been taken to be withdrawn, has been treated as having been withdrawn, has been refused or has been treated as having been refused;
- (d) as to when a renewal fee has not been paid within the period prescribed for the purposes of section 25(3);
- (e) as to when a renewal fee has been paid within the period of six months referred to in section 25(4);

- (f) as to when a patent has ceased to have effect and/or an application for restoration of a patent has been filed;
  - (g) as to when an entry has been made in the register or an application has been made for the making of such entry;
  - (h) as to when any application or request is made or action taken involving an entry in the register or advertisement in the Journal, if the nature of the application, request or action is specified in the request; and
  - (i) as to when any document may be inspected in accordance with the provisions of rule 93 or 94.
- (2) As regards information relating to any existing patent or existing application for a patent, a request may also be made—
- (a) as to when a complete specification following a provisional specification has been filed or when the period of fifteen months from the date of the application has expired and a complete specification has not been filed;
  - (b) as to when a complete specification is or will be published, or when an application for a patent has become void; and
  - (c) as to when a patent has been sealed or when the time for requesting sealing has expired.
- (3) Any such request shall be made on Patents Form 49/77 and a separate form shall be used in respect of each item of information required.
- (4) In this rule, “existing patent” means a patent mentioned in section 127(2)(a) and (c) and “existing application” means an application mentioned in section 127(2)(b).

### **Inspection of documents under section 118**

**93.**—(1) Subject to paragraph (5) below, and to the restrictions prescribed in paragraph (4) below, after the date of publication of an application for a patent in accordance with section 16, the comptroller shall, upon request made on Patents Form 23/77 and payment of the appropriate prescribed fee, permit all documents filed or kept at the Patent Office in relation to the application or any patent granted in pursuance of it, to be inspected at the Patent Office.

(2) Subject to the same restrictions and to rule 96, where the circumstances specified in section 118(4) or (5) exist, the comptroller shall, upon request made on Patents Form 23/77, and payment of the appropriate fee, permit inspection of such documents before the publication in accordance with section 16.

(3) Where a declaration has been made in accordance with section 5(2) or 127(4), inspection of any application referred to therein and of any translation thereof shall be permitted upon request under paragraph (1) or (2) above without payment of any fee.

- (4) The restrictions referred to in paragraph (1) above are—
- (a) that no document shall be open to inspection until fourteen days after it has been filed at the Patent Office;
  - (b) that documents prepared in the Patent Office solely for use therein shall not be open to inspection;
  - (c) that any document sent to the Patent Office, at its request or otherwise, for inspection and subsequent return to the sender, shall not be open to inspection;
  - (d) that no document filed at the Patent Office in connection with an application under section 40(1) or (2) or section 41(8) shall be open to inspection unless the comptroller otherwise directs;

- (e) that no request made under rule 48, 49(2), 52(2) or 92 or this rule shall be open to inspection; and
  - (f) that documents in respect of which the comptroller issues directions under rule 94 that they are to be treated as confidential shall not be open to inspection, save as permitted in accordance with that rule.
- (5) Nothing in this rule shall be construed as imposing on the comptroller any duty of making available for public inspection—
- (a) any document or any part of a document—
    - (i) which in his opinion disparages any person in a way likely to damage him; or
    - (ii) the publication or exploitation of which would in his opinion be generally expected to encourage offensive, immoral or anti-social behaviour; or
  - (b) the file (but not the report) of the international preliminary examination of an international application under the Patent Co-operation Treaty; or
  - (c) any document filed with or sent to the Patent Office before 1st June 1978.
- (6) No appeal shall lie from a decision of the comptroller under paragraph (5)(a) above not to make a document or part of a document available for public inspection.

### **Confidential documents**

**94.**—(1) Where a document other than a Patents Form is filed at, or sent to, the Patent Office, and the person filing or sending it or any party to the proceedings to which the document relates so requests, giving his reasons, within fourteen days of the filing or sending of the document, the comptroller may direct that it be treated as confidential, and the document shall not be open to public inspection while the matter is being determined by the comptroller.

(2) Where such a direction has been given and not withdrawn, nothing in this rule shall be taken to authorise or require any person to be allowed to inspect the document to which the direction relates except by leave of the comptroller.

(3) The comptroller shall not withdraw any direction given under this rule nor shall he give leave for any person to inspect any document to which a direction which has not been withdrawn relates without prior consultation with the person at whose request the direction was given, unless the comptroller is satisfied that such prior consultation is not reasonably practicable.

(4) Where such a direction is given or withdrawn a record of the fact shall be filed with the document to which it relates.

(5) Where the period referred to in paragraph (1) above is extended under rule 110, the relevant document shall not be, or, if the period is extended after it has expired, shall cease to be, open to public inspection until the expiry of the extended period, and if a request for a direction is made the document shall not be open to public inspection while the matter is being determined by the comptroller.

### **Bibliographic data for purposes of section 118(3)(b)**

**95.** The following bibliographic data is prescribed for the purposes of section 118(3)(b)—

- (a) the number of the application;
- (b) the date of filing of the application and, where a declaration has been made under section 5(2) or 127(4), the filing date, country and file number when available of each application referred to in that declaration;
- (c) the name of the applicant or applicants;
- (d) the title of the invention; and

- (e) if the application has been withdrawn, has been taken to be withdrawn, has been treated as having been withdrawn, has been refused or is treated as having been refused, that fact.

### **Request for information where section 118(4) applies**

**96.**—(1) Where the circumstances specified in section 118(4) exist, a request under section 118(1) shall be accompanied by a statutory declaration verifying their existence and such documentary evidence (if any) supporting the request as the comptroller may require.

(2) The comptroller shall send a copy of the request, the declaration and the evidence (if any) to the applicant for the patent and shall not comply with the request until the expiry of fourteen days thereafter.

## *MISCELLANEOUS*

### **Service by post**

**97.** Any notice, application or other document sent to the Patent Office by posting it in the United Kingdom shall be deemed to have been given, made or filed at the time when the letter containing it would be delivered in the ordinary course of post.

### **Hours of business**

**98.** The Patent Office shall be deemed to be closed at the following hours for the transaction of business of the classes specified—

- (a) on weekdays other than Saturdays, at midnight for the filing of applications, forms and other documents, and at 4 pm for all other business; and
- (b) on Saturdays, at 1 pm for the filing of new applications for patents in respect of which no declaration for the purposes of section 5(2) or 127(4) is made.

### **Excluded days**

**99.**—(1) The following shall be excluded days for all purposes under the Act—

- (a) all Sundays;
- (b) Good Friday and Christmas Day;
- (c) any day specified as or proclaimed to be a bank holiday in England in or under section 1 of the Banking and Financial Dealings Act 1971(7); and
- (d) any Saturday immediately preceded by one of the above.

(2) Saturdays not falling within paragraph (1) above shall be excluded days for all purposes except the filing of applications in respect of which no declaration for the purposes of section 5(2) is made.

### **Correction of irregularities**

**100.**—(1) Subject to paragraph (2) below, any document filed in any proceedings before the comptroller may, if he thinks fit, be amended, and any irregularity in procedure in or before the Patent Office may be rectified, on such terms as he may direct.

(2) In the case of an irregularity or prospective irregularity—

- (a) which consists of a failure to comply with any limitation as to times or periods specified in the Act or the 1949 Act or prescribed in these Rules or the Patents Rules 1968(8) as they continue to apply which has occurred, or appears to the comptroller is likely to occur in the absence of a direction under this rule;
- (b) which is attributable wholly or in part to an error, default or omission on the part of the Patent Office; and
- (c) which it appears to the comptroller should be rectified,

the comptroller may direct that the time or period in question shall be altered but not otherwise.

(3) Paragraph (2) above is without prejudice to the comptroller's power to extend any times or periods under rule 110 or 111.

### **Dispensation by comptroller**

**101.** Where, under these Rules, any person is required to do any act or thing, or any document or evidence is required to be produced or filed, and it is shown to the satisfaction of the comptroller that from any reasonable cause that person is unable to do that act or thing, or that document or evidence cannot be produced or filed, the comptroller may, upon the production of such evidence and subject to such terms as he thinks fit, dispense with the doing of any such act or thing, or the production or filing of such document or evidence.

### **Remission of fees**

**102.**—(1) The comptroller may remit the whole or part of a search fee in the following cases—

- (a) where an international application for a patent (UK) which has already been the subject of a search by the International Searching Authority in accordance with the Patent Co-operation Treaty falls to be treated as an application for a patent under the Act; and
- (b) where a new application is filed in accordance with section 15(4) for a patent for an invention in relation to which the applicant has previously paid the search fee in connection with the earlier application referred to in that subsection.

(2) In a case governed by Chapter II of the Patent Co-operation Treaty, the comptroller may remit the whole or part of the fee for the substantive examination of the international application where its preliminary examination has been carried out by the Patent Office acting as the International Preliminary Examining Authority under Article 32 of the said Treaty.

(3) In cases falling within paragraph (1)(b) above the request for remission of the whole or part of the fee shall be made in writing.

(4) No appeal shall lie from any decision of the comptroller under this rule.

### **Evidence**

**103.**—(1) Where under these Rules evidence may be filed, it shall be by statutory declaration or affidavit.

(2) The comptroller may if he thinks fit in any particular case take oral evidence in lieu of or in addition to such evidence and shall allow any witness to be cross-examined on his affidavit or declaration, unless he directs otherwise.

(3) In England and Wales, the comptroller shall, in relation to the giving of evidence (including evidence on oath), the attendance of witnesses and the discovery and production of documents, have

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(8) [S.I. 1968/1389](#), amended by [S.I. 1970/955](#), [1971/1917](#), [1973/66](#), [1975/891](#), [1021](#) and [1262](#) and revoked with savings by [S.I. 1978/216](#).

all the powers of a judge of the High Court, other than the power to punish summarily for contempt of court.

(4) In Scotland, the comptroller shall, in relation to the giving of evidence (including evidence on oath), have all the powers which a Lord Ordinary of the Court of Session has in an action before him, other than the power to punish summarily for contempt of court, and, in relation to the attendance of witnesses and the recovery and production of documents, have all the powers of the Court of Session.

#### **Statutory declarations and affidavits**

**104.** Any statutory declaration or affidavit filed under the Act or these Rules shall be made and subscribed as follows,—

- (a) in the United Kingdom, before any justice of the peace, or any commissioner or other officer authorised by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceedings;
- (b) in any other part of Her Majesty's dominions or in the Republic of Ireland, before any court, judge, justice of the peace, or any officer authorised by law to administer an oath there for the purpose of any legal proceedings; and
- (c) elsewhere, before a British Minister, or person exercising the functions of a British Minister, or a Consul, Vice-Consul, or other person exercising the functions of a British Consul, or before a notary public, judge or magistrate.

#### **Admission of documents**

**105.** Any document purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorised by the last foregoing rule to take a declaration, in testimony that the declaration was made and subscribed before him, may be admitted by the comptroller without proof of the genuineness of the seal or signature or of the official character of the person or his authority to take the declaration.

#### **Directions as to the furnishing of documents etc**

**106.** At any stage of any proceedings before the comptroller he may direct that such documents, information or evidence as he may require shall be furnished within such period as he may fix.

#### **Supporting statements or evidence**

**107.**—(1) Where by virtue of any of the rules mentioned in paragraph (2) of this rule, any notice or application is required to be supported by a statement or evidence, such a statement or evidence shall be filed on, or within fourteen days after, the date on which the notice is given or the application is made.

(2) The rules referred to in paragraph (1) above are rules 40(3), 41(1), 43(3), 64(1), 65(2), 71(2), 78(2) and 91(5).

#### **Proceedings in Scotland**

**108.**—(1) Where there is more than one party to the proceedings under section 8, 12, 37, 40(1) or (2), 41(8), 61(3), 71 or 72, any party thereto may request the comptroller to direct that any hearing in such proceedings shall be held in Scotland and—

- (a) the comptroller shall so direct in the following cases—
  - (i) where one party resides in Scotland and all parties to the proceedings agree to a hearing being held there; or



- (ii) where all the parties to the proceedings reside in Scotland and one of them requests a hearing there, unless it is shown to the comptroller's satisfaction that it would be unduly burdensome to any other party to hold the hearing there; and
  - (b) the comptroller may direct that a hearing be held in Scotland (even where none of the parties resides in Scotland) where one party to the proceedings requests it and the balance of convenience is in favour of holding the hearing there.
- (2) A request under paragraph (1) above shall be made in duplicate and shall—
- (a) be in writing;
  - (b) be accompanied by a statement of facts in duplicate setting out the grounds upon which the request is made; and
  - (c) be filed at any time before the comptroller issues notification to the parties that a hearing has been appointed, or, with the leave of the comptroller, within fourteen days thereafter.
- (3) The comptroller, upon a request being made under paragraph (1) above, shall send a copy of the request and the statement to any party to the proceedings who has not indicated that he consents to the request.
- (4) Any party or parties to the proceedings having objection to a request made under paragraph (1) above may, within two months after notification of the request is sent to him, file at the Patent Office a counter-statement in duplicate setting out the grounds upon which objection is taken, and the comptroller shall send a copy of the counter-statement to any person who is not party to it.
- (5) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.
- (6) Where the comptroller, after consideration of a request made under paragraph (1)(a)(ii) or (b) above, is satisfied that any hearing thereon should be held in Scotland, he shall grant the request and issue such directions as shall seem to him appropriate.
- (7) No appeal shall lie from any decision of the comptroller under this rule.

### **Appointment of advisers**

**109.** The comptroller may appoint an adviser to assist him in any proceeding before the comptroller and shall settle the question or instructions to be submitted or given to such adviser.

### **Alteration of time limits**

**110.—(1)** The times or periods prescribed by these Rules for doing any act or taking any proceeding thereunder, other than times or periods prescribed in the provisions mentioned in paragraph (2) below, and subject to paragraphs (3) and (4) below, may be extended by the comptroller if he thinks fit, upon such notice to the parties and upon such terms as he may direct; and such extension may be granted notwithstanding that the time or period for doing such act or taking such proceeding has expired.

(2) The provisions referred to in paragraph (1) above are rules 6(1), 26 (so far as it relates to rule 6(1)), 39(1) and (2), 40(2), 41(1), 43(2), 59(2), 64(1), 65(1), 71(1), 78(1), 81(1), 82(1) and 91(4) and paragraph 4(2) of Schedule 2.

(3) A time or period prescribed in rules 6(2) and (6) (including the period therein prescribed as substituted by rule 85(3)(c) and (d)), 15(1), 23, 25(2) and (3) (except so far as it relates to the filing of claims for the purposes of the application and filing of the abstract), 26 (except so far as it relates to rule 6(1)), 33(2), (3) and (5), 34, 41(4), 81(2) and (3), 82(2) and (3), 83(3) and 85(1) and (7), paragraph (6) below, paragraph 1(3) of Schedule 2 and paragraph 2 of Schedule 4 shall, if not previously extended, be extended for one month upon filing Patents Form 50/77 before the end of

that month; and where in any proceedings more than one such time or period expires on the same day (but not otherwise), those times or periods may be extended upon the filing of a single such form.

(4) Without prejudice to paragraph (3) above, a time or period (other than any time or period expiring before 24th March 1987) prescribed in the rules referred to in that paragraph may, upon request made on Patents Form 52/77, be extended or further extended if the comptroller thinks fit, whether or not the time or period (including any extension obtained under paragraph (3) above) has expired; and the comptroller may allow an extension, or further extension, under this paragraph on such terms as he may direct and subject, unless he otherwise directs, to the furnishing of a statutory declaration or affidavit verifying the grounds for the request.

(5) A single request may be made under paragraph (4) above for the extension of more than one time or period in the same proceedings if the extensions are to be made to a common date (but not otherwise).

(6) If on consideration of a request under paragraph (4) above the comptroller decides that the extension requested (or, in a case falling within paragraph (5) above, any or all of the extensions requested) may be granted he shall notify the applicant accordingly and invite him, within two months after the notification is sent to him, to file Patents Form 53/77, upon receipt of which the comptroller shall effect the extension or extensions in accordance with the decision:

Provided that, in a case where a notification under this paragraph is sent to the applicant before these Rules come into force, this paragraph shall have effect as if the words “within two months after the notification is sent to him” were omitted.

(7) Where the period within which any party to a dispute may file evidence under these Rules is to begin after the expiry of any period in which any other party may file evidence under these Rules and that other party notifies the comptroller that he does not wish to file any, or any further, evidence, the comptroller may direct that the period within which the first-mentioned party may file evidence shall begin on such date as may be specified in the direction and shall notify all parties to the dispute of that date.

### **Calculation of times or periods**

**111.**—(1) Where, on any day, there is—

- (a) a general interruption or subsequent dislocation in the postal services of the United Kingdom; or
- (b) an event or circumstances causing an interruption in the normal operation of the Patent Office,

the comptroller may certify the day as being one on which there is an “interruption” and, where any period of time specified in the Act or these Rules for the giving, making or filing of any notice, application or other document expires on a day so certified the period shall be extended to the first day next following (not being an excluded day) which is not so certified.

(2) Any certificate of the comptroller given pursuant to this rule shall be posted in the Patent Office.

(3) Where, in or in connection with an application for a patent (“the application in suit”), it is desired to make a declaration specifying for the purposes of section 5(2) an earlier relevant application and the period of twelve months immediately following the date of filing the earlier relevant application ends on a day which is an excluded day for the purposes of section 120, such period shall, if the declaration is made on the first following day on which the Patent Office is open for the transaction of such business, be altered so as to include both the day of filing of the earlier relevant application and the day on which the declaration is made in or in connection with the application in suit.

(4) Where it is desired to make such a declaration and the said period of twelve months immediately following the date of filing the earlier relevant application ends on a day certified under paragraph (1) above as being one on which there is an interruption, the period shall, if the declaration is made on the first day following the end of the interruption, be altered so as to include both the day of filing of the earlier relevant application and the day on which the declaration is made in or in connection with the application in suit.

