STATUTORY INSTRUMENTS

1988 No. 855

PATENTS

The Patents (Fees) Rules 1988

Made - - - -	*9th May 1988*
Laid before Parliament	*17th May 1988*
Coming into force–	
rules 1(1), 2 and 4	*9th June 1988*
rules 1(2) and 3	*23rd June 1988*

The Secretary of State, in exercise of the powers conferred on him by section 123(1), (2) and (3) of and paragraph 14 of Schedule 4 to the Patents Act 1977(a), after consultation with the Council on Tribunals pursuant to section 10(1) of the Tribunals and Inquiries Act 1971(b) and with the consent of the Treasury pursuant to subsection (4) of the said section 123, hereby makes the following Rules:

1.—(1) These Rules may be cited as the Patents (Fees) Rules 1988 and shall come into force as respects rules 1(1), 2 and 4 on 9th June 1988 and as respects rules 1(2) and 3 on 23rd June 1988.

(2) The Patents (Fees) Rules 1987(c) and the Patents (Fees) (Amendment) Rules 1987(d) are hereby revoked.

2. These Rules shall be construed as one with the Patents Rules 1982(e) and, to the extent that they continue to apply in relation to existing patents and existing applications, the Patents Rules 1968(f).

3. The fees to be paid in respect of any matters arising under the Patents Act 1949(g) or the Patents Act 1977 shall be those specified in the Schedule to these Rules; and in any case where a form specified in the Schedule as the corresponding form in relation to any matter is required by the Patents Rules 1968 or the Patents Rules 1982 to be used, that form shall be accompanied by the fee specified in respect of that matter or, where payment may be made within a prescribed period of time after the form has been filed, the fee so specified shall be paid within that period.

4. Where application is made on or after 9th June 1988 but before 23rd June 1988 for renewal of a patent in respect of any year beginning on or after 23rd June 1988, the fee payable on such application shall be that which would be payable if the application were made on or after 23rd June 1988 and rules 1(2) and 3 above had come into force.

(a) 1977 c.37.
(b) 1971 c.62.
(c) S.I. 1987/610, amended by S.I. 1987/753.
(d) S.I. 1987/753.
(e) S.I. 1982/717; relevant amending instruments are S.I. 1985/1166, 1987/288.
(f) S.I. 1968/1389, revoked with savings by S.I. 1978/216.
(g) 1949 c.87.

John Butcher
5th May 1988 Department of Trade and Industry

We consent to the making of these Rules.

Michael Neubert
Mark Lennox-Boyd
Two of the Lords Commissioners
9th May 1988 of Her Majesty's Treasury

SCHEDULE

Rule 3

FEES PAYABLE

PART A

(In this Part of this Schedule, any reference to a section is a reference to that section of the Patents Act 1977 and any reference to a rule is a reference to that rule of the Patents Rules 1982.)

Number of corresponding Patents Form	*Item*	*Amount*
		£
1/77	On request for the grant of a patent (the filing fee)	15
2/77	On reference under section 8(1), 12(1) or 37(1)	30
3/77	On application under section 8(5) or 37(3) for authorisation by comptroller	30
4/77	On request for directions under section 10 or 12(4)	30
5/77	On reference under section 11(5) or 38(5) to determine the question of a licence	30
6/77	On application to comptroller under section 13(1) and/or 13(3)	21
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	10
9/77	On request for preliminary examination and search or request for further search	90
10/77	On request for substantive examination	105
11/77	On request to amend application before grant	24
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	82
	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	88
	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	96

* 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 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	104
	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	116
	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	126
	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	138
	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	152
	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	170
	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	190
	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	208
	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	230
	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	250
	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	272
	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	302
	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	334
13/77	On extension of the period for payment of a renewal fee under section 25(4)–	
	Not exceeding one month	17
	Each succeeding month	17
	(but not exceeding six months)	

PART A *(cont.)*

Number of corresponding Patents Form	*Item*	*Amount*
		£
14/77	On application to amend specification after grant	50
15/77	On notice of opposition to amendment of specification after grant	21
16/77	On application for the restoration of a patent	100
17/77	Additional fee on the application for restoration of a patent	100
18/77	An offer to surrender a patent	—
19/77	On notice of opposition to offer to surrender a patent	21
20/77	On request for alteration of name, address or address for service in the register, for each patent or application	3
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	21
	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	16
23/77	On request for the furnishing of or access to miscellaneous information.....Each	2
24/77	On request for certificate of the comptroller–	
	(a) by impressed stamp	3
	(b) sealed and attached to documents	11
25/77	On application for entry of order of court in the register	—
26/77	On application for compensation by employee	29
27/77	On application under section 41(8) in connection with an order made under section 40(1) or 40(2)	29
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	12
29/77	On application for settlement of terms of licence of right	50
30/77	On application by proprietor under section 47(1) for cancellation of entry in the register	21
31/77	On application under section 47(3) by person interested for cancellation of entry in the register	21
32/77	On notice of opposition to an application under section 47(1) or 47(3) for cancellation of entry in the register	21
33/77	On application under section 48(1) for a compulsory licence or entry in the register	50
34/77	On application by Crown in case of monopoly or merger	50
35/77	On notice of opposition to application made under section 48 or 51	21
36/77	On reference to the comptroller of a dispute as to infringement	50
37/77	On application for declaration of non-infringement	50
38/77	On application for the revocation of a patent	21
39/77	On application to register copy of entry made in European Register of Patents	9
40/77	On payment of filing fee upon conversion of European patent application to an application under the Act	15
41/77	On request for conversion of European patent application.	15

