STATUTORY INSTRUMENTS

1983 No. 180

PATENTS

The Patents (Amendment) Rules 1983

Made - - - -	16*th February* 1983
Laid before Parliament	21*st February* 1983
Coming into Operation	
Rules 1, 3 *and* 4	14*th March* 1983
Rule 2	9*th May* 1983

The Secretary of State, in exercise of the powers conferred upon him by section 123(1), (2) and (3) of the Patents Act 1977 (**a**) and of all other powers enabling him in that behalf, as to rules 2 and 3 with the consent of the Treasury pursuant to subsection (4) of the said section 123 and as to rule 4 after consultation with the Council on Tribunals pursuant to section 10(1) of the Tribunals and Inquiries Act 1971 (**b**), hereby makes the following Rules:—

1. These Rules may be cited as the Patents (Amendment) Rules 1983 and shall come into operation as respects rules 1, 3 and 4 on 14th March 1983 and as respects rule 2 on 9th May 1983.

2. There shall be substituted as Schedule 1 to the Patents Rules 1982 (**c**) the Schedule hereto.

3. Where on or after 14th March 1983 but before 9th May 1983 an application is made for renewal of a patent in respect of any year beginning on or after 9th May 1983, the fee payable on such application shall be that which would be payable if the application were made on or after 9th May 1983 and rule 2 of these Rules had come into operation.

4. The following paragraph shall be inserted after paragraph (3) of rule 124 of the Patents Rules 1982—

"(4) In rule 124 of the Patents Rules 1978 (**d**)—

(*a*) for the words "these Rules" in each place where they occur there shall be substituted the words "the Patents Rules 1982"; and

(*b*) for the words "In rule 39(1)" in paragraph (4) there shall be substituted the words "In rule 39(1) of the Patents Rules 1982".".

(**a**) 1977 c.37.
(**b**) 1971 c.62.
(**c**) S.I. 1982/717.
(**d**) S.I. 1978/216, as amended by S.I. 1980/1783.

Gerard Vaughan,
Minister of State,
Department of Trade.

14th February 1983.

We consent to the making of rules 2 and 3 of these Rules.

Alastair Goodlad,
Donald Thompson,
Two of the Lords Commissioners
of Her Majesty's Treasury.

16th February 1983.

SCHEDULE — Rule 2

SCHEDULE 1 — Rule 3

LIST OF FEES PAYABLE

PART A

(In this part of this Schedule, any reference to a rule is a reference to that rule of these Rules.)

Number of corresponding Patents Form	Item	Amount
		£
1/77	On request for the grant of a patent (the filing fee)	10
2/77	On reference under section 8(1), 12(1) or 37(1)	26
3/77	On application under section 8(5) or 37(3) for authorisation by comptroller	26
4/77	On request for directions under section 10 or 12(4)	26
5/77	On reference under section 11(5) or 38(5) to determine the question of a licence	26
6/77	On application to comptroller under section 13(1) and/or 13(3)	18
7/77	Statement of inventorship and of right to the grant of a patent	—
8/77	On request for comptroller's certificate authorising the release of a sample from a culture collection	8
9/77	On request for preliminary examination and search or request for further search	70
10/77	On request for substantive examination	85
11/77	On request to amend application before grant	21
12/77	*On payment of renewal fee:—	
	Before the expiration of the 4th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 5th year	66

*One half of these fees payable if entry in the register "Licences of Right"

Number of corresponding Patents Form	Item	Amount
		£
	Before the expiration of the 5th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 6th year	72
	Before the expiration of the 6th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 7th year	78
	Before the expiration of the 7th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 8th year	86
	Before the expiration of the 8th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 9th year	94
	Before the expiration of the 9th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 10th year	104
	Before the expiration of the 10th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 11th year	116
	Before the expiration of the 11th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 12th year	128
	Before the expiration of the 12th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 13th year	140
	Before the expiration of the 13th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 14th year	154
	Before the expiration of the 14th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 15th year	170
	Before the expiration of the 15th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 16th year or in the case of an old existing patent in respect of the remainder of its term	186
	†Before the expiration of the 16th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 17th year	200
	†Before the expiration of the 17th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 18th year	214

Number of corresponding Patents Form	Item	Amount
		£
	†Before the expiration of the 18th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 19th year	234
	†Before the expiration of the 19th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 20th year	256
	†Not applicable to old existing patents	
13/77	On extension of the period for payment of a renewal fee under section 25(4):—	
	Not exceeding one month	14
	Each succeeding month (but not exceeding six months)	14
14/77	On application to amend specification after grant	41
15/77	On notice of opposition to amendment of specification after grant	18
16/77	On application for the restoration of a patent	26
17/77	Additional fee on the application for restoration of a patent	66
18/77	On offer to surrender a patent	—
19/77	On notice of opposition to offer to surrender a patent	18
20/77	On request for alteration of name, address or address for service in the register, for each patent or application	2
21/77	On application to register or to give notice of a transaction, instrument or event affecting the rights in a patent or application for a patent	18
	On each application covering more than one patent or application for a patent, the devolution of title being the same as in the first patent or application for a patent. For each additional request	2
22/77	On request for the correction of an error in the register or in any connected document	13
23/77	On request for the furnishing of or access to miscellaneous information ..... Each	0.50
24/77	On request for certificate of the comptroller:—	
	(a) by impressed stamp	2
	(b) sealed and attached to documents	6
25/77	On application for entry of order of court in the register	—
26/77	On application for compensation by employee	26
27/77	On application under section 41(8) in connection with an order made under section 40(1) or 40(2)	26
28/77	On 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	11
29/77	On application for settlement of terms of a licence of right	26
30/77	On application by proprietor under section 47(1) for cancellation of entry in the register	18
31/77	On application under section 47(3) by person interested for cancellation of entry in the register	18