(5) Where an application for a patent is filed upon the day immediately following a day which is certified under paragraph (1) above as being one on which there is an interruption or which is an excluded day for the purposes of section 120, the period of six months specified in section 2(4) shall be computed from the day following the next preceding day which is neither so certified nor so excluded.

(6) If in any particular case the comptroller is satisfied that the failure to give, make or file any notice, application or other document within—

- (a) any period of time specified in the Act or these Rules for such giving, making or filing;
- (b) the period of six months following a disclosure of matter constituting an invention falling within paragraph (a), (b) or (c) of section 2(4); or
- (c) the period of twelve months referred to in paragraph (3) above,

was wholly or mainly attributable to a failure or undue delay in the postal services in the United Kingdom, the comptroller may, if he thinks fit—

- (i) extend the period of time for the giving, making or filing so that it ends on the day of the receipt by the addressee of the notice, application or other document (or, if the day of such receipt is an excluded day, on the first following day which is not an excluded day);
- (ii) determine that the period of six months referred to in subparagraph (b) above shall be altered so that it begins on the day of the disclosure and ends on the day of receipt by the Patent Office of the application for the patent (or, if the day of such receipt is an excluded day, on the first following day which is not an excluded day); or
- (iii) determine that the period of twelve months referred to in paragraph (3) above shall be altered so as to include both the day of filing of the earlier relevant application and the day on which the declaration specifying that application is received by the Patent Office (or, if the day of such receipt is an excluded day, the first following day which is not an excluded day),

as the case may be, in each case upon such notice to other parties and upon such terms as he may direct.

### **Copies of documents**

**112.** Where a document, other than a published United Kingdom specification or application, is referred to in any reference, notice, statement, counter-statement or evidence required by the Act or these Rules to be filed at the Patent Office or sent to the comptroller, copies of the document shall be furnished to the Patent Office within the same period as the reference, notice, statement, counter-statement or evidence in which they are first referred to may be filed and in the following number,—

- (a) where the document in which they were so referred to had to be filed or sent in duplicate or the original document had to be accompanied by a copy thereof, in duplicate; and
- (b) in all other cases, one:

Provided that where a copy of any evidence is required by the Act or these Rules to be sent direct to any person, a copy of any document referred to in that document shall also be sent direct to that person.

## Translations

**113.**—(1) Subject to the provisions of rules 6, 40, 81, 82 and 85, paragraph (3) below and paragraph 5 of Schedule 4, where any document or part of a document which is in a language other than English is filed at the Patent Office or sent to the comptroller in pursuance of the Act or these Rules, it shall be accompanied by a translation into English of the document or that part, verified to the satisfaction of the comptroller as corresponding to the original text. Where the document is or forms part of an application for a patent, the Patent Office shall not, in the absence of such a translation, take any further action in relation to that document, unless the comptroller otherwise directs.

(2) Where more than one copy of that document is required to be so filed or sent, a corresponding number of copies of the translation shall accompany it.

(3) Where any document which, or any part of which, is in a language other than English—

(a) is referred to in a search report drawn up under Article 18 of the Patent Co-operation Treaty; or

(b) is cited in the statement contained in an international preliminary examination report established under Article 35 of that Treaty,

and any such report is filed at the Patent Office in relation to the provisions of section 89A, a translation into English of that document or part verified to the satisfaction of the comptroller as corresponding to the original text thereof shall, if the comptroller so directs, be filed within two months of the date on which such direction is given.

(4) Where proceedings are instituted before the comptroller in relation to a European patent (UK) the specification of which was published in French or German, the party who institutes those proceedings shall furnish to the Patent Office a translation into English of the specification of the patent verified to the satisfaction of the comptroller as corresponding to the original text thereof unless—

(a) such a translation has already been filed under section 77(6); or

(b) the comptroller determines that it is not necessary.

(5) If, in the course of such proceedings, leave is given for the amendment of the specification of the European patent (UK), the party given leave to amend shall furnish to the Patent Office a translation of the amendment into the language in which the specification of the patent was published, verified to the satisfaction of the comptroller as corresponding to the original text thereof.

(6) The comptroller may refuse to accept any translation which is in his opinion inaccurate and thereupon another translation of the document in question verified as aforesaid shall be furnished, together with the appropriate number of copies thereof.

## Publication and sale of documents

**114.** The comptroller may arrange for the publication and sale of copies of specifications and other documents in the Patent Office and of indexes to, and abridgements or abstracts of, such documents.

## The Journal

**115.**—(1) The comptroller shall publish a journal containing particulars of applications for patents and other proceedings under the Act and any other information that he may deem to be generally useful or important.

(2) The journal shall be entitled “The Official Journal (Patents)”.

(3) Unless the comptroller otherwise directs, the Journal shall be published weekly.

## **Reports of cases**

**116.** The comptroller shall from time to time publish reports of—

- (a) cases relating to patents, trade marks, registered designs and design right decided by him; and
- (b) cases relating to patents (whether under the Act or otherwise), trade marks, registered designs, copyright and design right decided by any court or body (whether in the United Kingdom or elsewhere),

being cases which he considers to be generally useful or important.

## *INTERNATIONAL APPLICATIONS*

### **Filing of applications**

**117.—**(1) Where the Patent Office is the competent receiving office under the Patent Co-operation Treaty, an international application shall be filed at it in English in triplicate.

(2) If less than three copies of the international application are so filed, upon preparation by the Patent Office of the number of copies of it required to bring the total to three, the applicant shall on demand pay to the Patent Office the appropriate charge.

### **Transmittal, international and search fees**

**118.—**(1) Payment of the prescribed transmittal fee and the basic fee referred to in rule 15.1(i) of the Regulations under the Patent Co-operation Treaty shall be made to the Patent Office not later than one month after the date on which the application to which they relate is filed at the Patent Office.

(2) Payment of designation fees referred to in rule 15.1(ii) of the said Regulations shall be made to the Patent Office in the amount provided for in rule 15.2(b) thereof not later than—

- (a) one year after the date on which the application to which they relate is filed at the Patent Office in a case in which there is no date to be treated by virtue of section 89B(1)(b) as the declared priority date; and
- (b) one month after that date or, if later, one year after the date to be treated by virtue of section 89B(1)(b) as the declared priority date in any other case.

(3) Payment of the search fee referred to in rule 16.1 of the said Regulations shall be made to the Patent Office in the amount fixed by the Administrative Council of the European Patent Organisation and published in the Journal.

### **Certified copies**

**119.** A request under rule 20.9 of those Regulations for a certified copy of an international application as filed with the Patent Office as receiving office and of any corrections thereto shall be made on Patents Form 24/77 and shall be accompanied by the appropriate fee.

### **Fees for international preliminary examination**

**120.** Where an applicant makes a demand to the Patent Office, as International Preliminary Examining Authority, for international preliminary examination under Article 31 of the said Treaty, he shall—

- (a) in accordance with rule 58 of those Regulations, pay the appropriate prescribed preliminary examination fee;

- (b) in accordance with rule 57 of those Regulations, pay the handling fee therein referred to; and
- (c) upon request by the Patent Office, pay to it an amount which is the equivalent in sterling of the search fee referred to in rule 118(3).

#### **Additional fees for further inventions**

**121.** Where under rule 68.2 of those Regulations the Patent Office, as International Preliminary Examining Authority, reports to the applicant that the requirement of unity of invention is not complied with and the applicant decides to pay an additional fee in respect of each invention other than the main invention, the additional fee payable to the Patent Office in respect of each invention shall not exceed the appropriate prescribed preliminary examination fee.

#### **Fees to be paid in sterling**

**122.** The fees referred to in rules 118 to 121 shall be paid in sterling.

#### **Transitional provisions and revocations**

**123.**—(1) The reference to Schedule 2 to the Patents Rules 1968(9) in paragraph (a) of the proviso to rule 124 of the Patents Rules 1978(10) shall be construed as a reference to that Schedule with the substitution for forms 7, 9, 14 to 21, 23, 32 to 36, 38, 39, 43, 44, 46, 53 to 55, 63 to 65 and 69 of the correspondingly numbered forms in Schedule 5.

(2) In rule 124 of the Patents Rules 1978—

- (a) for the words “the Patents Rules 1982” in each place where they occur, there shall be substituted the words “the Patents Rules 1990”;
- (b) for paragraph (d) of the proviso to paragraph (1), there shall be substituted—
  - “(d) subject to sub-rule (3) below, rules 30, 39(1) and (3) to (6), 41 to 50, 52, 61 to 66, 68 to 74, 76, 88(1), 90, 92 to 95, 97 to 101, 103 to 108, and 114 to 116 of the Patents Rules 1990 shall apply.”,

and

- (c) for the words “in rule 39(1)” in paragraph (4) there shall be substituted the words “in rule 39(1) of the Patents Rules 1990”.

(3) The rules described in column 1 of Schedule 6 are hereby revoked to the extent specified in column 3 thereof.

(4) Where—

- (a) immediately before these Rules come into force, any time or period prescribed by the Rules hereby revoked has effect in relation to any act or proceeding and has not expired; and
- (b) the corresponding time or period prescribed by these Rules would have expired or would expire earlier,

the time or period prescribed by those Rules and not by these Rules shall apply to that act or proceeding.

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(9) S.I. 1968/1389, amended by S.I. 1970/955, 1971/1917, 1973/66, 1975/891, 1021 and 1262 and revoked with savings by S.I. 1978/216.

(10) S.I. 1978/216.

29th November 1990

*Hesketh*  
Minister of State,  
Department of Trade and Industry

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Rule 4(1)

GENERAL FORMS

For official use
Your reference

**Notes**


Please type, or write in dark ink using CAPITAL letters. A prescribed fee is payable for a request for grant of a patent. For details, please contact the Patent Office.

Rule 16 of the Patents Rules 1990 is the main rule governing the completion and filing of this form.

Ⓢ Do not give trading styles, for example, 'Trading as XYZ company', nationality or former names, for example, 'formerly (known as) ABC Ltd' as these are not required.

**Warning**

After an application for a Patent has been filed, the Comptroller of the Patent Office will consider whether publication or communication of the invention should be prohibited or restricted under Section 22 of the Patents Act 1977 and will inform the applicant if such prohibition or restriction is necessary. Applicants resident in the United Kingdom are also reminded that under Section 23, applications may not be filed abroad without written permission unless an application has been filed not less than 6 weeks previously in the United Kingdom for a patent for the same invention and either no direction prohibiting publication or communication has been given, or any such direction revoked.

	<p><b>Request for grant of a Patent</b> <b>Form 1/77</b></p> <p style="text-align: right;"><b>Patents Act 1977</b></p>
<p><b>1 Title of invention</b></p> <p>1 Please give the title of the invention</p>	
<p><b>2 Applicant's details</b></p> <p><input type="checkbox"/> <b>First or only applicant</b></p> <p>2a If you are applying as a corporate body please give:</p> <p style="padding-left: 20px;">Corporate name</p> <p style="padding-left: 20px;">Country (and State of incorporation, if appropriate)</p>	
<p>2b If you are applying as an individual or one of a partnership please give in full:</p> <p style="padding-left: 20px;">Surname</p> <p style="padding-left: 20px;">Forenames</p>	
<p>2c <b>In all cases</b>, please give the following details:</p> <p style="padding-left: 20px;">Address</p> <p style="padding-left: 20px;">UK postcode (if applicable)</p> <p style="padding-left: 20px;">Country</p> <p style="padding-left: 20px;">ADP number (if known)</p>	



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**2d, 2e and 2f:** If there are further applicants please provide details on a separate sheet of paper.

<input type="checkbox"/> <b>Second applicant (if any)</b>
<b>2d</b> If you are applying as a corporate body please give: Corporate name  Country (and State of incorporation, if appropriate)
<b>2e</b> If you are applying as an individual or one of a partnership please give in full: Surname Forenames
<b>2f</b> <b>in all cases</b> , please give the following details: Address  UK postcode (if applicable) Country ADP number (if known)
<b>3</b> <b>Address for service details</b>
<b>3a</b> Have you appointed an agent to deal with your application? Yes <input type="checkbox"/> No <input type="checkbox"/> → go to 3b ↓ <b>please give details below</b> Agent's name Agent's address  Postcode Agent's ADP number
<b>3b</b> If you have not appointed an agent please give a name and address in the United Kingdom to which all correspondence will be sent: Name Address  Postcode Daytime telephone number (if available) ADP number (if known)

**3** An address for service in the United Kingdom must be supplied

Please mark correct box

**3b:** If you have appointed an agent, all correspondence concerning your application will be sent to the agent's United Kingdom address.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

	<p><b>4 Reference number</b></p> <p>4 Agent's or applicant's reference number <i>(if applicable)</i></p>						
<p>Please mark correct box</p>	<p><b>5 Claiming an earlier application date</b></p> <p>5 Are you claiming that this application be treated as having been filed on the date of filing of an earlier application?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> → go to 6</p> <p style="text-align: center;">↓</p> <p style="text-align: center;"><b>please give details below</b></p> <p><input type="checkbox"/> number of earlier application or patent number</p> <p><input type="checkbox"/> filing date <span style="margin-left: 100px;"><i>(day month year)</i></span></p> <p><input type="checkbox"/> and the Section of the Patents Act 1977 under which you are claiming:</p> <p style="margin-left: 40px;">15(4) (Divisional) <input type="checkbox"/> 8(3) <input type="checkbox"/> 12(6) <input type="checkbox"/> 37(4) <input type="checkbox"/></p>						
<p>Please mark correct box</p>	<p><b>6 Declaration of priority</b></p> <p>6 If you are declaring priority from previous application(s), please give:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Country of filing</th> <th style="width: 33%;">Priority application number <i>(if known)</i></th> <th style="width: 33%;">Filing date <i>(day, month, year)</i></th> </tr> </thead> <tbody> <tr> <td style="height: 200px;"></td> <td></td> <td></td> </tr> </tbody> </table>	Country of filing	Priority application number <i>(if known)</i>	Filing date <i>(day, month, year)</i>			
Country of filing	Priority application number <i>(if known)</i>	Filing date <i>(day, month, year)</i>					

**6** If you are declaring priority from a PCT Application please enter 'PCT' as the country and enter the country code (for example, GB) as part of the application number.

Please give the date in all number format, for example, 31/05/90 for 31 May 1990.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- ⑦ The answer must be 'No' if:
  - any applicant is not an inventor
  - there is an inventor who is not an applicant, or
  - any applicant is a corporate body.

⑧ Please supply duplicates of claim(s), abstract, description and drawing(s).

Please mark correct box(es)

⑨ You or your appointed agent (see Rule 90 of the Patents Rules 1990) must sign this request.

Please sign here →

A completed fee sheet should preferably accompany the fee.

	<p><b>⑦ Inventorship</b></p> <p>7 Are you (the applicant or applicants) the sole inventor or the joint inventors? Please mark correct box Yes <input type="checkbox"/> No <input type="checkbox"/> → <b>A Statement of Inventorship on Patents Form 7/77 will need to be filed (see Rule 15).</b></p>
	<p><b>⑧ Checklist</b></p> <p>8a Please fill in the number of sheets for each of the following types of document contained in this application.</p> <p style="text-align: right;">Continuation sheets for this Patents Form 1/77 <input style="width: 50px;" type="text"/></p> <p style="text-align: center;">Claim(s) <input style="width: 50px;" type="text"/>      Description <input style="width: 50px;" type="text"/></p> <p style="text-align: center;">Abstract <input style="width: 50px;" type="text"/>      Drawing(s) <input style="width: 50px;" type="text"/></p>
	<p>8b Which of the following documents also accompanies the application?</p> <p style="text-align: right;">Priority documents (please state how many) <input style="width: 50px;" type="text"/></p> <p style="text-align: right;">Translation(s) of Priority documents (please state how many) <input style="width: 50px;" type="text"/></p> <p style="text-align: right;">Patents Form 7/77 – Statement of Inventorship and Right to Grant (please state how many) <input style="width: 50px;" type="text"/></p> <p style="text-align: right;">Patents Form 9/77 – Preliminary Examination/Search <input style="width: 50px;" type="text"/></p> <p style="text-align: right;">Patents Form 10/77 – Request for Substantive Examination <input style="width: 50px;" type="text"/></p>
	<p><b>⑨ Request</b></p> <p>I/We request the grant of a patent on the basis of this application.</p> <p>Signed _____ Date _____ <span style="margin-left: 150px;"><small>(day month year)</small></span></p>
	<p><b>Please return the completed form, attachments and duplicates where requested, together with the prescribed fee to:</b></p> <p><input type="checkbox"/> <b>The Comptroller The Patent Office</b></p>

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**PATENTS ACT 1977**

**PATENTS FORM 2/77**

(Rules 7, 8, 54)



Your reference

**REFERENCE UNDER SECTION 8(1), 12(1) OR 37(1)**

NOTES:

- 1 The person making the reference should complete the form by entering his name and address and indicating the section (8, 12 or 37) and the sub-section ((1)(a) or (b) or (c)) under which the reference is brought in the spaces provided.
- 2 A prescribed fee is payable with this form. For details, please contact the Patent Office.
- 3 This form should be filed in duplicate.

I/We .....

.....

.....

refer to the comptroller under sub-section .....

of section ..... of the Patents Act 1977, the question set out in the accompanying statement.

Signature .....

Name of Agent (if any) .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

ADP No

T28F 3254

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**PATENTS ACT 1977**

**PATENTS FORM 3/77**  
(Rules 11, 55)



Your reference

**APPLICATION UNDER SECTION 8(5) OR 37(3) FOR AUTHORISATION BY COMPTROLLER**

**NOTES:**

- 1 This form should be completed by the person(s) making the application who should identify the names and addresses of the parties to the proceedings and the relevant patent application or patent number.
- 2 The applicant should also indicate whether the directions were given upon a reference under section 8(1)(a), 8(1)(b), 37(1)(a), 37(1)(b), or 37(1)(c).
- 3 A prescribed fee is payable with this form. For details, please contact the Patent Office.
- 4 This form should be filed in duplicate.

I/We .....

declare that .....

has failed to carry out within 14 days the directions of the comptroller given upon a reference made under section ..... in respect of Patent Application/Patent No. .... as set out in the accompanying statement:

And I/we accordingly request that the comptroller authorise me/us to carry out the said directions on behalf of the person to whom the directions were given.

