1971 No. 263

PATENTS

The Patents (Amendment) Rules 1971

Made - - - -	17*th February* 1971
Laid before Parliament	26*th February* 1971
Coming into Operation –	
Rules 4 *and* 5 - -	1*st March* 1971
Rule 3 - - -	1*st June* 1971

The Secretary of State, in exercise of his powers under sections 94 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 1970(d), and of all other powers enabling him in that behalf, and with the consent of the Treasury, hereby makes the following Rules:—

1. These Rules may be cited as the Patents (Amendment) Rules 1971 and shall come into operation as respects Rules 4 and 5 on 1st March 1971 and as respects Rule 3 on 1st June 1971.

2. The Interpretation Act 1889(e) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament and as if these Rules and the Rules hereby revoked were Acts of Parliament.

3. The fee payable by virtue of Rule 3 of the Patents Rules 1968(f), as amended(g), in respect of any of the items specified in the Schedule hereto shall on and after 1st June 1971 be the appropriate fee so specified and, accordingly, on that date—

(i) for Schedule 1 to the said Rules there shall be substituted the Schedule hereto; and

(ii) the Patents (Amendment) Rules 1969(h) and the Patents (Amendment No. 2) Rules 1969(i) shall be revoked.

4. Where on or after 1st March 1971 but before 1st June 1971 a request is made for the sealing of a patent in respect of which the complete specification has not been accepted before 1st March 1971, the fee payable on such a request by virtue of Rule 3 of the said Patents Rules shall be that which would be payable if the request was made on or after 1st June 1971.

(a) 1949 c. 87.
(b) 1957 c. 13.
(c) 1961 c. 25.
(d) S.I. 1970/1953 (1970 III, p. 6396).
(e) 1889 c. 63.
(f) S.I. 1968/1389 (1968 II, p. 3958).
(g) The relevant amending instruments are S.I. 1969/482, 1969/1706 (1969 I, p. 1374; 1969 III, p. 5375).
(h) S.I. 1969/482 (1969 I, p. 1374).
(i) S.I. 1969/1706 (1969 III, p. 5375).

5. Where on or after 1st March 1971 but before 1st June 1971 an application is made for a certificate of payment of a patent renewal fee in respect of any year beginning after 31st May 1971, the fee payable upon such application by virtue of Rule 3 of the said Patents Rules shall be that which would be payable if the application was made on or after 1st June 1971.

Nicholas Ridley,
Parliamentary Under Secretary of State,
Department of Trade and Industry.

17th February 1971.

We consent to the making of these Rules.

Bernard Weatherill,
Walter Clegg,
Two of the Lords Commissioners of
Her Majesty's Treasury.

17th February 1971.

SCHEDULE

List of Fees Payable

	£	Corresponding Form
1. On application for a patent	1·00	Patents Form No. 1 or Schedule 3 Form 1A.
2. On Convention application for a patent:— In respect of each application for protection in a Convention country ...	1·00	Patents Form No. 1 Con. or Schedule 3 Form 1B.
3. On filing specification:—		
Provisional	—	Patents Form No. 2.
Complete	22·00	Patents Form No. 3.
4. On application for grant of patent of addition in lieu of an independent patent	8·00	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	5·00	Patents Form No. 5.
7. On request for the post-dating of an application under section 6(3)	5·00	Patents Form No. 6.
8. For extension of time under Rule 30 or 33 or 50:—		
Not exceeding one month	3·00	Patents Form No. 7.
Each succeeding month	3·00	„ „ „
9. On application for result of search made under sections 7 and 8	0·15	Patents Form No. 8.
10. On application under section 9(2) for deletion of reference	—	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)	3·00	Patents Form No. 10.
Up to two months	6·00	„ „ „
Up to three months	9·00	„ „ „
12. For postponement of acceptance of complete specification:—		
Up to 13 months from date of filing of complete specification	3·00	Patents Form No. 11.
From 13 months to 14 months	3·00	„ „ „
From 14 months to 15 months ...	3·00	„ „ „
13. On notice of opposition to grant of patent. By opponent	5·00	Patents Form No. 12.
14. On hearing by Comptroller. By each party ...	3·00	Patents Form No. 13.
15. On a request under section 16(3)	2·00	Patents Form No. 14.
16. On a claim under section 16(4)	2·00	Patents Form No. 15.
17. On an application for extension of the period under section 16(5)	3·00	Patents Form No. 16.
18. On an application for a certificate under section 16(8)	5·00	Patents Form No. 17.
19. On a claim under section 17(1) for application to proceed in name of claimants ...	5·00	Patents Form No. 18.
20. On application for directions under section 17(5)	10·00	Patents Form No. 19.

	£	Corresponding Form
21. On a request for sealing of a patent	8·00	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	3·00	Patents Form No. 21.
„ „ two months	6·00	„ „ „
„ „ three months	9·00	„ „ „
23. On application for extension of the period for requesting the sealing of a patent under section 19(4):—		
Not exceeding one month	3·00	Patents Form No. 22.
Each succeeding month	3·00	„ „ „
24. On application under section 20 for amendment of a patent	6·00	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	13·00	Patents Form No. 24.
Before the expiration of the 5th year from the date of the patent and in respect of the 6th year	14·00	„ „ „
Before the expiration of the 6th year from the date of the patent and in respect of the 7th year	16·00	„ „ „
Before the expiration of the 7th year from the date of the patent and in respect of the 8th year	18·00	„ „ „
Before the expiration of the 8th year from the date of the patent and in respect of the 9th year	20·00	„ „ „
Before the expiration of the 9th year from the date of the patent and in respect of the 10th year	24·00	„ „ „
Before the expiration of the 10th year from the date of the patent and in respect of the 11th year	26·00	„ „ „
Before the expiration of the 11th year from the date of the patent and in respect of the 12th year	28·00	„ „ „
Before the expiration of the 12th year from the date of the patent and in respect of the 13th year	30·00	„ „ „
Before the expiration of the 13th year from the date of the patent and in respect of the 14th year	34·00	„ „ „
Before the expiration of the 14th year from the date of the patent and in respect of the 15th year	37·00	„ „ „
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	40·00	„ „ „