PART A *(cont.)*

Number of corresponding Patents Form	*Item*	*Amount*
		£
43/77	On payment of prescribed fee and request for publication of translation	9
44/77	On application to the comptroller for an international application to be treated as an application under the Act	15
45/77	On application for order for evidence to be obtained in the United Kingdom	29
46/77	On notice that hearing before the comptroller will be attended	—
47/77	On request for the correction of an error of translation or transcription, clerical error or mistake	30
48/77	On notice of opposition to the correction of an error, clerical error or mistake	21
49/77	On request for information relating to a patent or an application for a patent	8
50/77	On request for extension of time or period under rule 110(3)....Each	100
51/77	On declaration of authorisation where agent appointed during progress of application or in substitution for another	—
52/77	On request for extension of time or period under rule 110(3A)	100
53/77	Additional fee for extension of time or period under rule 110(3C)	100
54/77	On filing of translation of European Patent (UK) under section 77(6)(a)	25
55/77	On filing of translation of amendment of European Patent (UK) under section 77(6)(b)	25
56/77	On request for publication of translation of claims of application for European Patent (UK) filed under section 78(7)	25
57/77	On request for publication of a corrected translation filed under section 80(3)	25
—	National fee (rule 85(1))	15
	As Receiving Office or International Preliminary Examining Authority under the Patent Co-operation Treaty–	
—	Transmittal Fee (rule 118(1))	15
—	Preliminary Examination Fee (rule 120)	50
—	Additional fee (rule 121)....Maximum	50

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 it continues to apply by virtue of rule 124 of the Patents Rules 1978(a).)

Number of corresponding Patents Form	*Item*	*Amount*
1 Add	Application for grant of patent of addition in lieu of independent patent	£ 29
7	For extension of time under rule 30, 33 or 50–	
	Not exceeding one month	16
	Each succeeding month	16
8	On application for result of search made under sections 7 and 8	2
9	On application under section 9(2) for deletion of reference	—
13	On notice that hearing before the comptroller will be attended	—
14	On request under section 16(3)	8
15	On claim under section 16(4)	8
16	On application for extension of the period under section 16(5)	11
17	On application for a certificate under section 16(8)	21
18	On claim under section 17(1) for application to proceed in name of claimants	24
19	On application for directions under section 17(5)	29
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	16
	Each succeeding month	16
22	On application for extension of the period for requesting the sealing of a patent under section 19(4)–	
	Not exceeding one month	16
	Each succeeding month	16
23	On application under section 20 for amendment of a patent	50
32	On application under section 28 for sealing of a patent	29
33	On opposition to application under section 28	21
34	Additional fee for sealing under section 28	74
35	On application to amend specification after acceptance	46
36	On notice of opposition to amendment	21
37	On application to amend specification not yet accepted	24
38	On application to amend an application for a patent	24
39	On application for revocation of a patent under section 33	21
43	On application for settlement of terms of licence under patent endorsed "Licences of right"	50
44	On application by patentee for cancellation of endorsement of patent "Licences of Right"	50
45	On application for cancellation of endorsement "Licences of Right"	50

(a) S.I. 1978/216, to which there are amendments not relevant to these Rules.

PART B *(cont.)*

Number of corresponding Patents Form	*Item*	*Amount*
		£
46	On notice of opposition to cancellation of endorsement of patent "Licences of Right"	50
53	On application under section 55(1) for directions of comptroller	50
54	On application under section 55(2) for directions of comptroller	50
55	On application under section 56(1) to determine dispute	50
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	30
65	On notice of opposition to the correction of a clerical error	21
68	For duplicate of patent	21
69	On application for entry of order of court in the register	—

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules revoke and replace the Patents (Fees) Rules 1987. The fees payable under the Patents Act 1977 on forms 1/77, 9/77, 10/77, 12/77, 24/77, 40/77, 41/77 and 44/77, and in respect of international applications for patents are increased with effect from 23rd June 1988, except in the case of fees payable for the renewal of a patent in respect of any year beginning on or after 23rd June 1988, which are increased with effect from 9th June 1988. The fees payable on form 46/77 under the Patents Act 1977 and on form 13 under the Patents Act 1949 are abolished. It is estimated that the total amount of fees collected per annum at the new levels will be 4.5 per cent greater than the amount collected per annum at the existing levels.