Signature .....

Name of Agent (if any) .....

Address for service in the United Kingdom to which all communications should be sent .....

ADP No

TICP/0412

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**PATENTS ACT 1977**

**PATENTS FORM 4/77**

(Rule 12)



Your reference

**REQUEST FOR DIRECTIONS UNDER SECTION 10 OR 12(4)**

**NOTES:**

- 1 This form should be completed by the person making the application, entering his own name and address and those of the joint applicant(s) where appropriate, and quoting the relevant application number in the space provided.
- 2 Where application is made under section 12(4) the relevant country, international convention or treaty should be identified together with the number of the application for a patent.
- 3 A prescribed fee is payable with this form. For details contact the Patent Office.
- 4 This form should be filed in duplicate.

I .....

.....

.....

being a joint applicant with .....

.....

.....

in Patent Application No. ....

declare that a dispute has arisen between us and request that an order of the comptroller be made giving directions for enabling the application to proceed.

Signature .....

Name of Agent (if any) .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

ADP No. (if known) .....

T2RF 3253



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**PATENTS ACT 1977**

**PATENTS FORM 6/77**

(Rule 14)



Your reference

**APPLICATION TO COMPTROLLER UNDER SECTION 13(1) AND/OR 13(3)**

NOTES:

- 1 The person making the application should indicate on the form the published application or patent in respect of which the application is being made, state his name and address and then complete parts (a) and/or (b) as appropriate.
- 2 Where a certificate is sought under section 13(3), the name of the person who, in the opinion of the applicant, ought not to have been mentioned as sole or joint inventor should be entered in the space provided in part (b).
- 3 If the application is being brought under one only of subsections (1) and (3) of section 13, either part (a) or part (b) should be cancelled as appropriate.
- 4 A prescribed fee is payable with this form. For details please contact the Patent Office.
- 5 This form should be filed in duplicate.

In the matter of Patent Application/Patent No. ....

I/We .....

declare that :-

(a) I am/we are the inventor(s) of the invention which is the subject of the said application for a patent or patent and accordingly have a right to be mentioned as such in accordance with the terms of section 13(1);

and/or

(b) .....

ought not to have been mentioned in pursuance of section 13(1) as the sole or joint inventor of the invention which is the subject of the said application;

and I/we apply for a certificate to that effect.

Signature .....

If you are the patent applicant(s) or the proprietor(s) of the patent:

- do not complete this part unless you wish the register to be altered;
- use form 51/77 inst completing this part if an agent has been newly authorised.

(See note opposite)  
Please give name and address for service in the United Kingdom to which all correspondence will be sent.

Name

Address

Postcode ADP No.

T2RF 3291



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For official use
Your reference

**Notes**


Please type, or write in dark ink using CAPITAL letters.

No fee is required with this form.

Rule 15 of the Patents Rules 1990 is the main rule governing the completion and filing of this form.

If you do not have enough space please use a separate sheet of paper.

When an application does not declare priority at all, or declares priority from an earlier UK application, sufficient additional copies of this form must be supplied to enable the Comptroller to send one to each inventor who is not an applicant.

	<b>Statement of inventorship and of right to grant of a Patent</b> <b>Form 7/77</b> Patents Act 1977
<b>1 Application details</b>	
1a Please give the patent application number (if known):	
1b Please give the full name(s) of the applicant(s):	
<b>2 Title of invention</b>	
2 Please give the title of the invention:	
<b>3 Derivation of right</b>	
3 Please state how the applicant(s) derive(s) the right to be granted a patent:	
<b>4 Declaration</b>	
4 I believe the person(s) named overleaf (and on any supplementary copies of this form) to be the inventor(s) of the invention for which the patent application has been made. I consent to the disclosure of the details contained in this form to each inventor named.	
Signed	Date <small>(day month year)</small>

Please sign here →

Please turn over ⇨

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Please put the full name(s) and address(es) of the inventors in the boxes below:**

Please underline the surnames or family names.

ADP number (if known):

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ADP number (if known):

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ADP number (if known):

Please give the names of any further inventors on the back of another form 7/77 and attach it to this form.

**Reminder**

**Have you signed the declaration overleaf?**

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

For official use
Your reference

**Notes**


Please type, or write in dark ink using CAPITAL letters.

A prescribed fee is payable with this form. For details, please contact the Patent Office.

Paragraph 2 of Schedule 2 to the Patents Rules 1990 governs the completion and filing of this form.

It should be filed in duplicate.

If the micro-organism of which a sample is required is deposited with an International Depository Authority under the Budapest Treaty, the form provided for by the regulations under that Treaty should be filed with this form for certification by the Comptroller.

	<b>Request for certificate authorising release of sample of micro-organism</b>
<b>Form 8/77</b>	<b>Patents Act 1977</b>
<b>① Application or Patent details</b>	
1a Please give the patent application or patent number:	
1b Please give the full name(s) of the applicant(s) / proprietor(s):	
<b>② Details of deposit of micro-organism</b>	
2a Please give the name of the depository institution in which the micro-organism is deposited:	
2b Please give the accession number of the deposit:	
<b>③ Details of person(s) making this request</b>	
3a Please give your name and address:	
Name	
Address	
Postcode	

Please turn over ⇨

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**3b:** The address to which the Comptroller's certificate is to be sent must be in the United Kingdom.

**3b** Please give the name and address to which your copy of the Comptroller's certificate should be sent if different from that at 3a:

Name

Address

Postcode

**4** If you are seeking release of a sample before publication of the application, by virtue of Section 118(4), a statutory declaration should also be furnished in accordance with Rule 96 of the Patents Rules 1990.

These undertakings are subject to the provisions of paragraphs 2(3) to 2(6) of Schedule 2 to the Patents Rules 1990.

**4 Declaration and undertaking**

I/We declare:

- that the invention disclosed in the specification of the application or patent identified at 1 requires for its performance the use of the micro-organism identified at 2;
- that, where the application has not yet been published, I am/we are entitled to receive information and inspect documents by virtue of Section 118(4) or (5).

I/We undertake for the benefit of the applicant(s)/proprietor(s), if a sample of the micro-organism is made available as requested:

- not to make the culture, or any culture derived from it, available to any other person; **and**
- not to use the culture, or any culture derived from it, otherwise than for experimental purposes relating to the subject matter of the invention.

I/We accordingly request that the Comptroller's certificate authorising the release of a sample of the micro-organism may be sent to me/us.

Please sign here ➡

Signed

Date

(day month year)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

For official use
Your reference

**Notes**

Please type, or write in dark ink using CAPITAL letters.

A prescribed fee is payable with this form. For details, please contact the Patent Office.

Paragraph 3 of Schedule 2 to the Patents Rules 1990 governs the completion and filing of this form.

In order to be effective, this form must be filed before the completion of preparations for the publication of your application under Section 16(1) of the Patents Act 1977.

③ This election is effective only until grant of a patent on the application.

Please sign here ➔



**Notice of intention to restrict availability of samples of micro-organism to experts**

**Form 8A/77**

**Patents Act 1977**

**① Application details**

1a Please give the patent application number:

1b Please give the full name(s) and address(es) of the applicant(s):

Name

Address

Postcode

ADP number  
(if known):

**② Details of deposit of micro-organism**

2a Please give the name of the depository institution in which the micro-organism is deposited:

2b Please give the accession number of the deposit:

**③ Declaration**

I am/we are the applicant(s) identified at 1b and hereby give notice of my/our intention that samples of the culture identified at 2 shall be available only to experts in accordance with paragraph 3 of Schedule 2 to the Patents Rules 1990.

Signed

Date

day month year

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

For official use
Your reference


**Notes**  
 Please type, or write in dark ink using CAPITAL letters.

A prescribed fee is payable with this form. For details, please contact the Patent Office.

Paragraph 3 of Schedule 2 to the Patents Rules 1990 governs the completion and filing of this form.

It should be filed in duplicate.

If the micro-organism of which a sample is required is deposited with an International Depository Authority under the Budapest Treaty, the form provided for by the regulations under that Treaty should be filed with this form for certification by the Comptroller.

	<p><b>Request for certificate                  authorising release of sample of                  micro-organism to expert</b></p> <p><b>Form 8B/77</b> <span style="float: right;"><b>Patents Act 1977</b></span></p>
<b>1 Application details</b>	
1a Please give the patent application number:	
1b Please give the full name(s) of the applicant(s):	
<b>2 Details of deposit of micro-organism</b>	
2a Please give the name of the depository institution in which the micro-organism is deposited:	
2b Please give the accession number of the deposit:	
<b>3 Details of person(s) making this request</b>	
3a Please give your name and address:	
Name	
Address	
Postcode	

Please turn over 

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**3b:** The address to which the Comptroller's certificate is to be sent must be in the United Kingdom.

**3b** Please give the name and address to which your copy of the Comptroller's certificate should be sent if different from that at 3a:

Name

Address

Postcode

**1** Paragraph 3 of Schedule 2 to the Patents Rules 1990 allows the applicant to restrict availability of the culture to 'experts' until the patent is granted, by filing form BA/77.

**1 Nomination of expert**

**4** Please give the name and address of your nominated expert:

Name

Address

Postcode

**5** If you are seeking release of a sample before publication of the application, by virtue of Section 118(4), a statutory declaration should also be furnished in accordance with Rule 96 of the Patents Rules 1990.

**5 Declaration**

I/We declare:

that the invention disclosed in the specification of the application identified at 1 requires for its performance the use of the micro-organism identified at 2;

that, where the application has not yet been published, I am/we are entitled to receive information and inspect documents by virtue of Section 118(4) or (5).

I/We accordingly request that the Comptroller's certificate authorising the release of a sample of the micro-organism may be sent to me/us and to the person nominated at 4.

Signed

Date

(day month year)

**Person making the request please sign here** ➡

**6** These undertakings are subject to the provisions of paragraphs 2(3) to 2(6) of Schedule 2 to the Patents Rules 1990.

**6 Undertaking by expert**

I am the person nominated at 4 and undertake for the benefit of the applicant(s), if a sample of the micro-organism is made available to me as requested:

not to make the culture, or any culture derived from it, available to any other person; **and**

not to use the culture, or any culture derived from it, otherwise than for experimental purposes relating to the subject matter of the invention.

Signed

Date

(day month year)

**Expert please sign here** ➡

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

For official use
Your reference

**Notes**

Please type, or write in dark ink using CAPITAL letters.


A prescribed fee is payable for a preliminary examination and search, for a further search and a supplementary search. For details, please contact the Patent Office.

Rules 25, 28 and 32 of the Patents Rules 1990 are the main rules governing the completion and filing of this form.

Please mark **one** box only

3: If box 2b has been marked and no invention is specified here, the further search will be made in relation to the second invention specified in the Search Report previously made under Section 17(5).

Please sign here ➡

	<h2 style="margin: 0;">Preliminary Examination/ Search</h2> <h3 style="margin: 0;">Form 9/77</h3> <p style="margin: 0; font-weight: normal;">Patents Act 1977</p>
1a Please give the patent application number (if known):	
1b Please give the full name(s) of the applicant(s):	
2 Are you:	
a) requesting a preliminary examination and search under Section 17(1)? <input type="checkbox"/>	
b) requesting a search of a further invention under Section 17(6)? <input type="checkbox"/>	
c) paying for a supplementary search under Section 17(8)? <input type="checkbox"/>	
You should complete this part only if you have marked question 2, box (b).	
3 Please identify the invention to be searched by reference to the claims:	
Signed	Date <small>(day month year)</small>



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.


For official use	
Your reference	

**Notes**

Please type, or write in dark ink using CAPITAL letters.

A prescribed fee is payable with this form. For details, please contact the Patent Office.

Rule 33 of the Patents Rules 1990 is the main rule governing the completion and filing of this form.

	<b>Request for substantive examination</b> <b>Form 10/77</b>	<b>Patents Act 1977</b>
<b>1 Application details</b>		
1a Please give the patent application number (if known):		
1b Please give the full name(s) of the applicant(s):		
<b>2 Request</b>		
I/We request a substantive examination under Section 18 of the Act.		
Signed	Date	(day month year)

**Please sign here** ➔

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

For official use
Your reference

**Notes**

Please type, or write in dark ink using CAPITAL letters.

A prescribed fee is payable with this form. For details, please contact the Patent Office.


Rules 35 and 36 of the Patents Rules 1990 are the main rules governing the completion and filing of this form.

If you wish to amend only the name of an applicant, please use form 20/77 instead.

**Ⓢ** This request should be accompanied by a document clearly identifying the desired amendment. (The Comptroller may request you to file a copy of the unamended application on which the amendment is shown in red ink if the accompanying document is not itself in this form.)

Where any new or altered applicant is a corporate body, the country and, if appropriate, state of incorporation of that body must be given.

**Please sign here** ➔

	<b>Request to amend application before grant Form 11/77</b>	<b>Patents Act 1977</b>
<b>1 Application details</b>		
1a Please give the patent application number:		
1b Please give the full name(s) of the applicant(s):		
<b>2 Reasons for amendment</b>		
2 Please give your reasons for making this amendment:		
Signed	Date <small>day month year</small>	

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<p><b>Payment of renewal fee (and additional fee for late renewal)</b></p>	<p><b>Patents Act 1977</b></p>	<p>For official use</p>
<p><b>Form 12/77</b></p>		

**Notes**

Please type, or write in dark ink using CAPITAL letters. For details of the prescribed fees payable with this form, please contact the Patent Office.

Rules 39 and 41 of the Patents Rules 1990 are the main rules governing the completion and filing of this form.

**3b:** please give the year in terms of the life of the patent, for example 6th.

**4: Please complete this only if renewal is overdue.**  
If your renewal payment is overdue an additional fee will be payable under Section 25(4) of the Patents Act 1977.

**6:** see Rule 39(5) of the Patents Rules 1990.

If you complete the certificate below, the Patent Office will stamp and return it to the address given in the box below.



1	Please give the patent number:
2	Please give the full name(s) of the proprietor(s):
3a	When is the renewal fee due? <span style="float: right; font-size: small;">(day month year)</span>
3b	For which year are you paying? _____ th
3c	What renewal fee are you paying? £ _____
4a	What additional fee payment are you making? £ _____
4b	For how many months extension? _____ months
5	Please give the name and address of the person paying fee:  Name  Address   Postcode
6	If next year's renewal fee is not paid by the due date a renewal reminder will be sent to the address for service on the register. If the proprietor wishes it to be sent to a different address in the United Kingdom, he should give that different address and add his signature.  Address   Postcode  Signature of proprietor  Date <span style="float: right; font-size: small;">(day month year)</span>

**Certificate of payment of renewal fee (and additional fee if applicable)**

Patent number  has been renewed until   
(day month year)



Your reference


Patent Office date stamp

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

For official use
Your reference

**Notes**  
 Please type, or write in dark ink using CAPITAL letters.  
 A prescribed fee is payable with this form. For details, please contact the Patent Office.  
 Rule 40 of the Patents Rules 1990 is the main rule governing the completion and filing of this form.  
 If you do not have enough space please use a separate sheet of paper.

**2:** This application should be accompanied by document(s) clearly showing the amendment sought, in accordance with Rule 40(6) of the Patents Rules 1990. (The Comptroller may request you to file a copy of the unamended specification on which the amendment is shown in red ink if the accompanying document is not itself in this form.)  
 Please mark correct box  
**3:** If an agent has been newly authorised form 51/77 should be completed instead of 3b.

	<p><b>Application to amend a specification after grant of a Patent</b></p> <p><b>Form 14/77</b> <span style="float: right;"><b>Patents Act 1977</b></span></p>
1a Please give the patent number:	
1b Please give the full name(s) of the proprietor(s):	
2 Please give your reason for making the amendment:	
3a Do you want the address for service to be altered? Yes <input type="checkbox"/> No <input type="checkbox"/> → go to the declaration below ↓	3b Please give the full name and address in the United Kingdom to which all correspondence will be sent: Name  Address   Postcode  ADP number (if known):
I declare that no proceedings are pending before the court or the Comptroller in which the validity of the patent may be in issue.	
Please sign here →	Signed _____ Date _____ <small>(day month year)</small>

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT 1977**

**PATENTS FORM 15/77**  
**(Rules 40, 78)**



Your reference

**NOTICE OF OPPOSITION TO AMENDMENT OF SPECIFICATION AFTER GRANT**

**NOTES:**

- 1 The person giving the notice should complete the form by entering his name and address in the space provided.
- 2 A prescribed fee is payable with this form. For details, please contact the Patent Office.
- 3 This form should be filed in duplicate.

I/We .....

.....

.....

give notice of opposition to the proposed amendment of the specification of Patent No. ....

.....

Signature .....

Name of Agent (if any) .....

Address for service in the .....

United Kingdom to which all .....

communication should be sent .....

ADP No

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

For official use
Your reference

**Notes**

Please type, or write in dark ink using CAPITAL letters.

A prescribed fee is payable with this form. For details, please contact the Patent Office.

Rule 41 of the Patents Rules 1990 is the main rule governing the completion and filing of this form.

If you do not have enough space please use a separate sheet of paper.


**2:** Supporting evidence must be provided.

**4:** If you are the proprietor(s) of the patent:

- do **not** complete this part unless you wish the register to be altered;

- use form 51/77 instead of completing this part if an agent has been newly authorised.

**Please sign here** ➔

	<h2 style="margin: 0;">Application for restoration of a Patent</h2> <h3 style="margin: 0;">Form 16/77</h3> <p style="margin: 0; font-weight: normal;">Patents Act 1977</p>
1a Please give the patent number:	
1b Please give the full name(s) of the proprietor(s):	
2 Please give your reasons for applying for this restoration:	
3 If you are not the proprietor(s) as at 1b above, please give your name and address:	Name  Address   Postcode
4 <b>(See note 4)</b> Please give name and address for service in the United Kingdom to which all correspondence will be sent:	Name  Address   Postcode <div style="float: right; text-align: right;">                     ADP number (if known):                 </div>
Signed	Date <small>(day month year)</small>

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT 1977**

**PATENTS FORM 17/77**  
**(Rule 41)**



Your reference
----------------

**ADDITIONAL FEE ON THE APPLICATION FOR RESTORATION OF A PATENT**

**NOTE:**

For details of the prescribed fee payable with this form, please contact the Patent Office.