Number of corresponding Patents Form	Item	Amount
		£
32/77	On notice of opposition to an application under section 47(1) or 47(3) for cancellation of entry in the register	18
33/77	On application under section 48(1) for a compulsory licence or entry in the register	26
34/77	On application by Crown in case of monopoly or merger	26
35/77	On notice of opposition to application made under section 48 or 51	18
36/77	On reference to the comptroller of a dispute as to infringement	26
37/77	On application for declaration of non-infringement	26
38/77	On application for the revocation of a patent	18
39/77	On application to register copy of entry made in European Register of Patents	8
40/77	On payment of filing fee upon conversion of European patent application to an application under the Act	10
41/77	On request for conversion of European patent application	10
42/77	On request for national processing of an international application for a patent (UK) (the filing fee)	10
43/77	On payment of prescribed fee and request for publication of translation	8
44/77	On application to the comptroller for an international application to be treated as an application under the Act	10
45/77	On application for order for evidence to be obtained in the United Kingdom	26
46/77	On notice that hearing before the comptroller will be attended	10
47/77	On request for the correction of an error of translation or transcription, clerical error or mistake	13
48/77	On notice of opposition to the correction of an error, clerical error or mistake	18
49/77	On request for information relating to a patent or an application for a patent	7
50/77	On request for extension of time:..... Each	84
51/77	On declaration of authorisation where agent appointed during progress of application or in substitution for another	—
	As Receiving Office or International Preliminary Examining Authority under the Patent Co-operation Treaty:—	
—	Transmittal Fee (Rule 117(1))	10
—	Preliminary Examination Fee (Rule 120)	37
—	Additional fee (Rule 121) ..... Maximum	37

PART B

(In this Part of this Schedule—

(1) any reference to a section is a reference to that section of the Patents Act 1949; and

(2) any reference to a rule is a reference to that rule of the Patents Rules 1968, as amended, as it continues to apply by virtue of rule 124 of these Rules(a)).

Number of corresponding Patents Form	Item	Amount
		£
7	For extension of time under rule 30 or 33 or 50:—	
	Not exceeding one month	13
	Each succeeding month	13
8	On application for result of search made under sections 7 and 8	0.50
9	On application under section 9(2) for deletion of reference	—
13	On notice that hearing before the comptroller will be attended	10
14	On request under section 16(3)	7
15	On a claim under section 16(4)	7
16	On application for extension of the period under section 16(5)	10
17	On application for a certificate under section 16(8)	18
18	On a claim under section 17(1) for application to proceed in name of claimants	21
19	On application for directions under section 17(5)	26
20	On request for sealing of a patent	20
21	On application for extension of the period for requesting the sealing of a patent under section 19(3):—	
	Not exceeding one month	13
	Each succeeding month (but not exceeding three months)	13
22	On application for extension of the period for requesting the sealing of a patent under section 19(4):—	
	Not exceeding one month	13
	Each succeeding month	13
23	On application under section 20 for amendment of a patent	19
27	On application under section 24 or 25 for extension of term of patent	31
28	On opposition to application for extension of term of patent	18
32	On application under section 28 for sealing of patent	26
33	On opposition to application under section 28	18
34	Additional fee for sealing under section 28	66
35	On application to amend specification after acceptance	41
36	On notice of opposition to amendment. By opponent	18
37	On application to amend specification not yet accepted	21
38	On application to amend an application for a patent	21
39	On application for revocation of a patent under section 33	18
43	On application for settlement of terms of licence under patent endorsed "Licences of Right"	26

(a) Amended by S.I. 1983/180.

Number of corresponding Patents Form	Item	Amount
		£
44	On application by patentee for cancellation of endorsement of patent "Licences of Right"	18
45	On application for cancellation of endorsement "Licences of Right"	18
46	On notice of opposition to cancellation of endorsement of patent "Licences of Right"	18
53	On application under section 55(1) for directions of comptroller	26
54	On application under section 55(2) for directions of comptroller	26
55	On application under section 56(1) to determine dispute	26
63	On application for entry in the register of claim to a licence under a patent extended under section 23, 24 or 25	—
64	On request to comptroller to correct a clerical error	13
65	On notice of opposition to the correction of a clerical error	18
68	For duplicate of patent	18
69	On application for entry of order of court in the register	—

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules increase the fees payable under the Patents Act 1977 by an average of 11.3 per cent. The new fees are payable on or after 9th May 1983 except in the case of certain renewal fees paid in advance. Fees payable for the renewal of a patent in respect of any year beginning on or after 9th May 1983 are increased on 14th March 1983 (Rules 2 and 3).

Rule 124 of the Patents Rules 1982 is amended to apply provisions of those rules in relation to patents granted and certain applications filed before 1st June 1978 and patents granted in pursuance of such applications (rule 4).

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