STATUTORY INSTRUMENTS

1961 No. 1619

PATENTS

The Patents (Amendment No. 2) Rules, 1961

Made - - - -	*16th August*, 1961
Laid before Parliament	*29th August*, 1961
Coming into Operation	*1st October*, 1961

The Board of Trade, in pursuance of the powers conferred on them by sections 94, 95 and 99 of the Patents Act, 1949(a), as amended by the Patents Act, 1957(b), and the Patents and Designs (Renewals, Extension and Fees) Act, 1961(c), and of all other powers enabling them in that behalf and, as regards Rule 1 (3) hereof, with the consent of the Treasury, hereby make the following Rules:—

1. The Patents Rules, 1958(d), as amended(e), shall have effect subject to the following amendments, that is to say:—

(1) for paragraph (1) of Rule 38 there shall be substituted the following paragraph:—

"(1) There is hereby prescribed for the purposes of section 12 (1) as the period within which an application for the grant of a patent is to be put in order for acceptance—

(*a*) in the case of an application for the grant of a patent filed before the first day of January, 1962, a period of three years and six months;

(*b*) in the case of an application for the grant of a patent filed on or after that date, a period of three years.".

(2) after paragraph (1) of Rule 38 there shall be inserted the following paragraph:—

"(1A) Where an application for the grant of a patent is post-dated under any of the provisions of the Act, it shall nevertheless be treated for the purpose of determining the relevant period prescribed for the purposes of section 12 (1) as if it had not been so post-dated."; and

(3) for item 3 in the First Schedule there shall be substituted the following item:—

	£	
"3. On filing specification:		
Provisional	—	Patents Form No. 2
Complete	10.0.0.	Patents Form No. 3."

2. The Interpretation Act, 1889(f), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3.—(1) These Rules may be cited as the Patents (Amendment No. 2) Rules, 1961, and shall come into operation on the 1st day of October, 1961.

(a) 12, 13 & 14 Geo. 6. c. 87. (b) 5 & 6 Eliz. 2. c. 13. (c) 9 & 10 Eliz. 2. c. 25.
(d) S.I. 1958/73 (1958 II, p. 1713). (e) S.I. 1959/524, 1961/1185 (1959 II, p. 2001; 1961 II, p. 2148). (f) 52 & 52 Vict. c. 63

(2) These Rules, the Patents Rules, 1958, the Patents (Amendment) Rules, 1959, and the Patents (Amendment) Rules, 1961, may be cited together as the Patents Rules, 1958 to 1961.

Dated this 16th day of August, 1961.

Niall Macpherson,
Parliamentary Secretary to the
Board of Trade.

We consent to the making of Rule 1 (3) of these Rules:

David Gibson-Watt,
John Hill,
Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules amend the Patents Rules, 1958, as amended.

The period allowed for putting in order for acceptance an application for the grant of a patent filed on or after 1st January, 1962, is reduced from three-and-a-half to three years; but provision is made for post-dated applications.

The fee payable on filing a complete specification is increased from £4 to £10.