I/We .....

hereby transmit the prescribed additional fee in connection with the restoration of  
Patent No. .... together with Patents Form 12/77, duly completed.

Signature .....

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

# PATENTS ACT 1977

PATENTS FORM 18/77  
(Rule 43)



Your reference

## OFFER TO SURRENDER A PATENT

**NOTES:**

- 1 If an action before the court is pending, the declaration below should be deleted and full particulars of such action furnished in writing to the comptroller.
- 2 No fee is required with this form.

I/We .....

offer to surrender Patent No. ....

I/We declare that no action is pending before the Court for infringement or for revocation of the patent.

My/Our reasons for making this offer are as follows:

.....  
.....  
.....  
.....  
.....  
.....

Signature .....

If an agent has been newly authorised form 51/77 should be completed instead of b.

a Do you want the address for service to be altered?

	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>

b If yes, please give the full name and address in the United Kingdom to which all correspondence will be sent.

Name

Address

Postcode                      ADP No (if known)

T2EF 0420



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT 1977**

**PATENTS FORM 19/77**  
**(Rule 43)**



Your reference

**NOTICE OF OPPOSITION TO OFFER TO SURRENDER A PATENT**

NOTES:

- 1 The person giving the notice should complete the form by entering his name and address in the space provided.
- 2 A prescribed fee is payable with this form. For details, please contact the Patent Office.
- 3 This form should be filed in duplicate.

I/We .....

.....

.....

give notice of opposition to the offer to surrender Patent No. ....

.....

Signature .....

Name of Agent (if any) .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

ADP No

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

For official use
Your reference

**Notes**  
 This form is for use where a name which had previously been given to the Patent Office has since been changed.

Please type, or write in dark ink using CAPITAL letters.

One prescribed fee is charged for each application or patent affected. For details, please contact the Patent Office.

Rule 45 of the Patents Rules 1990 is the main rule governing the completion and filing of this form.


If there is more than one patent application/patent number, please enter 'see attached list' and give the details requested in 1 (and 2 if more than one owner) on a separate sheet of paper.

**4:** Evidence of the alteration must be provided.

Please mark correct box

**5:** If you are the patent applicant(s) or the proprietor(s) of the patent:  
 ● use form 51/77 instead of completing **5b** if an agent has been newly authorised.

**Please sign here** ➔

	<h2 style="margin: 0;">Request for alteration of name</h2> <h3 style="margin: 0;">Form 20/77</h3> <p style="margin: 0;">Patents Act 1977</p>
1 Please give the patent application or patent number:	
2 Please give the full name(s) and address(es) of the existing applicant(s)/ proprietor(s):	
Name	
Address	
ADP number (if known):	Postcode
3 Please give name to be altered:	
ADP number (if known):	
4 Please give new name:	
ADP number (if known):	
5a Do you want the address for service to be altered? Yes <input type="checkbox"/> No <input type="checkbox"/> ➔ please sign below ↓	
5b Please give the full name and address in the United Kingdom to which all correspondence will be sent:	
Name	
Address	
ADP number (if known):	Postcode
Signed	Date <small>day month year</small>

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

For official use
Your reference

**Notes**

Please type, or write in dark ink using CAPITAL letters.

A prescribed fee is payable with this form. For details, please contact the Patent Office.

Rule 46 of the Patents Rules 1990 is the main rule governing the completion and filing of this form.

❶ If there is more than one patent application/patent number, please enter 'see attached list', and give the details requested on a separate sheet of paper.

❷ See Section 33(3) which specifies the relevant transactions, instruments and events (which include assignments, licences and mortgages).

Registration will not be effected until a certified copy or extract establishing the transaction, instrument or event has been furnished, unless the Comptroller otherwise directs.

The  
Patent  
Office

**Application to register or to give notice of a transaction, instrument or event affecting the rights in a Patent or application for a Patent**

**Form 21/77**

**Patents Act 1977**

**❶ Application or Patent details**

1a Please give the patent application or patent number:

1b Please give the full name(s) and address(es) of the applicant(s) / proprietor(s):

Name

Address

ADP number  
(if known):

**❷ Details of transaction, instrument or event**

2 Please give details of the transaction, instrument or event together with its date and the names of all the parties involved including for corporate bodies the country and, if appropriate, state of incorporation:

Please turn over ⇨

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<b>3 Details of person(s) making this application</b>	
3 If you are not the applicant(s) / proprietor(s) as at 1b overleaf, please give your name and address:	
Name	
Address	
Postcode	
<b>4a Address for service</b>	
4a Please give a name and address for service in the United Kingdom to which all correspondence relating to this form will be sent:	
Name	
Address	
Postcode	
ADP number <i>(if known)</i>	
<b>4b:</b> If you are the patent applicant(s) or the proprietor(s) of the patent, please use form 51/77 instead of completing this part if an agent has been newly authorised.	4b If you are the patent applicant(s) or proprietor(s) is this a new address for service which you wish to be entered on the register?
	<i>Please mark correct box</i> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Please sign here</b> ➔	Signed _____ Date _____ <small>(day month year)</small>

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT 1977**

**PATENTS FORM 22/77**

(Rule 47)



Your reference

**REQUEST FOR THE CORRECTION OF AN ERROR IN THE REGISTER OR IN ANY CONNECTED DOCUMENT**

**NOTES:**

- 1 The person making the request should clearly identify in the space provided, the document containing the error to be corrected and should also supply a document clearly identifying the desired corrections unless it is not convenient to do so, in which case the correction sought may be stated in the space provided. The comptroller may request the filing of a copy of the defective document on which the corrections are shown in red ink.
- 2 Where any applicant/proprietor added or changed by the correction is a corporate body, the country and, if appropriate, state of incorporation of that body must be given.
- 3 A prescribed fee is payable with this form. For details contact the Patent Office.

I/We .....

**request:-**

- (a) That the entry made in the register in relation to Patent Application/Patent No. .... and/or
- (b) that the undermentioned document filed in connection with such registration; be corrected
  - (i) as shown on the annexed copy of ....., or
  - (ii) as follows .....

Signature .....

If you are the patent applicant(s) or the proprietor(s) of the patent:

- do not complete this part unless you wish the register to be altered;
- use form 51/77 instead of completing this part if an agent has been newly authorised.

(See note opposite)  
 Please give name and address for service in the United Kingdom to which all correspondence will be sent.

Name

Address

Postcode ADP No.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

For official use
Your reference

**Notes**

Please type, or write in dark ink using CAPITAL letters.

This form may be used to make more than one request. The requests need not all relate to the same patent or patent application. The fee payable is the total of the prescribed fees for each item. If the fee paid is insufficient, the requests will be actioned in the order they have been made on the form as far as the fee allows. For details, please contact the Patent Office.

Rules 48, 49, 52 and 93 and Schedule 4, paragraph 6 of the Patents Rules 1990 are the main rules governing the completion and filing of this form.

**1** and **2** Where a request in **1** or **2** is in relation to an unpublished patent application and relies on Section 118(4), the requirements of Rule 96 must be complied with.



**Request for miscellaneous information**  
**Form 23/77**

Patents Act 1977

**1 Inspection of register or documents**

- 1 If you want to inspect the register and/or the original documents filed at or kept in the Patent Office in relation to any patent or patent application, please give full details:

**2 Supply of copies or extracts**

- 2 If you want copies of, or extracts from, the register or documents relating to any patent or patent application, please give full details:

Please turn over

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

④ If a request is made under 1 or 2, the information under 3 will be provided at no extra charge if requested in respect of the same patent.

**③ Information about renewal**

3 Please give the number of any patent for which you want to know whether, and when, a renewal fee has been paid:

**④ Details of the person making the request(s)**

4 Please give your name and address:

Name

Address

Postcode

**Please sign here** ➔

Signed

Date

(day month year)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

For official use
Your reference

**Notes**  
 Please type, or write in dark ink using CAPITAL letters.


The prescribed fees for a rubber stamp impression and for a separate, sealed certificate are different. For details, please contact the Patent Office.

Please use a separate form for each application or patent.

Rules 6, 52 and 119 of the Patents Rules 1990 are the main rules governing the completion and filing of this form.

**3:** Include any special requirements such as the need for patent register extracts or details of renewal payments made.

If you do not have enough space please continue on the back of this form.

	<h2 style="margin: 0;">Request for certificate of the Comptroller</h2> <h3 style="margin: 0;">Form 24/77</h3> <p style="margin: 0; font-weight: bold;">Patents Act 1977</p>
1 Please give the patent application or patent number:	
2 Please give the full name and address of the person making the request:	Name  Address   Postcode
3 Please give details of the contents of the certificate(s):	
4 Please give the number and type of certificates required:	Rubber stamp impressions <input style="width: 50px;" type="text"/> Signed and sealed certificates <input style="width: 50px;" type="text"/>
Signed <span style="float: right;">Date</span> <span style="float: right; font-size: small;">(day month year)</span>	

**Please sign here** ➔



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT 1977**

**PATENTS FORM 25/77**

(Rule 53)



Your reference

**APPLICATION FOR ENTRY OF ORDER OR DIRECTION OF COURT IN THE REGISTER**

NOTE:  
No fee is required with this form.

I/We .....

transmit an office copy of an Order or Direction of the Court with reference to .....

Signature .....

If you are the patent applicant(s) or the proprietor(s) of the patent:

- do not complete this part unless you wish the register to be altered;
- use form 51/77 instead of completing this part if an agent has been newly authorised.

(See note opposite) Please give name and address for service in the United Kingdom to which all correspondence will be sent.	
Name	
Address	
Postcode	ADP No.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**PATENTS ACT 1977**

**PATENTS FORM 26/77**  
(Rule 59)



Your reference

**APPLICATION FOR COMPENSATION BY EMPLOYEE**

NOTES:

- 1 The name and address of the person making the application should be entered in the space provided.
- 2 A prescribed fee is payable with this form. For details contact the Patent Office.
- 3 This form should be filed in duplicate.

I/We .....

apply to the comptroller for an award of compensation under section 40 in respect of

Patent No .....

Signature .....

Name of Agent (if any) .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

ADP No.

T2RF 3270

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT 1977**

**PATENTS FORM 27/77**  
**(Rule 60)**



Your reference

**APPLICATION UNDER SECTION 41(8)**

**NOTES:**

- 1 This form should be completed by the person making the application who should enter the names of the employer and employee in the previous proceedings under section 40(1) or 40(2) and his own name, in the spaces provided.
- 2 A prescribed fee is payable with this form. For details please contact the Patent Office.
- 3 This form should be filed in duplicate.

In the matter of Patent No. ....  
 and of the order made under section 40(1) or 40(2) and dated .....  
 between the employer viz: .....  
 .....  
 and the employee, viz: .....  
 .....  
 I/We, the said .....  
 hereby apply to the comptroller as set out fully in the accompanying statement.

Signature .....

If you are the proprietor(s) of the patent:

- use form 51/77 instead of completing b if an agent has been newly authorised.

a Do you want the address for service to be altered?

Yes                      No

b If yes, please give the full name and address in the United Kingdom to which all correspondence will be sent.

Name

Address

Postcode                                      ADP No (if known)

T2PF 3272

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**PATENTS ACT 1977**

**PATENTS FORM 28/77**

(Rule 61)



Your reference

**APPLICATION BY PROPRIETOR FOR ENTRY TO BE MADE IN THE REGISTER TO THE EFFECT THAT LICENCES UNDER THE PATENT ARE TO BE AVAILABLE AS OF RIGHT**

**NOTE:**

A prescribed fee is payable with this form. For details, please contact the Patent Office.

I/We .....  
.....  
.....  
request that an entry may be made in the register in the respect of Patent No. ....  
entitled .....  
.....  
to the effect that licences under the patent are to be available as of right.

I am/We are not precluded by contract from granting licences under the patent.

Signature .....

Name of Agent (if any) .....

**CONFIRMATION OF MAKING AN ENTRY**

This is to confirm that an entry has been made in the Register to the effect that licences under Patent No. .... are to be available as of right.

Patent Office  
date stamp

Please do not detach this confirmation slip.  
If it is completed, the Patent Office will date and return it to the address, which must be within the United Kingdom, given in the above box.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**PATENTS ACT 1977**

**PATENTS FORM 29/77**

**(Rule 62)**



Your reference

**APPLICATION FOR SETTLEMENT OF THE TERMS OF A LICENCE OF RIGHT**

**NOTES:**

1. The applicant or applicants should complete the form entering his/their names(s) and address(es) in the space provided.
2. \*Delete as appropriate.
3. A prescribed fee is payable with this form. For details contact the Patent Office.
4. This form should be filed in duplicate.

I/We .....

apply to the comptroller for settlement of the terms of a licence to be exchanged or granted under Patent No. .... being a patent in respect of which an entry has been made in the register of patents to the effect that licences thereunder are to be available as of right.

I am/We are

- (a)\* the proprietor(s) of the patent
- (b)\* the person(s) requiring the licence
- (c)\* the holder(s) of a licence under the patent before the said entry was made.

*Signature* .....

If you are the proprietor(s) of the patent:

- do not complete this part unless you wish the register to be altered:
- use form 51/77 instead of completing this part if an agent has been newly authorised.

(See note opposite) Please give name and address for service in the United Kingdom to which all correspondence will be sent

Name

Address

Postcode

ADP No

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT 1977**

**PATENTS FORM 30/77**  
(Rule 63)



Your reference

**APPLICATION BY PROPRIETOR UNDER SECTION 47(1) FOR CANCELLATION OF ENTRY IN THE REGISTER**

**NOTE:**

- 1 Either a) or b) below should be deleted as appropriate.
- 2 A prescribed fee is payable with this form. For details, please contact the Patent Office.

I/We .....

apply for cancellation of the entry in the register to the effect that licences under Patent No. .... entitled ..... are to be available as of right.

I/We enclose Patents Form 12/77 accompanied by the balance of all renewal fees which would have been payable if the entry had not been made.

I/We declare (See Note)

- a) that there is no existing licence under the patent;
- b) that all licensees consent to this application.

Signature .....

Name of Agent (if any) .....

**CONFIRMATION OF CANCELLATION OF ENTRY**

This is to confirm the cancellation of an entry in the Register to the effect that licences under Patent No. .... were to be available as of right.

Patent Office  
date stamp

[Empty rectangular box for date stamp]

Please do not detach this confirmation slip. If it is completed, the Patent Office will date and return it to the address, which must be within the United Kingdom, given in the above box.

TMCF/04-18

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT 1977**

PATENTS FORM 31/77

(Rule 64)



Your reference

**APPLICATION UNDER SECTION 47(3) BY PERSON INTERESTED FOR CANCELLATION OF ENTRY IN THE REGISTER**

NOTE:

- 1 The name and address of the person making the application should be entered in the space provided.
- 2 A prescribed fee is payable with this form. For details, please contact the Patent Office.
- 3 This form should be filed in duplicate.

I/We .....  
.....  
.....

claim that the proprietor of Patent No. .... made an entry in the register to the effect that licences under it are to be available as of right but is, and was at the time of the entry, precluded by a contract in which I am/we are interested from so doing, and I/we apply for the cancellation of the entry.

Signature .....

Name of Agent (if any) .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

ADP No

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**PATENTS ACT 1977**

**PATENTS FORM 32/77**  
(Rule 65)



Your reference

**NOTICE OF OPPOSITION TO AN APPLICATION UNDER SECTION 47(1) OR 47(3)  
FOR CANCELLATION OF ENTRY IN THE REGISTER**

**NOTES:**

- 1 The name and address of the opponent should be entered in the space provided.
- 2 A prescribed fee is payable with this form. For details contact the Patent Office.
- 3 This form should be filed in duplicate.

I/We .....  
.....  
.....

give notice of opposition to the application for the cancellation of the entry in the register of patents to the effect that licences under Patent No. .... are to be available as of right.

Signature .....

Name of Agent (if any) .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

ADP No.

T3AF 0310



*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**PATENTS ACT 1977**

**PATENTS FORM 33/77**  
(Rule 68)



Your reference

**APPLICATION UNDER SECTION 48(1) FOR A COMPULSORY LICENCE OR ENTRY IN THE REGISTER**

**NOTES:**

- 1 The applicant should complete the form entering his name and address in the space provided and deleting whichever of items (a), (b) and (c) are inapplicable.
- 2 A prescribed fee is payable with this form. For details, please contact the Patent Office.

I/We .....

apply to the comptroller in respect of Patent No .....

- (a) for a licence under the patent;
- (b) for an entry to be made in the register to the effect that licences under the patent are to be available as of right;
- (c) for the grant of a licence under the patent to .....

on the grounds set out in the accompanying statement.

Signature .....

Name of Agent (if any)

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

ADP No

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**PATENTS ACT 1977**

**PATENTS FORM 34/77**

(Rule 69)



Your reference

**APPLICATION BY CROWN IN CASE OF MONOPOLY OR MERGER**

**NOTES:**

- 1 The title of the appropriate Minister or Ministers should be entered in the first space below.
- 2 A prescribed fee is payable with this form. For details, please contact the Patent Office.

, following

a report of the Monopolies and Mergers Commission entitled

(which has been laid before Parliament), hereby makes/make application to the comptroller that he will take action under section 51 in respect of Patent No. and declares/declare that he/they have complied with the requirements of subsection (2) of that section in relation to this application.

Signature .....

Name and official capacity of person signing .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

ADP No

T3KF 3273

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT 1977**

**PATENTS FORM 35/77**  
(Rule 71)



Your reference

**NOTICE OF OPPOSITION TO APPLICATION MADE UNDER SECTION 48 OR 51**

**NOTES:**

- 1 This form is to be completed in duplicate by the proprietor of the patent or other person(s) wishing to oppose the application made under section 48 or 51, and should show in addition to the name and address of the opponent and the patent number, the name(s) of the applicant under section 48 or 51.
- 2 \* Delete as appropriate
- 3 Where the application has been made under section 48 by a government department for the grant of a licence to another person, the name and address of that other person should be inserted at (c).
- 4 A prescribed fee is payable with this form. For details, please contact the Patent Office.

