STATUTORY INSTRUMENTS

1963 No. 1982

PATENTS

The Patents (Amendment) Rules 1963

Made - - - -	*5th December* 1963
Laid before Parliament	*11th December* 1963
Coming into Operation	*1st January* 1964

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), the Patents and Designs (Renewals, Extensions and Fees) Act 1961(c) and the Patents (Fees Amendment) Order 1961(d), made under that Act, 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(e), as amended(f), shall have effect subject to the following amendments:—

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

"38.—(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 1st 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 but before 1st January 1964, a period of three years;

(*c*) in the case of an application for the grant of a patent filed on or after 1st January 1964, a period of two years and six months.";

(2) after Rule 38(1) there shall be added the following:—

"(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.";

(3) for the First Schedule there shall be substituted the Schedule to these Rules.

2. The Patents (Amendment) Rules 1961(g) and the Patents (Amendment No. 2) Rules 1961(h) are hereby revoked.

3. The Interpretation Act 1889(i) shall apply to the interpretation of these Rules as if these Rules and the Rules hereby revoked were Acts of Parliament.

(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. 1961/1499 (1961 II, p. 3050). (e) S.I. 1958/73 (1958 II, p. 1713). (f) The relevant amending instruments are S.I. 1961/1185, 1619, 1962/2730 (1961 II, pp. 2148, 3281; 1962 III, p. 3699). (g) S.I. 1961/1185 (1961 II, p. 2148). (h) S.I. 1961/1619 (1961 II, p. 3281). (i) 52 & 53 Vict. c. 63.

4. These Rules may be cited as the Patents (Amendment) Rules 1963 and shall come into operation on 1st January 1964.

David Price,
Parliamentary Secretary
to the Board of Trade.

5th December 1963.

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

John Hill,
M. A. Hamilton,
Lords Commissioners of
Her Majesty's Treasury.

SCHEDULE

List of Fees Payable

	£	s.	d.	Corresponding Form
1. On application for a patent	1	0	0	Patents Form No. 1 or Third Schedule Form 1A.
2. On Convention application for a patent:— In respect of each application for protection in a Convention country	1	0	0	Patents Form No. 1 Con. or Third Schedule Form 1B.
3. On filing specification:—				
Provisional		—		Patents Form No. 2.
Complete	10	0	0	Patents Form No. 3.
4. On application for grant of patent of addition in lieu of an independent patent	5	0	0	Patents Form No. 1 Add.
5. Declaration of inventorship of invention disclosed in complete specification ...		—		Patents Form No. 4.
6. For extension of the period for filing complete specification	3	0	0	Patents Form No. 5.
7. On request for the post-dating of an application under Section 6(3)	3	0	0	Patents Form No. 6.
8. For extension of time under Rule 31 or 34 or 51:—				
Not exceeding one month	1	0	0	Patents Form No. 7.
Each succeeding month	1	0	0	" " "
9. On application for result of search made under Sections 7 and 8		1	0	Patents Form No. 8.
10. On application under Section 9(2) for deletion of reference	1	0	0	Patents Form No. 9.
11. For extension of the period for putting an application in order:—				
Up to one month after the period allowed by Section 12(1)	2	0	0	Patents Form No. 10.
Up to two months	4	0	0	" " "
Up to three months	6	0	0	" " "