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

	£	Corresponding Form
26. On extension of the period for payment of renewal fees:—		
Not exceeding one month	3·00	Patents Form No. 25.
„ „ two months	6·00	„ „ „
„ „ three months	9·00	„ „ „
„ „ four months	12·00	„ „ „
„ „ five months	15·00	„ „ „
„ „ six months	18·00	„ „ „
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	10·00	Patents Form No. 27.
29. On opposition to application for extension of term of patent	5·00	Patents Form No. 28.
30. On application for restoration of a patent ...	6·00	Patents Form No. 29.
31. On notice of opposition to application for restoration of patent	5·00	Patents Form No. 30.
32. Additional fee on restoration of patent ...	15·00	Patents Form No. 31.
33. On application under section 28 for sealing of patent	11·00	Patents Form No. 32.
34. On opposition to application under section 28	5·00	Patents Form No. 33.
35. Additional fee for sealing under section 28 ...	15·00	Patents Form No. 34.
36. On application to amend specification after acceptance:—		
Up to sealing. By applicant	10·00	Patents Form No. 35.
After sealing. By patentee	10·00	„ „ „
37. On notice of opposition to amendment. By opponent	5·00	Patents Form No. 36.
38. On application to amend specification not yet accepted	5·00	Patents Form No. 37.
39. On application to amend an application for a patent	5·00	Patents Form No. 38.
39a Application for the conversion of an application for a patent to a Convention application under Rule 94(2)	—	Patents Form No. 38 Con.
40. On application for revocation of a patent under section 33	5·00	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	4·00	Patents Form No. 41.
43. On application for endorsement of patent "Licences of Right"	2·00	Patents Form No. 42.
44. On application for settlement of terms of licence under patent endorsed "Licences of Right"	8·00	Patents Form No. 43.
45. On application by patentee for cancellation of endorsement of patent "Licences of Right"...	5·00	Patents Form No. 44.
46. On application for cancellation of endorsement "Licences of Right"	5·00	Patents Form No. 45.
47. On notice of opposition to cancellation of endorsement of patent "Licences of Right"	5·00	Patents Form No. 46.
48. On application under section 37 for grant of compulsory licence or endorsement of a patent "Licences of Right"	8·00	Patents Form No. 47.

	£	Corresponding Form
49. On application under section 40(1) for endorsement of patent "Licences of Right" or grant of licence	8·00	Patents Form No. 48.
50. On application under section 40(3) for Order of Comptroller	8·00	Patents Form No. 49.
51. On application under section 42 for revocation	5·00	Patents Form No. 50.
52. On opposition to application under section 37, 40, 41 or 42	5·00	Patents Form No. 51.
53. On application for licence under section 41 ...	8·00	Patents Form No. 52.
54. On application under section 55(1) for directions of Comptroller	8·00	Patents Form No. 53.
55. On application under section 55(2) for directions of Comptroller	8·00	Patents Form No. 54.
56. On application under section 56(1) to determine dispute	8·00	Patents Form No. 55.
57. On reference of dispute to Comptroller under section 67(1)	8·00	Patents Form No. 56.
58. For altering name or nationality or address or address for service in register, for each patent	0·50	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:—	2·00	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	5·00	" " "
If made after expiration of twelve months from date of acquisition of proprietorship	8·00	" " "
On each application covering more than one patent, the devolution of title being the same as in the first patent. For each additional patent	0·50	" " "
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)	2·00	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) ...	5·00	" " "
If made after expiration of twelve months from date of acquisition of interest or the sealing of the patent (whichever is the later)	8·00	" " "
On each application covering more than one patent, the devolution of title being the same as in the first patent. For each additional patent	0·50	" " "

	£	Corresponding Form
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:—	2·00	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)	5·00	„ „ „
If made after expiration of twelve months from date of document or the sealing of the patent (whichever is the later) ...	8·00	„ „ „
On each application covering more than one patent, for each additional patent referred to in the same document as the first patent	0·50	„ „ „
62. On application for entry in the register of claim to a licence under a patent extended under section 23, 24 or 25	—	Patents Form No. 63.
63. On request to Comptroller to correct a clerical error:—		
Up to sealing	3·00	Patents Form No. 64.
After sealing	3·00	„ „ „
64. On notice of opposition to the correction of a clerical error	4·00	Patents Form No. 65.
65. For certificate of Comptroller under section 77(1)	0·75	Patents Form No. 66.
66. On request for information as to a matter affecting a patent or an application therefor	1·50	Patents Form No. 67.
67. For duplicate of patent	5·00	Patents Form No. 68.
68. On notice of Order of Court	—	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 ...	0·15	
70. For office copy of patent	0·50	
71. For certifying office copies, MSS., printed or photographic ... ... each	0·50	
72. On written enquiry as to whether a patent or patents is or are in force;		
for first patent	0·50	
for each other patent in the same enquiry	0·15	

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules further amend the Patents Rules 1968.

Most of the fees payable under the Rules are increased.

The new fees are payable on or after 1st June 1971 except in the case of certain sealing fees and in the case of renewal fees paid in advance. Fees payable for the sealing of a patent in respect of which the complete specification was accepted on or after 1st March 1971 but before 1st June 1971 and renewal fees in respect of any year beginning on or after 1st June 1971 are increased on 1st March 1971.