I/We .....

give notice of opposition to the application made in respect of Patent No .....

by .....

for:

- (a) \* a licence under the patent
- (b) \* an entry to be made in the register to the effect that licences under the patent are to be available as of right
- (c) \*the grant of a licence under the patent to .....
- (d) \*the order of the comptroller under sub-section (3) of section 51.

Signature .....

If you are the proprietor(s) of the patent:

- do not complete this part unless you wish the register to be altered:
- use form 51/77 instead of completing this part if an agent has been newly authorised.

(see note opposite). Please give name and address for service in the United Kingdom to which all correspondence will be sent

Name

Address

Postcode ADP No

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT 1977**

**PATENTS FORM 36/77**  
(Rule 72)



Your reference

**REFERENCE TO THE COMPTROLLER OF A DISPUTE AS TO INFRINGEMENT**

**NOTES:**

- 1 The parties to the reference should enter their names and addresses in the appropriate spaces and the status of the first party should be indicated.
- 2 The parties should submit a joint statement, setting out fully the matters on which they are in agreement and those upon which they are in dispute.
- 3 A prescribed fee is payable with this form. For details, please contact the Patent Office.

We, .....

.....

the proprietor of Patent No .....

or the exclusive licensee under Patent No. ....

and .....

the persons alleged by the proprietor or exclusive licensee to have infringed the patent, refer to the comptroller the question whether such infringement has in fact taken place. We submit herewith a joint statement giving full particulars of the matters which are in dispute and those on which we are in agreement.

Signature of proprietor or exclusive licensee .....

a Do you want the address for service to be altered?

Yes                  No

b If yes, please give the full name and address in the United Kingdom to which all correspondence will be sent.

Name

Address

Postcode                                  ADP No (if known)

If an agent has been newly authorised form 51/77 should be completed instead of b.

Signature of other party to the reference .....

Name of Agent (if any) .....

Address for service in the United Kingdom to which all communications should be sent .....

ADP No

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT 1977**

**PATENTS FORM 37/77**

(Rule 74)



Your reference

**APPLICATION FOR DECLARATION OF NON-INFRINGEMENT**

**NOTES:**

- 1 The name and address of the applicant should be entered in the space provided.
- 2 A prescribed fee is payable with this form. For details contact the Patent Office.
- 3 This form should be filed in duplicate.

I/We .....

seek the declaration of the comptroller that the act or proposed act described fully in the accompanying statement does not, or would not, constitute an infringement of Patent No. .... whose present registered proprietor(s) is/are .....

I/We confirm that I/we have written to the said proprietor(s) for a written acknowledgement to the effect of the declaration claimed and have furnished him/them with particulars in writing of the said act or proposed act; and further confirm that he has/they have refused or failed to give any such acknowledgement.

Signature .....

Name of Agent (if any) .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

ADP No.

T3AF 0308

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**PATENTS ACT 1977**

**PATENTS FORM 38/77**

(Rule 75)



Your reference

**APPLICATION FOR THE REVOCATION OF A PATENT**

**NOTES:**

- 1 This form and accompanying statement are to be furnished in duplicate. The statement should not only set out clearly which of the grounds (a) to (e) of section 72(1) is being relied on, but it should also set out fully the facts upon which the applicant relies in support of his case and the relief sought.
- 2 A prescribed fee is payable with this form. For details, please contact the Patent Office.

I/We .....

.....

.....

.....

apply for the revocation of Patent No. ....

standing in the name of .....

.....

.....

.....

*Signature* .....

Name of Agent (if any) .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

ADP No

T3KF 0285

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

# PATENTS ACT 1977

**PATENTS FORM 39/77**  
(Rule 79)



Your reference

## APPLICATION TO REGISTER COPY OF ENTRY MADE IN THE EUROPEAN REGISTER OF PATENTS

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**NOTES:**

- 1 The name and address of the applicant should be entered in the space provided.
- 2 A prescribed fee is payable with this form. For details, please contact the Patent Office.

I/We .....

.....

.....

.....

apply for a copy of an entry made in the Register of European Patents in relation to European Patent Application No. .... to be entered in the register of patents.

A copy of the relevant entry, duly certified, accompanies this application.

Signature .....

If you are the patent applicant(s) or the proprietor(s) of the patent:

- do not complete this part unless you wish the register to be altered:
- use form 51/77 instead of completing this part if an agent has been newly authorised.

(See note opposite). Please give name and address for service in the United Kingdom to which all correspondence will be sent

Name

Address

Postcode ADP No

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT 1977**

**PATENTS FORM 40/77**  
(Rules 81, 82)



Your reference

**PAYMENT OF FILING FEE UPON CONVERSION OF EUROPEAN PATENT APPLICATION TO AN APPLICATION UNDER THE ACT**

NOTES:

- 1 Enter the name and address of each applicant. Names of individuals should be entered in full and the surname or family name should be underlined. The names of all partners in a firm must be given in full. Bodies corporate should be designated by their corporate name and the country of incorporation and, where appropriate, the State of incorporation within that country should be entered. Full corporate details, eg "a corporation organised and existing under the laws of the State of Delaware, United States of America", trading styles, eg "trading as XYZ company", nationality, and former names, eg "formerly [known as] ABC Ltd." are **not** required and should **not** be given.
- 2 For details of the prescribed fee payable with this form, please contact the Patent Office.

I/We .....

the applicant(s) in respect of European Patent Application No. ....  
in respect of which a request for conversion to an application under the Patents Act 1977 has  
been made, transmit herewith the filing fee.

Signature .....

If an agent has been newly authorised form 51/77 should be completed instead of b.

a. Do you want the address for service to be altered?

Yes       No

b. If yes, please give the full name and address in the United Kingdom to which all correspondence will be sent.

Name

Address

Postcode

ADP No (if known)

T18F0276



*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**PATENTS ACT 1977**

**PATENTS FORM 41/77  
(Rule 81)**



Your reference

**REQUEST FOR CONVERSION OF EUROPEAN PATENT APPLICATION**

**NOTES:**

- 1 Enter the name and address of each applicant; continue on a separate sheet if necessary.
- 2 A prescribed fee is payable with this form. For details contact the Patent Office.

I/We .....  
(see note 1)  
.....

the applicant(s) in respect of European Patent Application No. ....  
filed at the Patent Office on ..... request that a direction be given  
converting the application into an application for a patent under the Patents Act 1977.

I/We also request that a copy of my/our European Patent Application, together with a  
copy of this request, be sent in accordance with Article 136, paragraph 2, of the  
European Patent Convention to the central industrial property office of the following  
Contracting States designated in my/our said application;

.....  
.....

In support of this request, I/We submit the notification issued to me/us by the European  
Patent Office to the effect that my/our said application has been deemed to be withdrawn  
pursuant to Article 77, paragraph 5, of the European Patent Convention.

Signature .....

Name of Agent (if any) .....

Address for service in the .....  
United Kingdom to which all .....  
communications should be sent .....

ADP No.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

For official use
Your reference

**Notes**

Please type, or write in dark ink using CAPITAL letters.

A prescribed fee is payable with this form. For details, please contact the Patent Office.

Rule 85 of the Patents Rules 1990 is the main rule governing the completion and filing of this form.



# Request for publication of translation

Form 43/77

Patents Act 1977

**1 Application details**

1a Please give the United Kingdom patent application number:

1b Please give the full name(s) of the applicant(s):

**2 Translation details**

2 Are you requesting publication of the translation of:

Please mark correct box

the application filed at the Patent Office under Section 89A(3)?

the amendment filed at the Patent Office under Section 89A(5)?

Please sign here ➡

Signed

Date

(day month year)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT 1977**

**PATENTS FORM 44/77**

(Rule 85)



Your reference

**APPLICATION TO THE COMPTROLLER FOR AN INTERNATIONAL APPLICATION TO BE TREATED AS AN APPLICATION UNDER THE ACT**

**NOTES:**

- 1 The three irrelevant items (1)a, (1)b, (1)c or (2) below should be deleted.
- 2 This form should be accompanied by a statement of the facts being relied on.
- 3 A prescribed fee is payable with this form. For details, please contact the Patent Office.

In the case of international application No. ...., I/we .....

- (1) request that the comptroller should treat the application as not withdrawn under the Act notwithstanding that it, or the designation of the United Kingdom in it, is deemed to be withdrawn under the Patent Co-operation Treaty -
  - a because of an error or omission in an institution having functions under that Treaty; or
  - b because, owing to circumstances outside my/our control, a copy of the application was not received by the International Bureau before the end of the time limited for that purpose under that Treaty; or
  - c because, in the same or comparable circumstances in relation to an application under the Act (other than an international application) -
    - (i) the comptroller could have directed that an irregularity be rectified under rule 100 or an extension be granted under rule 110, and
    - (ii) he determines that the application would not have been treated as withdrawn under the Act,

as the case may require

- (2) apply to the comptroller for -
  - a a determination (the application having been refused a filing date under that Treaty) that the refusal was caused by an error or omission in an institution having functions under that Treaty; and
  - b a direction that the application shall be treated as an application under the Act having such date of filing as he may direct.

Signature .....

Name of Agent (if any) .....

Address for service in the United Kingdom to which all communications should be sent .....

ADP No .....

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**PATENTS ACT 1977**

**PATENTS FORM 45/77**  
**(Rule 86)**



Your reference

**APPLICATION FOR ORDER FOR EVIDENCE TO BE OBTAINED IN THE UNITED KINGDOM**

**NOTES:**

- 1 The applicant should enter his name and address in the space provided.
- 2 A prescribed fee is payable with this form. For details, please contact the Patent Office.

I/We .....

apply to the comptroller for an order under section 1, subsection (1) of the Evidence (Proceedings in other Jurisdictions) Act 1975, as applied by section 92 of the Patents Act 1977, for evidence to be obtained in the United Kingdom for the purpose of proceedings before a relevant convention court under the European Patent Convention in respect of the matter particulars of which are given in the accompanying affidavit.

The evidence desired is .....

Signature .....

Address to which the .....

evidence should be sent .....

ADP No

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

For official use
Your reference

**Notes**  
 Please type, or write in dark ink using CAPITAL letters.

A prescribed fee is payable with this form. For details, please contact the Patent Office.


Rule 91 of the Patents Rules 1990 is the main rule governing the completion and filing of this form.

Ⓢ This request should be accompanied by a document clearly identifying the desired correction. (The Comptroller may require you to file a copy of the defective document on which the correction is shown and may request that it be shown in red ink.)

Where any applicant/proprietor added or changed by the correction is a corporate body, the country and, if appropriate, state of incorporation of that body must be given.

Please mark correct box

**3b:** If an agent has been newly authorised, form 51/77 should be completed instead of 3b.

	<h2 style="margin: 0;">Request for correction of error or mistake</h2> <h3 style="margin: 0;">Form 47/77</h3> <p style="margin: 0; font-weight: normal;">Patents Act 1977</p>
<b>Ⓢ Patent or application details</b>	
1a Please give the patent application or patent number:	
1b Please give the full name(s) of the proprietor(s) or applicant(s):	
<b>Ⓢ Error or mistake</b>	
2 Please identify the document containing the error or mistake to be corrected:	
<b>Ⓢ Address for service</b>	
3a Do you want the address for service to be altered?	
Yes <input type="checkbox"/> No <input type="checkbox"/> → <i>please sign below</i>	
3b Please give the full name and address in the United Kingdom to which all correspondence will be sent:	
Name	
Address	
Postcode	
ADP number (if known):	
Signed	Date <small>(day month year)</small>

**Please sign here** →

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**PATENTS ACT 1977**

**PATENTS FORM 48/77**  
(Rule 91)



Your reference

**OPPOSITION TO REQUEST FOR CORRECTION OF ERROR OR MISTAKE**

NOTES:

- 1 The name and address of the opponent should be entered in the space provided, and details of the request being opposed furnished where indicated.
- 2 A prescribed fee is payable with this form. For details, please contact the Patent Office.
- 3 This form should be filed in duplicate.

I/We .....

give notice of opposition to the request, dated ....., made by .....  
..... for  
the correction of an error or mistake made in connection with Patent Application/Patent No. ....

Signature .....

Name of Agent (if any) .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

ADP No

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

For official use
Your reference

**Notes**


Please type, or write in dark ink using CAPITAL letters.

A prescribed fee is payable with this form. For details, please contact the Patent Office.

Rule 92 of the Patents Rules 1990 is the main rule governing the completion and filing of this form.

Please use a separate form for each item of information.

② The requests which may be made are specified in Rule 92(1) and (2).

	<b>Request for information relating to a Patent or Application</b> <b>Form 49/77</b> <b>Patents Act 1977</b>
<b>① Patent or application details</b>	
1a Please give the patent application or patent number:	
1b Please give the full name(s) of the proprietor(s) or applicant(s):	
<b>② Information requested</b>	
2 What information do you require?	
<b>③ Details of person making request</b>	
3 Please give your name and address (to which the information will be sent):	
Name	
Address	
Postcode	
Signed	Date <small>(day month year)</small>

Please sign here ➡

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

For official use
Your reference

**Notes**  
 Please type, or write in dark ink using CAPITAL letters.  
 A prescribed fee is payable with this form. For details, please contact the Patent Office.



## Request for extension of time or period under Rule 110(3)

Form 50/77

Patents Act 1977

### 1 Application or patent details

1a Please give the patent application or patent number *if known*:

1b Please give the full name(s) of the applicant(s) or proprietor(s):

### 2 Extension details

2 Which of the following Rules prescribe(s) the time(s) or period(s) to be extended?

- |                                |                                |  |
|--------------------------------|--------------------------------|--|
| 6(2) <input type="checkbox"/>  | 33(2) <input type="checkbox"/> | 82(2) <input type="checkbox"/>                     |
| 6(6) <input type="checkbox"/>  | 33(3) <input type="checkbox"/> | 82(3) <input type="checkbox"/>                     |
| 15(1) <input type="checkbox"/> | 33(5) <input type="checkbox"/> | 83(3) <input type="checkbox"/>                     |
| 23 <input type="checkbox"/>    | 34 <input type="checkbox"/>    | 85(1) <input type="checkbox"/>                     |
| 25(2) <input type="checkbox"/> | 41(4) <input type="checkbox"/> | 85(7) <input type="checkbox"/>                     |
| 25(3) <input type="checkbox"/> | 81(2) <input type="checkbox"/> | 110(6) <input type="checkbox"/>                    |
| 26 <input type="checkbox"/>    | 81(3) <input type="checkbox"/> | Schedule 2 paragraph 1(3) <input type="checkbox"/> |
|                                |                                | Schedule 4 paragraph 2 <input type="checkbox"/>    |

Please mark correct box(es)

### 3 Signature

Please sign here ➡

Signed

Date

(day month year)



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

For official use
Your reference

**Notes**

Please type, or write in dark ink using CAPITAL letters.


No fee is required with this form.

Rule 90 of the Patents Rules 1990 is the main rule governing the completion and filing of this form.

This form is for use only where, after a person has become a party to proceedings before the Comptroller, he appoints an agent for the first time or appoints one agent in substitution for another.

The form is to be completed by the newly appointed agent and filed in duplicate. Where the new agent has been appointed in substitution for another, the duplicate form is sent to the former agent.

**1:** If more than one application or patent is affected, please enter 'see attached list' and give the details requested on a separate sheet of paper.

 <b>Appointment or change of agent</b> <b>Form 51/77</b> Patents Act 1977
1 Please give the patent application or patent number to which the proceedings relate (see note 1 below):
2 Have you been authorised to act in all matters relating to the above application/patent? Please mark correct box Yes <input type="checkbox"/> No <input type="checkbox"/> ↓ Please give details of the extent of your appointment:
3 Please give full name(s) and address(es) of person(s) who have authorised you as agent: Name Address Postcode
4 Please give your name and address: Name Address Postcode ADP number (if known):
5 I declare that I/we have been appointed by the person(s) named at 3 above to act as agent as detailed in 2 above.
Signed Date <small>(day month year)</small>

Please sign here ➡

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

For official use
Your reference


**Notes**  
 Please type, or write in dark ink using CAPITAL letters.  
 A prescribed fee is payable with this form. For details, please contact the Patent Office.  
 This form should be accompanied by a statutory declaration or affidavit verifying the grounds for the request, unless the Comptroller otherwise directs.

Ⓢ This form may not be used to extend more than one time or period unless the times or periods are to be extended to a common date.