	£ s. d.	Corresponding Form
12. For postponement of acceptance of complete specification:—		
Up to 13 months from date of filing of complete specification	2 0 0	Patents Form No. 11.
From 13 months to 14 months	2 0 0	„ „ „
From 14 months to 15 months	2 0 0	„ „ „
13. On notice of opposition to grant of patent. By opponent	2 0 0	Patents Form No. 12.
14. On hearing by Comptroller. By each party ...	2 0 0	Patents Form No. 13.
15. On a request under Section 16(3)	1 0 0	Patents Form No. 14.
16. On a claim under Section 16(4)	1 0 0	Patents Form No. 15.
17. On an application for extension of the period under Section 16(5)	1 0 0	Patents Form No. 16.
18. On an application for a certificate under Section 16(8)...	2 0 0	Patents Form No. 17.
19. On a claim under Section 17(1) for application to proceed in name of claimants ...	2 0 0	Patents Form No. 18.
20. On application for directions under Section 17(5)	5 0 0	Patents Form No. 19.
21. On a request for sealing of a patent... ...	3 0 0	Patents Form No. 20.
22. On application for extension of the period for requesting the sealing of a patent under Section 19(3):—		
Not exceeding one month	2 0 0	Patents Form No. 21.
„ „ two months	4 0 0	„ „ „
„ „ three months	6 0 0	„ „ „
23. On application for extension of the period for requesting the sealing of a patent under Section 19(4):—		
Not exceeding one month	1 0 0	Patents Form No. 22.
Each succeeding month	10 0	„ „ „
24. On application under Section 20 for amendment of a patent	5 0 0	Patents Form No. 23.
25. *On application for certificate of payment of renewal fee:—		
Before the expiration of the 4th year from the date of the patent and in respect of the 5th year	5 0 0	Patents Form No. 24.
Before the expiration of the 5th year from the date of the patent and in respect of the 6th year	6 0 0	„ „ „
Before the expiration of the 6th year from the date of the patent and in respect of the 7th year	8 0 0	„ „ „
Before the expiration of the 7th year from the date of the patent and in respect of the 8th year	10 0 0	„ „ „
Before the expiration of the 8th year from the date of the patent and in respect of the 9th year	12 0 0	„ „ „
Before the expiration of the 9th year from the date of the patent and in respect of the 10th year	14 0 0	„ „ „
Before the expiration of the 10th year from the date of the patent and in respect of the 11th year	16 0 0	„ „ „
Before the expiration of the 11th year from the date of the patent and in respect of the 12th year ...	17 0 0	„ „ „

* One half only of these fees payable on patents endorsed "Licences of Right".

	£	s.	d.	Corresponding Form
25.—*cont.*				
Before the expiration of the 12th year from the date of the patent and in respect of the 13th year	18	0	0	Patents Form No. 24.
Before the expiration of the 13th year from the date of the patent and in respect of the 14th year	19	0	0	„ „ „
Before the expiration of the 14th year from the date of the patent and in respect of the 15th year	20	0	0	„ „ „
Before the expiration of the 15th year from the date of the patent and in respect of the remainder of the term of the patent	20	0	0	„ „ „
26. On extension of the period for payment of renewal fees:—				
Not exceeding one month	2	0	0	Patents Form No. 25.
„ „ two months	4	0	0	„ „ „
„ „ three months	6	0	0	„ „ „
„ „ four months	8	0	0	„ „ „
„ „ five months	10	0	0	„ „ „
„ „ six months	12	0	0	„ „ „
27. Certificate of payment of renewal fee ...		—		Patents Form No. 26.
28. On application under Section 24 or 25 for extension of term of patent	5	0	0	Patents Form No. 27.
29. On opposition to application for extension of term of patent	2	0	0	Patents Form No. 28.
30. On application for restoration of a patent ...	3	0	0	Patents Form No. 29.
31. On notice of opposition to application for restoration of patent	2	0	0	Patents Form No. 30.
32. Additional fee on restoration of patent ...	10	0	0	Patents Form No. 31.
33. On application under Section 28 for sealing of patent	3	0	0	Patents Form No. 32.
34. On opposition to application under Section 28	2	0	0	Patents Form No. 33.
35. Additional fee for sealing under Section 28...	10	0	0	Patents Form No. 34.
36. On application to amend specification after acceptance:—				
Up to sealing. By applicant	3	0	0	Patents Form No. 35.
After sealing. By patentee	5	0	0	„ „ „
37. On notice of opposition to amendment. By opponent	2	0	0	Patents Form No. 36.
38. On application to amend specification not yet accepted	2	0	0	Patents Form No. 37.
39. On application to amend an application for a patent	2	0	0	Patents Form No. 38.
39a. Application for the conversion of an application for a patent to a Convention application under Rule 95(2)		—		Patents Form No. 38. Con.
40. On application for revocation of a patent under Section 33	3	0	0	Patents Form No. 39.
41. On offer to surrender a patent under Section 34		—		Patents Form No. 40.
42. On notice of opposition to surrender of a patent...	2	0	0	Patents Form No. 41.
43. On application for endorsement of patent "Licences of Right"	1	0	0	Patents Form No. 42.
44. On application for settlement of terms of licence under patent endorsed "Licences of Right"	5	0	0	Patents Form No. 43.