Please mark correct box(es)

**Remember to attach your declaration or affidavit**

Please sign here ➡

	<b>Request for extension of time or period under Rule 110(4)</b> <b>Form 52/77</b>	<b>Patents Act 1977</b>																								
<p><b>1 Application or patent details</b></p> <p>1a Please give the patent application or patent number:</p> <hr/> <p>1b Please give the full name(s) of the applicant(s) or proprietor(s):</p> <hr/>																										
<p><b>2 Extension details</b></p> <p>2a Which of the following Rules prescribe(s) the time(s) or period(s) to be extended?</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">6(2) <input type="checkbox"/></td> <td style="text-align: center;">33(2) <input type="checkbox"/></td> <td style="text-align: center;">82(2) <input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">6(6) <input type="checkbox"/></td> <td style="text-align: center;">33(3) <input type="checkbox"/></td> <td style="text-align: center;">82(3) <input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">15(1) <input type="checkbox"/></td> <td style="text-align: center;">33(5) <input type="checkbox"/></td> <td style="text-align: center;">83(3) <input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">23 <input type="checkbox"/></td> <td style="text-align: center;">34 <input type="checkbox"/></td> <td style="text-align: center;">85(1) <input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">25(2) <input type="checkbox"/></td> <td style="text-align: center;">41(4) <input type="checkbox"/></td> <td style="text-align: center;">85(7) <input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">25(3) <input type="checkbox"/></td> <td style="text-align: center;">81(2) <input type="checkbox"/></td> <td style="text-align: center;">110(6) <input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">26 <input type="checkbox"/></td> <td style="text-align: center;">81(3) <input type="checkbox"/></td> <td style="text-align: center;">Schedule 2 paragraph 1(3) <input type="checkbox"/></td> </tr> <tr> <td colspan="3" style="text-align: right;">Schedule 4 paragraph 2 <input type="checkbox"/></td> </tr> </table> <p>2b Please enter the date on which the extension would expire if allowed:</p> <p style="margin-left: 40px;">Date</p> <p style="margin-left: 80px;"><small>(day month year)</small></p>			6(2) <input type="checkbox"/>	33(2) <input type="checkbox"/>	82(2) <input type="checkbox"/>	6(6) <input type="checkbox"/>	33(3) <input type="checkbox"/>	82(3) <input type="checkbox"/>	15(1) <input type="checkbox"/>	33(5) <input type="checkbox"/>	83(3) <input type="checkbox"/>	23 <input type="checkbox"/>	34 <input type="checkbox"/>	85(1) <input type="checkbox"/>	25(2) <input type="checkbox"/>	41(4) <input type="checkbox"/>	85(7) <input type="checkbox"/>	25(3) <input type="checkbox"/>	81(2) <input type="checkbox"/>	110(6) <input type="checkbox"/>	26 <input type="checkbox"/>	81(3) <input type="checkbox"/>	Schedule 2 paragraph 1(3) <input type="checkbox"/>	Schedule 4 paragraph 2 <input type="checkbox"/>		
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<p><b>3 Signature</b></p> <p>Signed _____ Date _____</p> <p style="text-align: right; margin-right: 100px;"><small>(day month year)</small></p>																										


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Please type, or write in dark ink using CAPITAL letters.

For details of the prescribed fee payable with this form, please contact the Patent Office.

 <b>Additional fee for extension of time or period under Rule 110(6)</b> <b>Form 53/77</b> <b>Patents Act 1977</b>
<b>1 Application or Patent details</b>
1a Please give the patent application or patent number:
1b Please give the full name(s) of the applicant(s) or proprietor(s):
<b>2 Signature</b>
Signed _____ Date _____ <small>(day month year)</small>

**Please sign here** ➔

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Paragraph 1 of Schedule 4 to the Patents Rules 1990 governs the completion and filing of this form.

This form must be filed in duplicate and must be accompanied by a translation into English, in duplicate, of:

- the whole description
- those claims appropriate to the UK (in the language of the proceedings)

including all drawings, whether or not these contain any textual matter but excluding the front page which contains bibliographic information. The translation must be verified to the satisfaction of the Comptroller as corresponding to the original text.

	<p><b>Filing of translation of European Patent (UK) under Section 77(6)(a)</b></p> <p><b>Form 54/77</b> <span style="float: right;"><b>Patents Act 1977</b></span></p>
<b>1 European Patent number</b>	
1 Please give the European Patent number:	
<b>2 Proprietor's details</b>	
2 Please give the full name(s) and address(es) of the proprietor(s) of the European Patent (UK):	
Name	
Address	
Postcode	
ADP number (if known):	
<b>3 European Patent Bulletin date</b>	
3 Please give the date on which the mention of the grant of the European Patent (UK) was published in the European Patent Bulletin or, if it has not yet been published, the date on which it will be published:	
Date	
<small>(day month year)</small>	

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⑤ An address for service in the United Kingdom must be supplied.

<b>④ Agent's details</b>	
4 Please give name of agent (if any):	
<b>⑤ Address for service</b>	
5 Please give a name and address in the United Kingdom to which all correspondence will be sent:	
Name	
Address	
ADP number (if known)	Postcode
<b>Signature</b>	
Signed	Date <small>(day month year)</small>
<b>Reminder</b>	
Have you attached:	
<input type="checkbox"/> one duplicate copy of this form?	
<input type="checkbox"/> two copies of the translation including any drawings (verified to the satisfaction of the Comptroller)?	
<input type="checkbox"/> any continuation sheets (if appropriate)?	

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Paragraph 1 of Schedule 4 to the Patents Rules 1990 governs the completion and filing of this form.

This form must be filed in duplicate and must be accompanied by a translation into English, in duplicate, of:

- the whole description
- those claims appropriate to the UK (in the language of the proceedings)

including all drawings, whether or not these contain any textual matter but excluding the front page which contains bibliographic information. The translation must be verified to the satisfaction of the Comptroller as corresponding to the original text.

	<p><b>Filing of translation of an amended European Patent (UK) under Section 77(6)(b)</b></p> <p><b>Form 55/77</b> <span style="float: right;"><b>Patents Act 1977</b></span></p>
<p><b>1 European Patent number</b></p> <p>1 Please give the European Patent number:</p>	
<p><b>2 Proprietor's details</b></p> <p>2 Please give the full name(s) and address(es) of the proprietor(s) of the European Patent (UK):</p> <p style="margin-left: 20px;">Name</p> <p style="margin-left: 20px;">Address</p> <p style="margin-left: 400px;">Postcode</p> <p style="margin-left: 20px;">ADP number (if known):</p>	
<p><b>3 Publication of amended European Patent</b></p> <p>3 Please give the date on which the amended European Patent (UK) was published by the European Patent Office or, if it has not yet been published, the date on which it will be published:</p> <p style="margin-left: 20px;">Date</p> <p style="margin-left: 20px;"><small>(day month year)</small></p>	

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	<p><b>4 Agent's details</b></p> <p>4 Please give name of agent (if any):</p>
<p><i>Please mark correct box</i></p> <p><b>5b:</b> If an agent has been newly authorised, form 51/77 should be completed instead of 5b.</p>	<p><b>5a Address for service</b></p> <p>5a Do you want the address for service to be altered?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> → <i>please sign below</i></p> <p>↓</p> <p>5b Please give a full name and address in the United Kingdom to which all correspondence will be sent:</p> <p>Name</p> <p>Address</p> <p>Postcode</p> <p>ADP number (if known)</p>
<p><i>Please sign here</i> →</p>	<p><b>Signature</b></p> <p>Signed _____ Date _____ <small>(day month year)</small></p>
	<p><b>Reminder</b></p> <p>Have you attached:</p> <p><input type="checkbox"/> one duplicate copy of this form?</p> <p><input type="checkbox"/> two copies of the translation including any drawings (verified to the satisfaction of the Comptroller)?</p> <p><input type="checkbox"/> any continuation sheets (if appropriate)?</p>

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A prescribed fee is payable with this form. For details, please contact the Patent Office.

Paragraph 3 of Schedule 4 to the Patents Rules 1990 governs the completion and filing of this form.

This form must be filed in duplicate and must be accompanied by a translation into English, in duplicate, of the claims of the application for a European Patent (UK). The translation must be verified to the satisfaction of the Comptroller as corresponding to the original text.

❶ The International publication number should be given only when paragraph 3(1)(b) of Schedule 4 to the Patents Rules 1990 applies.

	<p><b>Request for publication of translation of claims of application for European Patent (UK) filed under Section 78(7)</b></p> <p><b>Form 56/77</b> <span style="float: right;"><b>Patents Act 1977</b></span></p>
<p><b>❶ European publication number</b></p> <p>1 Please give the European publication number (or International publication number) (see note 1 below):</p>	
<p><b>❷ Applicant's details</b></p> <p>2 Please give the full name(s) and address(es) of the applicant(s) for the European Patent (UK):</p> <p style="margin-left: 40px;">Name</p> <p style="margin-left: 40px;">Address</p>  <p style="text-align: right; margin-right: 40px;">Postcode</p>	
<p><b>❸ Agent's details</b></p> <p>3 Please give name of agent (if any):</p>	

Please turn over ⇨



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ⓘ An address for service in the United Kingdom must be supplied.

ⓘ **Address for service**

4 Please give a name and address in the United Kingdom to which all correspondence will be sent:

Name

Address

Postcode

ADP number  
(if known)

**Signature**

Please sign here ➡

Signed

Date

(day month year)

**Reminder**

Have you attached:

- one duplicate copy of this form?
- two copies of the translation (verified to the satisfaction of the Comptroller)?
- any continuation sheets (if appropriate)?

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Your reference

**Notes**

Please type, or write in dark ink using CAPITAL letters.

A prescribed fee is payable with this form. For details, please contact the Patent Office.

Paragraph 4 of Schedule 4 to the Patents Rules 1990 governs the completion and filing of this form.

This form must be filed in duplicate and must be accompanied by a corrected version, in duplicate, of the whole of the incorrect translation. The translation must be verified to the satisfaction of the Comptroller as corresponding to the original text.



**Request for publication of corrected translation of European Patent (UK) or application for European Patent (UK) filed under Section 80(3)**

**Form 57/77**

**Patents Act 1977**

**1 European Patent or publication number**

1 Please give the European patent or publication number:

**2 Proprietor's or applicant's details**

2 Please give the full name(s) and address(es) of the proprietor(s) of, or applicant(s) for, the European Patent (UK):

Name

Address

Postcode

**3 Agent's details**

3 Please give name of agent (if any):

Please turn over

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Please mark correct box  
  
**4b:** If an agent has been newly authorised, form 51/77 should be completed instead of 4b.

<b>4 Address for service</b>	
4a Do you want the address for service to be altered?	
Yes <input type="checkbox"/>	No <input type="checkbox"/> → <b>please sign below</b>
↓	
4b Please give the full name and address in the United Kingdom to which all correspondence will be sent:	
Name	
Address	
Postcode	
ADP number (if known)	
<b>Signature</b>	
Signed	Date <small>(day month year)</small>
<b>Reminder</b>	
Have you attached:	
<input type="checkbox"/> one duplicate copy of this form?	
<input type="checkbox"/> two copies of the translation including any drawings (verified to the satisfaction of the Comptroller)?	
<input type="checkbox"/> any continuation sheets (if appropriate)?	

Please sign here →

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<p><b>Declaration that licences of right shall not extend to excepted uses</b></p>	<p><b>Patents Act 1977</b></p> <p><b>Form 58/77</b></p>	<p>For official use</p>
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**Notes**  
 Please type, or write in dark ink using CAPITAL letters. No fee is required with this form. However, there will be no reduction of renewal fees for the final years of the patent's life.

Rule 67 of the Patents Rules 1990 is the main rule governing the completion and filing of this form.

**2b:** If an agent has been newly authorised, form 51/77 should be completed instead of 2b.

1a	Please give the patent number:
1b	Please give the full name(s) of the proprietor(s):
2a	Do you want the address for service to be altered? (Please mark correct box) Yes <input type="checkbox"/> No <input type="checkbox"/> ↓
2b	Please give the full name and address in the United Kingdom to which all correspondence will be sent:  Name  Address   Postcode   ADP number (if known):
In the case of the patent (which is for an invention which is a product) I/we declare: <input type="checkbox"/> that I/we desire that licences to which persons are entitled by virtue of paragraph 4(2)(c) of Schedule 1 to the Patents Act 1977 shall not extend to a use of the product which is excepted by or under paragraph 4A of that Schedule ('excepted use'); <b>and</b>  <input type="checkbox"/> that there is: <ul style="list-style-type: none"> <li>● no existing licence for any description of excepted use of the product which takes effect at or after the end of the sixteenth year of the patent, <b>and</b></li> <li>● so far as I am/we are aware, no outstanding application under Section 46(3)(a) or (b) for settlement by the Comptroller of the terms of a licence for any description of excepted use effective at or after the end of that year.</li> </ul>	
Signed	Date <small>(day month year)</small>

Please complete the confirmation slip below. The Patent Office will stamp and return it to the address in the United Kingdom given in the box below.

Please sign here →

**Confirmation of making an entry**

Patent number

This is to confirm that an entry has been made in the register under Rule 67(2) (Licences of right not to extend to an excepted use).



Your reference

Patent Office date stamp

## SCHEDULE 2

Rule 17

### MICRO-ORGANISMS

#### Applications

1.—(1) The specification of an application for a patent, or of a patent, for an invention which requires for its performance the use of a micro-organism—

- (a) which is not available to the public at the date of filing of the application; and
- (b) which cannot be described in the specification in such a manner as to enable the invention to be performed by a person skilled in the art,

shall, in relation to the micro-organism itself, be treated for the purposes of the Act as disclosing the invention in such a manner only if one of the conditions set out in subparagraph (2) below is satisfied.

(2) The conditions referred to in subparagraph (1) above are—

- (a) a condition that,—
  - (i) not later than the date of filing of the application, a culture of the micro-organism has been deposited in a depository institution which is able to furnish a sample of the micro-organism; and
  - (ii) the name of the depository institution, the date when the culture was deposited and the accession number of the deposit are given in the specification of the application; and
- (b) a condition, in the case of a European patent (UK), an application for a European patent (UK) or an international application for a patent (UK) which is treated, by virtue of section 77, 81 or 89 as a patent under the Act, or, as the case may be, an application for a patent under the Act, that the corresponding provisions of the Implementing Regulations to the European Patent Convention or, as the case may require, the Patent Co-operation Treaty have been complied with,

and, where a new deposit is made under paragraph 4 below, a further condition that the applicant or proprietor makes a new deposit in accordance with that paragraph.

(3) Where the information specified in subparagraph (2)(a)(ii) above is not contained in an application for a patent as filed, it shall be added to the application—

- (a) before the end of the period of sixteen months after the declared priority date or, where there is no declared priority date, the date of filing of the application;
- (b) where, on a request made by the applicant, the comptroller publishes the application before the end of the period prescribed for the purposes of section 16(1), before the date of the request; or
- (c) where the comptroller sends notification to the applicant that, in accordance with subsection (4) of section 118, he has received a request by any person for information and inspection of documents under subsection (1) of that section, before the end of one month after his sending to the applicant notification of his receipt of the request,

whichever is the earliest.

(4) The giving of the information specified in subparagraph (2)(a)(ii) above shall constitute the unreserved and irrevocable consent of the applicant to the depository institution with which a culture (including a deposit which is to be treated as having always been available by virtue of paragraph 4(2) below) is from time to time deposited making the culture available on receipt of the comptroller's certificate authorising the release to the person who is named therein as a person to whom the culture may be made available and who makes a valid request therefor to the institution.

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(5) The specification of an application for a patent described in paragraph (1) above shall mention any international agreement under which the micro-organism concerned is deposited.

(6) In relation to an application for a patent filed before this paragraph and paragraphs 2, 3 and 4 below come into force, rule 17 of the Patents Rules 1982(11) shall continue to have effect notwithstanding its revocation by rule 123(3) of these Rules.

### Availability of cultures

2.—(1) Save where paragraph 3 below has effect, a request that the comptroller certify a person as a person to whom a depository institution may make available a sample of a micro-organism—

- (a) before publication of the application for a patent, to a person who has made a request under section 118(1) in the circumstances mentioned in paragraph 1(3)(c) above; and
- (b) at any later time, to any person,

shall be made on Patents Form 8/77 (which shall be filed in duplicate) together, in the case of a micro-organism of which a culture is deposited under the Budapest Treaty with an international depository authority, with the form provided for by the Regulations under that Treaty.

(2) The comptroller shall send a copy of any form lodged with him under subparagraph (1) above and of his certificate authorising the release of the sample—

- (a) to the applicant for, or proprietor of, the patent;
- (b) to the depository institution; and
- (c) to the person making the request.

(3) A request under subparagraph (1) above shall comprise, on the part of the person to whom the request relates, undertakings for the benefit of the applicant for, or proprietor of, the patent—

- (a) not to make the culture, or any culture derived from it, available to any other person; and
- (b) not to use the culture, or any culture derived from it, otherwise than for experimental purposes relating to the subject matter of the invention,

and—

- (i) subject to (iii) below, both undertakings shall have effect during any period before the application for a patent has been withdrawn, has been taken to be withdrawn, has been treated as having been withdrawn, has been refused or is treated as having been refused (including any further period allowed under rule 100 or rule 110(1) or (4) but excluding, where an application is reinstated under either of those rules, the period before it is reinstated);
- (ii) if a patent is granted on the application, the undertaking set out in subparagraph (a) above shall also have effect during any period for which the patent is in force and during the period of six months referred to in section 25(4); and
- (iii) the undertaking set out in paragraph (b) shall not have effect after the date of publication in the Journal of a notice that the patent has been granted,

and, in this subparagraph, references to a culture derived from a deposited culture of a micro-organism are references to a culture so derived which exhibits those characteristics of the deposited culture essential for the performance of the invention.

(4) For the purpose of enabling any act specified in section 55 to be done in relation to the culture for the services of the Crown, the undertakings specified in subparagraph (3) above—

- (a) shall not be required from any government department or person authorised in writing by a government department for the purposes of this paragraph; and
- (b) shall not have effect in relation to any such person who has already given them.

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(11) [S.I. 1982/717](#), to which there are no relevant amendments.

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(5) An undertaking given pursuant to subparagraph (3) above may be varied by way of derogation by agreement between the applicant or proprietor and the person by whom it is given.

(6) Where, in respect of a patent to which the undertaking set out in subparagraph 3(a) has effect,

(a) an entry is made in the register under section 46 to the effect that licences are to be available as of right; or

(b) a compulsory licence is granted under section 48,

that undertaking shall not have effect to the extent necessary for effect to be given to any such licence.

### **Availability of cultures to experts**

**3.—**(1) Where, before the preparations for publication under section 16 of an application for a patent have been completed, the applicant gives notice to the comptroller on Patents Form 8A/77 of his intention that a sample of the micro-organism should be made available only to an expert, the provisions of this paragraph shall have effect.

(2) The comptroller—

(a) shall publish with the application notice that the provisions of this paragraph have effect; and

(b) notwithstanding paragraph 2 above, shall not, until the patent is granted or the application has been withdrawn, has been taken to be withdrawn, has been treated as having been withdrawn, has been refused or is treated as having been refused, issue any certificate authorising release of a sample otherwise than under this paragraph.

(3) Any person wishing to have a sample of the micro-organism made available (“the requester”)

(a) shall apply to the comptroller on Patents Form 8B/77 (which shall be filed in duplicate together, in the case of a micro-organism of which a culture is deposited under the Budapest Treaty with an international depository authority, with the form provided for by the Regulations under that Treaty) nominating the person (“the expert”) to whom he wishes the sample to be made available; and

(b) shall at the same time file undertakings by the expert as set out in subparagraph (3) of paragraph 2 above in accordance with the provisions of that paragraph.

(4) The comptroller shall send a copy of Patents Form 8B/77 filed under subparagraph (3) above to the applicant for the patent and shall specify the period within which the applicant may object, in accordance with subparagraph (5) below, to a sample of the micro-organism being made available to the expert.

(5) Unless, within the period specified by the comptroller under subparagraph (4) above (or within such longer period as the comptroller may, on application made to him within that period, allow), the applicant for the patent sends notice in writing to the comptroller that he objects to a sample of the micro-organism being made available to the expert and gives his reasons for his objection, the comptroller shall send a copy of any form lodged with him under subparagraph (3)(a) above and of his certificate authorising the release of the sample—

(a) to the applicant for the patent,

(b) to the depository institution concerned,

(c) to the requester, and

(d) to the expert.

(6) Where, in accordance with subparagraph (5) above, the applicant for the patent sends notice to the comptroller of his objection to the issue of a certificate in favour of the expert, the comptroller—

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- (a) shall decide, having regard to the knowledge, experience and technical qualifications of the expert and to any other factors he considers relevant, whether to issue his certificate in favour of the expert; and
  - (b) if he decides to authorise the release of the sample to the expert, shall send to the persons referred to in subparagraph (5) above a copy of any form lodged with him under subparagraph (3)(a) above and of his certificate authorising the release of the sample to the expert.
- (7) Before making a decision in accordance with subparagraph (6) above, the comptroller shall afford the applicant and the requester the opportunity of being heard.
- (8) If the comptroller decides under subparagraph (6) above not to issue his certificate in favour of the expert, the requester may, by notice in writing to the comptroller and the applicant, nominate another person as the expert for the purposes of this paragraph; and the comptroller shall give such directions as he shall think fit with regard to the subsequent procedure.
- (9) Nothing in this paragraph shall affect the rights under section 55 of any government department or any person authorised in writing by a government department.

#### **New deposits**

4.—(1) Where the depository institution with which a deposit or a new deposit of a culture has been made under this Schedule—

- (a) notifies the applicant or proprietor that it—
  - (i) cannot satisfy a request made in accordance with paragraph 2(1) or 3(3) above, or
  - (ii) is not able lawfully, to satisfy such a request,
 for the culture to be made available;
- (b) ceases temporarily or permanently to carry out the functions of a depository institution; or
- (c) ceases for any reason to conduct its activities as a depository institution in an objective and impartial manner,

subject to subparagraph (3) below, the applicant or proprietor may, unless the culture has been transferred to another depository institution which is able to make it available, make a new deposit of a culture of that micro-organism.

(2) For the purposes of paragraph 1 above and of this paragraph, the deposit shall be treated as always having been available if, within three months of the receipt of such notification or of the depository institution ceasing to perform the functions of a depository institution or to conduct its activities as such an institution in an objective and impartial manner, the applicant or proprietor,—

- (a) in a case where the deposit has not already been transferred, makes the new deposit;
  - (b) furnishes to the depository institution with which the new deposit is made a declaration that the culture so deposited is of the same micro-organism as was the culture originally deposited; and
  - (c) requests amendment of the specification under section 19 or section 27, as the case may be, so as to indicate the accession number of the transferred or new deposit and, where applicable, the name of the depository institution with which the deposit has been made.
- (3) The new deposit referred to in subparagraph (1) above—
- (a) shall, save as provided in subparagraph (b) below, be made with the same depository institution as was the original deposit; or
  - (b) in the cases referred to in subparagraphs (1)(a)(ii), (b) and (c) above, shall be made with another depository institution which is able to satisfy the request.



## Interpretation of Schedule

5.—(1) In this Schedule—

“the Budapest Treaty” means the Treaty on the International Recognition of the Deposit of Micro-organisms for the purposes of Patent Procedure done at Budapest in 1977;

and “international depository authority” means a depository institution which has acquired the status of international depository authority as provided in Article 7 of the Budapest Treaty.

(2) For the purposes of this Schedule a “depository institution” is an institution which, at all relevant times,—

- (a) carries out the functions of receiving, accepting and storing micro-organisms and the furnishing of samples thereof; and
- (b) conducts its affairs in so far as they relate to the carrying out of those functions in an objective and impartial manner.

### SCHEDULE 3

Rule 38

#### FORM OF CERTIFICATE OF GRANT OF PATENT

In accordance with section 24(2) of the Patents Act 1977, it is hereby certified that a patent having the specification No.        has been granted to        in respect of an invention disclosed in an application for that patent having a date of filing of        being an invention for

Dated this        day of        19

Comptroller-General of Patents,  
Designs and Trade Marks.

### SCHEDULE 4

Rule 80

#### EUROPEAN PATENTS AND APPLICATIONS (UK): TRANSLATIONS

##### *Translations of European Patents (UK) filed under section 77(6)*

1.—(1) A translation filed under section 77(6) shall be filed in duplicate and shall be accompanied by—

- (a) Patents Form 54/77 in duplicate, in the case of a translation filed under section 77(6)(a), or
- (b) Patents Form 55/77 in duplicate, in the case of a translation filed under section 77(6)(b).

(2) A translation filed under section 77(6) shall comprise a translation of the entirety of the published specification of the patent (including the claims), irrespective of whether a translation of all or any part of the claims contained in the specification has previously been filed under section 78(7) but subject to subparagraph (5) below, and shall include any drawings in the specification, irrespective of whether the drawings contain textual matter.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(3) A translation filed under section 77(6) shall comply with the following requirements as to presentation, subject to subparagraph (4) below in the case of any drawings—

- (a) it shall permit of direct reproduction by photography, electrostatic processes, photo-offset and micro-filming, in an unlimited number of copies;
- (b) it shall be on A4 paper (29.7 cm × 721 cm) which shall be pliable, strong, white, smooth, matt and durable;
- (c) each sheet of paper shall be free from cracks, creases and folds and used on one side only;
- (d) each sheet shall be used with its short sides at the top and bottom (upright position);
- (e) the minimum margins shall be—

top	2.0 cm;
left side	2.5 cm
right side	2.0 cm
bottom	2.0 cm;

- (f) the margins of the sheets shall be completely blank;
- (g) the translation shall be typed or printed in single-line spacing (unless the comptroller otherwise permits), in a dark, indelible colour and in characters of which the capital letters are not less than 0.21 cm high, save that graphic symbols and characters and chemical and mathematical formulae may, instead of being typed or printed, be written or drawn;
- (h) the translation shall be reasonably free from extraneous matter and also from deletions and other alterations, overwritings and interlineations and shall, in any event, be legible; and
- (i) each sheet (other than a sheet of drawings) shall be numbered consecutively in arabic numerals.

(4) Where a translation including any drawings is filed, the sheets of drawings shall correspond exactly in content and presentation to the sheets of drawings which were published by the European Patent Office, except that—

- (a) each sheet shall be numbered consecutively in arabic numerals, as a separate series from that used for the other sheets of the translation, if not so numbered when published by the European Patent Office; and
- (b) any textual matter contained in the published drawings shall be replaced with a translation into English.

(5) For the purposes of subparagraph (2) above, the published specification of the patent shall be taken not to include—

- (a) anything which does not consist of, or form part of, the description of the invention, the claims or the drawings referred to in the description or the claims;
- (b) any claim not having effect in the United Kingdom; or
- (c) anything published in a language other than the language of the proceedings (within the meaning of Article 14 of the European Patent Convention).

### **Periods prescribed under section 77(6)**

2.—(1) The period prescribed under section 77(6)(a) for filing a translation of the specification of a European patent (UK) and paying the prescribed fee shall be three months from the date of publication of the mention of the grant of the patent in the European Patent Bulletin.

(2) The period prescribed under section 77(6)(b) for filing a translation of the specification as amended of a European patent (UK) and paying the prescribed fee shall be three months from the date of publication by the European Patent Office of the specification of the patent as amended.

### **Translations of claims of applications for European patents (UK) filed under section 78(7)**

3.—(1) A translation of the claims of an application for a European Patent (UK),—

- (a) in the case of an application which has been published by the European Patent Office, may be filed under subsection (7) of section 78 after the application has been so published; and
- (b) in the case of an application which has not been so published but which is the subject of proceedings before the European Patent Office by virtue of Article 150 of the European Patent Convention, may be filed under that subsection after the application has been published under Article 21 of the Patent Co-operation Treaty.

(2) A translation filed by virtue of subparagraph (1) above shall be filed in duplicate and shall be accompanied by Patents Form 56/77, also filed in duplicate.

(3) The translation shall comply with the requirements contained in paragraph 1(3) above.

### **Corrected translations filed under section 80(3)**

4.—(1) A corrected translation filed under section 80(3) shall be filed in duplicate.

(2) The corrected translation shall comply with the requirements contained in paragraph 1(3) and (4) above.

(3) Publication of the corrected translation shall be requested on Patents Form 57/77, which shall be filed in duplicate.

(4) The period prescribed under section 80(3) for payment of the prescribed fee shall be fourteen days from the day on which the corrected translation is filed.

### **Verification of translation**

5. A translation shall be verified to the satisfaction of the comptroller as corresponding to the original text of—

- (a) the specification, in the case of a translation filed under section 77(6)(a);
- (b) the specification as amended, in the case of a translation filed under section 77(6)(b);
- (c) the claims of the specification of the application, in the case of a translation filed under section 78(7); or
- (d) the specification of the patent or the claims of the application, as the case may be, in the case of a translation filed under section 80(3),

and if such verification does not accompany the translation when filed it shall be filed within one month of the sending by the comptroller of a written request for such verification.

### **Inspection of translations**

6. A request for inspection of a translation published under section 77(8), 78(7) or 80(3) shall be made on Patents Form 23/77.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 5

Rule 123(1)

PATENTS ACT 1949 FORMS  
PATENTS ACT, 1949

PATENTS FORM No. 7

The Comptroller  
The Patent Office

APPLICATION FOR EXTENSION OF TIME UNDER  
RULE 30 OR 33 OR 50

---

Application No. .... dated .....

I/We apply for .....month ..... extension of time  
within which

(a), (b), (c) and  
(d) Delete the  
words which are  
not applicable.

- (a) to remove an objection under section 8 (Rule 28),
- (b) agreement to the amendment of the specification or to the insertion of a reference under Rule 29 or 33 may be notified.
- (c) to submit an amendment under section 15 (Rule 48),
- (d) agreement to the amendment of the specification under Rule 49 may be notified.

(e) To be signed  
by applicant or  
applicants, or his  
or their agent.

(e) .....  
.....  
.....

*Status:* This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT, 1949**

**PATENTS FORM No. 9**

The Comptroller  
The Patent Office

**APPLICATION UNDER SECTION 9 (2) FOR DELETION OF  
REFERENCE**

(a) State (in full)  
name and address  
of applicant(s).

I/We (a) .....

.....  
.....

(b) Delete the words  
in brackets if a  
patent has been  
granted.

apply for deletion of the reference to patent No. ....  
which has been inserted in the complete specification of my/our (b) appli-  
cation for a patent No. .... in pursuance of a direction  
under section 9 (1).

(c) The facts must  
be stated fully.

The facts relied upon in support of this application are (c).....

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.....

Communications should be sent to .....

.....

(d) The address  
must be within the  
United Kingdom

at (d) .....

.....

(e) To be signed  
by applicant(s) or  
his or their agent.

(e) .....

.....

.....

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PATENTS ACT, 1949

PATENTS FORM No. 14

The Comptroller  
The Patent Office

REQUEST UNDER SECTION 16 (3)

(a) State (in full) name, address and nationality of applicant or applicants for the patent.

(a) I/We .....

who made Application No. .... on the .....  
..... 19 ..... for the grant of a

(b) Enter title of invention.

patent for an invention the title of which is (b).....

(c) State the name, address and nationality of the deviser or devisers if not included at (a).

and (c) I/we .....

declare that the said (d).....  
is/are the inventor ... in the sense of being the actual deviser ... of(a substan-  
tial part of) the invention, and that the Application for the patent is a  
direct consequence of his/their being such inventor..., and we request that

(d) Enter name of deviser or devisers.

the said (d) .....

be mentioned as such inventor .... in accordance with section 16.

A statement setting out the circumstances upon which we rely to  
justify this request is attached.

Communications should be sent to .....

(e) The address must be within the United Kingdom.

.....at (e) .....

(f) To be signed by all the persons making the request.

(f) .....

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**PATENTS ACT, 1949**

**PATENTS FORM No. 15**

The Comptroller  
The Patent Office

**CLAIM UNDER SECTION 16 (4)**

*(To be accompanied by a copy or copies as required  
by Rule 52)*

*(a) State (in full) name, address and nationality of the claimant.*

*(a) I* .....

*(b) Enter title of invention.*

declare that I am the inventor in the sense of being the actual deviser of (a substantial part of) the invention entitled *(b)* .....

*(c) Enter name and address of applicant or applicants for the patent.*

in respect of which Application No. .... for patent was made by *(c)* .....

on the ..... 19 ....., and that the application for the patent is a direct consequence of my being such inventor, and I claim to be mentioned as such inventor in accordance with section 16 (4).

A statement setting out the circumstances upon which I rely to justify this claim is attached together with a copy/copies thereof as required by Rule 52.

Communications should be sent to .....

*(d) The address must be within the United Kingdom.*

at *(d)* .....

*(e) To be signed by the claimant.*

*(e)* .....

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PATENTS ACT, 1949

PATENTS FORM No. 16

The Comptroller  
The Patent Office

APPLICATION UNDER SECTION 16 (5)

(a) State in full name, address and nationality of the person or persons making this application.

(a) I/We .....

apply for an extension of time (not exceeding one month) for making a request under section 16 (3) (or a claim under section 16 (4)) in respect of Application

(b) Enter name, address and nationality of applicant or applicants for the patent.

No ..... for a patent made by (b).....

on the ..... 19 ....., in respect of an invention the title of which is

(c) Enter title of invention.

(c).....

Communications should be sent to.....

(d) The address must be within the United Kingdom.

at (d) .....

(e) To be signed by the person or all the persons making the application.

(e) .....



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PATENTS ACT, 1949

PATENTS FORM No. 17

The Comptroller  
The Patent Office

APPLICATION UNDER SECTION 16 (8)

(To be accompanied by copies as required by Rule 54)

(a) State in full name, address and nationality of the person or persons making this application.

(a) I/We.....

(b) Enter the name of the person mentioned as the actual deviser.

declare that (b) .....

ought not to have been mentioned under section 16 as the inventor in the sense of being the actual deviser of (a substantial part of) the invention covered by Application No ..... dated the .....19 .....

(c) Enter title of invention.

and entitled (c) .....

and I/we apply for a certificate to that effect.

A statement setting out the circumstances upon which I/we rely to justify this Application is attached together with copies thereof as required by Rule 54.

Communications should be sent to .....

(d) The address must be within the United Kingdom.

at (d) .....

(e) To be signed by all the persons making the application.

(e).....

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PATENTS ACT, 1949

PATENTS FORM No. 18

The Comptroller  
The Patent Office

CLAIM UNDER SECTION 17 (1) TO PROCEED AS AN APPLICANT OR CO-APPLICANT

(a) State name of claimant(s).

I/We (a) .....

(b) State the number and date of the application for patent.

request that the Patent Application No. (b) ..... dated .....

(c) State name of the applicant or applicants for patent.

made by (c) .....

(d) Enter (in full) name, address and nationality of the person or persons in whose name(s) it is requested that the application shall proceed.

may proceed in the name(s) of (d) .....

(e) Give the particulars of such document, giving its date and the parties to the same, and showing how the claim here made is substantiated.

I/We claim to be entitled to proceed as applicant(s) for the patent by virtue of (e) .....

(f) State the nature of the document. The certified copy should be written, type-written or printed on 'A4 size' paper.

And in proof whereof I/we transmit the accompanying (f) .....

(g) The address must be within the United Kingdom.

Communications should be sent to .....

(h) To be signed by claimant(s).

at (g) .....

(h) .....

(i) To be signed by the applicant(s).

(i) I/We .....

consent to the above request. ....

*Status:* This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT, 1949**

**PATENTS FORM No. 19**

The Comptroller  
The Patent Office

**APPLICATION FOR DIRECTIONS UNDER SECTION 17 (5) AS TO PROCEEDING  
WITH AN APPLICATION FOR A PATENT IN CASE OF DISPUTE BETWEEN JOINT  
APPLICANTS**

*(To be accompanied by a statement of case and by copies of the application and  
statement as required by Rule 57)*

(a) State name  
and address.

(a) I .....

.....

(b) State name and  
address of other  
applicant(s).

being a joint applicant with (b).....

.....

.....

in the application for a patent numbered .....

declare that a dispute has arisen between us and request that an order of the  
Comptroller be made giving directions for enabling the application to proceed.

Particulars of the matters in dispute are given in the annexed statement  
setting out the facts upon which I rely, and the relief which I seek.

Communications should be sent to .....

(c) The address must  
be within the United  
Kingdom.

.....at (c) .....

.....

.....

(d) Signature.

(d) .....

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**PATENTS ACT, 1949**

**PATENTS FORM No. 20**

The Comptroller  
The Patent Office

**REQUEST FOR THE SEALING OF A PATENT**

---

(a) State name of applicant or applicants.

I/We (a) .....

.....request

that a patent may be sealed on my/our

(b) Both these numbers to be inserted.

(b) Application No ..... and that the following may be

Acceptance No .....

entered on the Register as my/our address for service:—

(c) The address must be within the United Kingdom.

(c).....

.....

(d) Signature.

(d).....