	£ s. d.	Corresponding Form
45. On application by patentee for cancellation of endorsement of patent "Licences of Right"	2 0 0	Patents Form No. 44.
46. On application for cancellation of endorsement "Licences of Right"	2 0 0	Patents Form No. 45.
47. On notice of opposition to cancellation of endorsement of patent "Licences of Right"	2 0 0	Patents Form No. 46.
48. On application under Section 37 for grant of compulsory licence or endorsement of a patent "Licences of Right"	5 0 0	Patents Form No. 47.
49. On application under Section 40(1) for endorsement of patent "Licences of Right" or grant of licence	5 0 0	Patents Form No. 48.
50. On application under Section 40(3) for Order of Comptroller	5 0 0	Patents Form No. 49.
51. On application under Section 42 for revocation	5 0 0	Patents Form No. 50.
52. On opposition to application under Section 37, 40, 41 or 42	2 0 0	Patents Form No. 51.
53. On application for licence under Section 41 ...	5 0 0	Patents Form No. 52.
54. On application under Section 55(1) for directions of Comptroller	5 0 0	Patents Form No. 53.
55. On application under Section 55(2) for directions of Comptroller	5 0 0	Patents Form No. 54.
56. On application under Section 56(1) to determine dispute	5 0 0	Patents Form No. 55.
57. On reference of dispute to Comptroller under Section 67(1)	5 0 0	Patents Form No. 56.
58. For altering name or nationality or address or address for service in register, for each patent	5 0	Patents Form No. 57.
59. On application for entry of name of subsequent proprietor in the register if made within six months from date of acquisition of proprietorship:—	1 0 0	Patents Form No. 58 or 60.
If made after the expiration of six months but within twelve months from the date of acquisition of proprietorship	2 10 0	,, ,, ,,
If made after expiration of twelve months from date of acquisition of proprietorship	3 0 0	,, ,, ,,
On each application covering more than one patent, the devolution of title being the same as in the first patent. For each additional patent	2 6	,, ,, ,,
60. On application for entry of notice of a mortgage or licence in the register, if made within six months from date of acquisition of interest or the sealing of the patent (whichever is the later)	1 0 0	Patents Form No. 59 or 61.
If made after expiration of six months but within twelve months from date of acquisition of interest or the sealing of the patent (whichever is the later) ...	2 10 0	,, ,, ,,
If made after expiration of twelve months from date of acquisition of interest or the sealing of the patent (whichever is the later)	3 0 0	,, ,, ,,

	£ s. d.	Corresponding Form
60 —*cont.*		
On each application covering more than one patent, the devolution of title being the same as in the first patent. For each additional patent	2 6	Patents Form No. 59 or 61.
61. On application for entry of notification of a document in the register, if made within six months from date of document or the sealing of the patent (whichever is the later):—	1 0 0	Patents Form No. 62.
If made after expiration of six months but within twelve months from date of document or the sealing of the patent (whichever is the later)	2 10 0	„ „ „
If made after expiration of twelve months from date of document or the sealing of the patent (whichever is the later) ...	3 0 0	„ „ „
On each application covering more than one patent, for each additional patent referred to in the same document as the first patent	2 6	„ „ „
62. On application for entry in the register of claim to a licence under a patent extended under Section 23, 24 or 25	1 0 0	Patents Form No. 63.
63. On request to Comptroller to correct a clerical error:—		
Up to sealing	10 0	Patents Form No. 64.
After sealing	1 0 0	„ „ „
64. On notice of opposition to the correction of a clerical error	1 0 0	Patents Form No. 65.
65. For certificate of Comptroller under Section 77(1)	10 0	Patents Form No. 66.
66. On request for information as to a matter affecting a patent or an application therefor	1 0 0	Patents Form No. 67.
67. For duplicate of patent	3 0 0	Patents Form No. 68.
68. On notice of Order of Court	10 0	Patents Form No. 69.
69. On inspection of register or supply of an extract from register, or on inspection of original documents (other than provisional specifications), samples or specimens ...	2 0	
70. For typewritten office copies (every 100 words) (but never less than two shillings) ...	1 0	
71. For photographic office copies and office copies of drawing cost according to agreement.		
72. For office copy of patent	4 6	
73. For certifying office copies, MSS., printed or photographic ... ... each	2 6	
74. On written enquiry as to whether a patent or patents is or are in force;		
for one patent	1 0	
for each additional patent included in the same enquiry	6	

EXPLANATORY NOTE

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

These Rules further amend the Patents Rules 1958. They reduce from three to two and a half years the period allowed for putting in order for acceptance an application for the grant of a patent filed on or after 1st January 1964. They also consolidate the lists of fees payable.