*Status:* This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## PATENTS ACT, 1949

PATENTS FORM No. 21

The Comptroller  
The Patent Office

### APPLICATION UNDER SECTION 19 (3) FOR EXTENSION OF THE PERIOD FOR MAKING A REQUEST FOR SEALING OF A PATENT

---

I/We apply for ..... month .....  
extension of the period for making a request for the  
sealing of a patent upon Application No .....

(a) *Signature*

(a) .....  
.....  
.....

V4962

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**PATENTS ACT, 1949**

**PATENTS FORM No. 23**

The Comptroller  
The Patent Office

**APPLICATION UNDER SECTION 20 FOR AMENDMENT OF  
LETTERS PATENT**

*(To be accompanied by evidence verifying the statements made  
in this application)*

(a) State name  
and address.

I/We (a) .....

.....

request that Letters Patent No.....granted to .....

.....

.....

(b) State name,  
address and  
nationality of  
person to whom  
patent should  
have been  
granted.

may be amended by substituting the name of (b) .....

.....

.....

for the name of the grantee.

My/Our address for service in the United Kingdom is .....

.....

(c) Signature

(c) .....

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT, 1949**

**PATENTS FORM No. 32**

The Comptroller  
The Patent Office

**APPLICATION UNDER SECTION 28 FOR THE SEALING OF A  
PATENT**

*(To be accompanied by evidence verifying the statements made in this application)*

*(a)* State name and address.

I/We *(a)* .....

.....

.....

the applicant(s) for a patent numbered .....

apply for an order for a patent to be sealed thereon.

*(b)* State date when request was due.

The circumstances which led to the failure to make the prescribed request for sealing on or before the *(b)* ..... are as

*(c)* The circumstances must be stated in detail.

follows *(c)* .....

.....

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.....

Communications should be sent to .....

*(d)* The address must be within the United Kingdom.

.....at *(d)*.....

.....

*(e)* Signature.

*(e)* .....

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**PATENTS ACT, 1949**

**PATENTS FORM No. 33**

The Comptroller  
The Patent Office

**NOTICE OF OPPOSITION TO AN APPLICATION UNDER  
SECTION 28 FOR THE SEALING OF A PATENT**

*(To be accompanied by a copy, and a statement of case in duplicate)*

*(a)* State name  
and address.

I/We *(a)* .....

.....  
.....  
.....

give notice of opposition to the application for the sealing of a patent on  
Application No. .... for the following  
reasons:— .....

.....  
.....  
.....  
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.....

Communications should be sent to .....

*(b)* The address  
must be within  
the United  
Kingdom.

..... at *(b)* .....

.....

*(c)* Signature.

*(c)* .....



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## PATENTS ACT, 1949

### PATENTS FORM No. 34

The Comptroller  
The Patent Office

#### ADDITIONAL FEE ON AN APPLICATION UNDER SECTION 28 FOR THE SEALING OF A PATENT

---

(a) State name  
and address.

I/We (a) .....

.....

.....

the applicant(s) for the sealing of a patent on

Application No. .... transmit the prescribed

additional fee, together with Patents Form No. 20

accompanied by the fee prescribed in respect of the

making of the request for sealing.

(b) Signature  
of applicants  
for sealing.

(b) .....

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PATENTS ACT, 1949

PATENTS FORM No. 35

The Comptroller  
The Patent Office

APPLICATION UNDER SECTION 29 FOR AMENDMENT OF  
A COMPLETE SPECIFICATION AFTER ACCEPTANCE

(a) State full name and address of applicant or patentee.

(a) I/We .....

.....  
.....  
seek leave to amend the complete specification No .....  
as shown in red ink in the copy of the printed specification hereunto annexed.

(b) These words are to be struck out when a Patent has not been sealed.

(b) I/We declare that no action for infringement or proceeding before the Court for revocation of the Patent is pending.

My/Our reasons for making this amendment are in detail as follows:—

(c) State full particulars of the reasons for seeking amendment. If this space is not sufficient the particulars may be continued on a separate sheet.

(c) .....

.....  
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.....  
.....  
.....  
.....

Communications should be sent to .....

(d) The address must be within the United Kingdom.

at (d) .....

.....

(e) To be signed by applicant or patentee.

(e) .....

.....

*Status:* This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

# PATENTS ACT, 1949

PATENTS FORM No. 36

The Comptroller  
The Patent Office

## NOTICE OF OPPOSITION TO AMENDMENT OF SPECIFICATION UNDER SECTION 29

*(To be accompanied by a copy, and a statement of case in duplicate)*

*(a)* State full name and address

*(a)* I/We .....

give notice of opposition to the proposed amendment of specification

No. .... for the following reason:

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Communications should be sent to .....

*(b)* The address must be within the United Kingdom.

at *(b)*.....

*(c)* To be signed by the opponent.

*(c)* .....

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT, 1949**

**PATENTS FORM No. 38**

The Comptroller  
The Patent Office

**APPLICATION FOR AMENDMENT OF AN APPLICATION FOR A PATENT**

---

(a) State full name  
and address of  
applicant or  
applicants.

(a) I/We .....

.....  
.....  
.....  
seek leave to amend my/our Application No.....  
of ..... as shown in red ink in the  
copy of the original Application hereunto annexed.

(b) State reasons  
for seeking  
amendment.

My/Our reasons for making this amendment are as follows (b)

.....  
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(c) To be signed  
by applicant or  
applicants.

(c).....

.....  
.....

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT, 1949**

**PATENTS FORM No. 39**

The Comptroller  
The Patent Office

**APPLICATION UNDER SECTION 33 FOR THE REVOCATION OF A PATENT**

*(To be accompanied by a copy, and a statement of case in duplicate)*

*(a)* State full name and address.

*(a)* I/We .....

.....  
.....  
.....

apply for an Order for the revocation of Patent No .....

on the following grounds:

*(b)* State upon which of the grounds the application is based and identify all specifications and other publications relied upon.

*(b)* .....

.....  
.....  
.....  
.....  
.....

*(c)* If such action or proceeding is pending in any Court the application cannot be made without the leave of the Court.

*(c)* I/We declare that no action for infringement or proceeding in any Court for the revocation of the patent is pending.

Communications should be sent to .....

*(d)* The address must be within the United Kingdom.

.....at *(d)* .....

.....

*(e)* To be signed by applicant.

*(e)* .....

V4973

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PATENTS ACT, 1949

PATENTS FORM No. 43

The Comptroller  
The Patent Office

APPLICATION UNDER SECTION 35 (2) FOR SETTLEMENT OF  
TERMS OF LICENCE UNDER PATENT ENDORSED "LICENCES  
OF RIGHT"

*(To be accompanied by a copy, and a statement of case  
in duplicate)*

(a) State name and  
address.

I/We (a) .....  
.....  
.....

apply for settlement of the terms of a licence to be granted under  
Patent No. ....

I am/We are the

(b)(c)(d)  
Delete the two  
categories not  
applicable.

- (b) patentee(s)
- (c) person(s) requiring a licence
- (d) holder(s) of a licence under the Patent granted before  
endorsement.

(e) Delete if the  
applicant is not  
the holder of a  
licence.

I/We (e) request that an Order may be made entitling me/us to  
exchange my/our existing licence for a licence to be granted upon the  
terms as settled.

Communications should be sent to .....

(f) The address  
must be within  
the United  
Kingdom.

..... at (f) .....  
.....

(g) Signature of  
applicant.

(g) .....

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## Patents Act 1949

### Patents Form No 44

The Comptroller  
The Patent Office

#### Application under Section 36 (1) by patentee for cancellation of endorsement of a Patent "Licences of Right"

*(To be accompanied by evidence in support of the application)*

---

*(a) State name and  
address*

I/We *(a)* \_\_\_\_\_  
\_\_\_\_\_

request that the endorsement of Patent No \_\_\_\_\_

"Licences of Right" may be cancelled, and I/we enclose Patents Form  
12/77 accompanied by the balance of all renewal fees which would have  
been payable if the patent had not been endorsed.

*(b) (c) Delete  
whichever is not  
applicable*

I/We declare *(b)* that there is no existing licence under the Patent,  
or *(c)* all the licensees consent to this application.

Communications should be sent to \_\_\_\_\_

*(d) The address  
must be within the  
United Kingdom*

\_\_\_\_\_ at *(d)* \_\_\_\_\_  
\_\_\_\_\_

*(e) To be signed by  
the patentee*

*(e)* \_\_\_\_\_  
\_\_\_\_\_

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

PATENTS ACT, 1949

PATENTS FORM No. 46

The Comptroller  
The Patent Office

NOTICE OF OPPOSITION BY PATENTEE OR BY ANY PERSON  
INTERESTED TO CANCELLATION OF ENDORSEMENT OF A  
PATENT "LICENCES OF RIGHT"

*(To be accompanied by a copy, and a statement of case in duplicate.)*

(a) State name  
and address.

I/We (a) .....

.....  
.....

give notice of opposition to the application for the cancellation of the  
endorsement "Licences of Right" in respect of Patent No. ....

Communications should be sent to .....

(b) The address  
must be within  
the United  
Kingdom.

..... at (b) .....

(c) To be signed  
by the opponent.

(c) .....

.....



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PATENTS ACT, 1949

PATENTS FORM No. 53

The Comptroller  
The Patent Office

APPLICATION FOR DIRECTIONS UNDER SECTION 55 (1)

(To be accompanied by a statement of case and by copies of the application and statement as required by Rule 116)

(a) State name and address.

I/We (a) .....

.....

apply for the following directions in respect of Patent No .....

(b) State the directions sought.

(b) .....

.....

.....

.....

.....

Communications should be sent to .....

(c) The address must be within the United Kingdom.

..... at (c) .....

.....

(d) To be signed by the patentee seeking directions.

(d) .....

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**PATENTS ACT, 1949**

PATENTS FORM No. 54

The Comptroller  
The Patent Office

**APPLICATION FOR DIRECTIONS UNDER  
SECTION 55 (2)**

*(To be accompanied by a copy and by a statement of case in duplicate)*

*(a)* State name and  
address of patentee  
or joint patentees

I/We *(a)* .....

.....

.....

*(b)* State name  
of person in  
default.

apply for directions in respect of the failure of *(b)* .....

.....

to comply with the directions of the Comptroller given under section 55 (1)

*(c)* State the  
directions sought.

on the ..... in the following matter: *(c)*.....

.....

.....

Communications should be sent to .....

.....

*(d)* The address  
must be within the  
United Kingdom.

at *(d)* .....

*(e)* To be signed  
by the patentee.

*(e)*.....

.....

V4980

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PATENTS ACT, 1949

PATENTS FORM No. 55

The Comptroller  
The Patent Office

APPLICATION UNDER SECTION 56 TO DETERMINE A DISPUTE BETWEEN  
EMPLOYER AND EMPLOYEE AS TO RIGHTS IN AN INVENTION

(To be accompanied by a copy and a statement in duplicate setting out the facts  
of the dispute and the relief sought)

(a) State name  
and address

I/We (a) .....

.....

.....

declare that in respect of the rights in the invention for which an application  
for a patent was made by .....

.....

.....

(b) Delete if a  
patent has not  
been granted  
(c) State name  
and address of  
other party to  
dispute.

and numbered.....(b) and upon which a patent has been  
granted, a dispute has arisen between me/us and (c) .....

.....

.....

and I/we apply to the Comptroller to determine the dispute.

The facts of the dispute, and the relief which I/we seek are set out fully  
in the accompanying statement.

Communications should be sent to .....

(d) The address  
must be within the  
United Kingdom.

at (d) .....

.....

(e) Signature.

(e) .....

.....

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT, 1949**

PATENTS FORM No. 63

The Comptroller  
The Patent Office

**APPLICATION FOR ENTRY OF A CLAIM TO BE DEEMED A LICENSEE  
IN THE REGISTER OF PATENTS**

---

(a) State name,  
address and  
nationality.

I/We (a) .....

.....  
.....  
apply that you will enter my/our claim to be deemed to have acted with the  
licence of the patentee (exclusive licensee) in accordance with the conditions  
in the Order dated .....extending the term of  
Patent No .....

Evidence in support of my/our claim accompanies this application.

My/Our address for service in the United Kingdom is .....

(b) Signature.

(b) .....

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT, 1949**

**PATENTS FORM No. 64**

The Comptroller  
The Patent Office

**REQUEST FOR CORRECTION OF CLERICAL ERROR (SECTION 76)**

---

*(a)* State full name  
and address.

I/We *(a)* .....

.....  
.....

*(b)* State whether  
in application,  
specification, entry  
in register, patent,  
or the particular  
relevant document.

request that the clerical error(s) in the *(b)* .....  
relating to application/patent No.....indicated in red ink  
in the annexed copy of the said *(b)*.....  
or shown as follows:-

.....  
.....  
.....  
.....

may be corrected.

Communications should be sent to .....

*(c)* The address must  
be within the United  
Kingdom.

..... at *(c)*.....  
.....

*(d)* To be signed by  
applicant or his  
authorised agent.

*(d)*.....

V4983

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS ACT, 1949**

PATENTS FORM No. 65

The Comptroller  
The Patent Office

**NOTICE OF OPPOSITION TO THE CORRECTION OF A CLERICAL ERROR**

*(To be accompanied by a copy, and a statement of case in duplicate)*

*(a)* State (in full)  
name and address

I/We *(a)* .....

.....

.....

give notice of opposition to the correction of an alleged clerical error in .....

.....

.....

which said correction has been applied for by .....

.....

The grounds upon which the said correction is opposed are as follows:-

.....

.....

.....

.....

Communications should be sent to .....

*(b)* The address  
must be within  
the United Kingdom.

at *(b)* .....

*(c)* To be signed by  
opponents.

*(c)* .....

V4984

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**PATENTS FORM No. 69**

**NO FEE**

**PATENTS ACT, 1949**

**Application for entry of order of  
court in the Register**

*(a)* State (in full) name and address of applicant or applicants.

*(a)* I/We .....

.....  
.....  
.....

*(b)* State the purport of the Order.

hereby transmit an office copy of an Order of the Court with reference to *(b)* .....

.....  
.....  
.....  
.....

*(c)* Signature.

*(c)* .....

*To the Comptroller  
The Patent Office*

**V5044**

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE 6

Rule 123(3)

## REVOCATIONS

(1) Rules revoked	(2) References	(3) Extent of revocation
The Patents Rules 1982	<a href="#">S.I. 1982/717</a>	Subject to rules 39(2) proviso and 62(7) and paragraph 1(6) of Schedule 2, the whole Rules.
The Patents (Amendment) Rules 1983	<a href="#">S.I. 1983/180</a>	The whole rules.
The Patents (Amendment) Rules 1985	<a href="#">S.I. 1985/785</a>	The whole rules.
The Patents (Amendment) (No. 2) Rules 1985	<a href="#">S.I. 1985/1166</a>	The whole rules.
The Patents (Amendment) Rules 1987	<a href="#">S.I. 1987/288</a>	The whole rules except rules 4 and 5.
The Patents (Amendment) Rules 1988	<a href="#">S.I. 1988/2089</a>	The whole rules.
The Patents (Amendment) Rules 1989	<a href="#">S.I. 1989/1116</a>	The whole rules.
The Patents (Amendment) Rules 1990	<a href="#">S.I. 1990/1455</a>	The whole rules.

**EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules consolidate, with modifications, the Patents Rules 1982 as amended. In addition to minor and drafting amendments, they make the following changes of substance—

- (a) the forms prescribed under the Patents Act 1977 (“the Act”) and the forms remaining under the Patents Act 1949 have been modified (rule 4 and Schedule 1; rule 123(1) and Schedule 5);
- (b) modified procedures are provided for references to the comptroller concerning questions about entitlement to patents before grant and determination of rights to patents after grant (rules 7, 8 and 54);
- (c) the period within which a person must send a response to a communication in proceedings before the comptroller between parties has been reduced (from three months) to two months from the date when the communication was sent to him (rules 7, 8, 12, 13, 14, 40, 43, 54, 58, 59, 62, 64, 65, 71, 72, 73, 74, 75, 78, 91 and 108);



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- (d) revised provision is made in relation to applications for patents, and to patents, for inventions which require for their performance the use of micro-organisms (rule 17 and Schedule 2);
- (e) any figure of drawings to accompany the abstract must now be indicated on the abstract itself (rule 19);
- (f) revised provision is made relating to new applications for patents which derive from earlier applications (rules 24 and 26);
- (g) the comptroller is empowered to send copies of documents referred to in the examiner's reports under sections 17 and 18 of the Act to persons concerned (rules 28, 32 and 33);
- (h) a prescribed fee can now be required where a supplementary search under section 17(8) of the Act is necessary (rule 32);
- (i) new provision is made relating to the period during which an application for a patent is to be put in order where observations have been made under section 21 of the Act (rule 34);
- (j) revised provision is made relating to the manner in which amendments and corrections are to be made in an application for a patent or a patent (rules 35, 36, 40, 47 and 91);
- (k) the comptroller is now required to send to the applicant copies of documents received by him relating to observations under section 21 of the Act (rule 37);
- (l) revised provision is made for the payment of fees for the renewal of patents (rule 39);
- (m) new and additional provision is made for time limits relating to the restoration of lapsed patents (rule 41);
- (n) the comptroller may now prevent inspection or copying of documents (or parts of documents) containing offensive or disparaging matter (rules 52 and 93);
- (o) modified procedures are provided concerning applications for licences of right (rule 62);
- (p) the provisions relating to translations provided in connection with European Patents (UK) and applications therefor are modified (rule 80 and Schedule 4);
- (q) a revised time limit is introduced relating to the conversion of a European patent application into an application under the Act (rule 82);
- (r) the provisions relating to international applications for patents have been modified (rule 85);
- (s) provision is now made for the abridgement, with consent of the person affected, of time limits restraining exercise of the comptroller's discretion (rule 88);
- (t) certain limitations as to times or periods under the Rules may now be extended before they have expired (rule 100);
- (u) additional provision is made for the extension of certain new time limits introduced by these Rules (rule 110); and
- (v) the requirements concerning translations of documents filed at the Patent Office are modified (rule 113).

At the date of making of these Rules, the address of the Patent Office is State House, 66–71 High Holborn, London WC1R 4TP.