STATUTORY INSTRUMENTS

1978 No. 216

PATENTS

The Patents Rules 1978

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The Secretary of State, in exercise of the powers conferred upon him by sections 14(4), (6) and (8), 25(5), 32(2), 72(3), 78(4), 92(3) and (4), 97(1)(d), 115(1) and (3), 120(1), 123 and 127 of, and paragraph 14 of Schedule 4 to, the

Patents Act 1977(a), after consultation with the Council on Tribunals and, as regards rules 3 and 117 to 121 hereof, with the consent of the Treasury, hereby makes the following Rules:—

Citation, Commencement and Interpretation

1. These Rules may be cited as the Patents Rules 1978 and shall come into operation on 1st June 1978.

2.—(1) In these Rules, unless the context otherwise requires—

"the Act" means the Patents Act 1977 and, save where otherwise indicated, any reference to a section is a reference to that section of the Act;

"the 1949 Act" means the Patents Act 1949(b);

"declared priority date" means:—

(*a*) the date of filing of the earliest relevant applications specified in a declaration made for the purposes of section 5 the priority date of which has not been lost or abandoned before preparations for the publication of the application in suit have been completed by the Office in accordance with section 16;

(*b*) the date of filing of any such application for a patent as is referred to in section 127(4) which is specified in a declaration made for the purposes of that section;

(*c*) where an application for a European patent (UK) is, by virtue of section 81(1), to be treated as an application for a patent under the Act, the date of filing of the earliest previous application mentioned in the declaration of priority filed by the applicant in respect of the application for a European patent (UK) under Article 88(1) for the European Patent Convention, the priority date of which has not been lost or abandoned before the comptroller directs that the application for a European patent (UK) shall be so treated; or

(*d*) where an international application for a patent (UK) is to be treated as an application for a patent under the Act, the date of filing of the earliest application filed in or for a State which is a party to the Convention for the Protection of Industrial Property signed at Paris on 20th March 1883 the priority of which is claimed in a declaration filed for the purposes of Article 8 of the Patent Co-operation Treaty, provided that such priority claim has not been lost or abandoned under the provisions of that Treaty;

"existing patent" means a patent mentioned in section 127(2)(*a*) and (*c*) and "existing application" means an application mentioned in section 127(2)(*b*);

"Journal" means the Official Journal (Patents) published in accordance with rule 115;

"Office" means the Patent Office;

"United Kingdom" includes the Isle of Man.

(2) The Interpretation Act 1889(c) 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.

(a) 1977 c.37. (b) 1949 c.87. (c) 1889 c.63.

Fees and Forms

3. The fees to be paid in respect of any matters arising under the Act shall be those specified in Schedule 1 to these Rules and in any case where a form specified in that Schedule as the corresponding form in relation to any matter is required to be used that form shall be accompanied by the fee specified in respect of that matter.

4. The forms mentioned in these Rules are those set out in Schedule 2 to these Rules. Replicas of the forms complying with these Rules shall be used wherever required by these Rules. The forms shall not be modified without the consent of the comptroller.

International exhibitions (*Section* 2)

5.—(1) An applicant for a patent who wishes the disclosure of matter constituting an invention to be disregarded in accordance with section 2(4)(*c*) shall, at the time of filing the application for the patent, inform the comptroller in writing that the invention has been displayed at an international exhibition.

(2) The applicant shall, within four months of filing the application, file a certificate, issued at the exhibition by the authority responsible for the exhibition, stating that the invention was in fact exhibited there. The certificate shall also state the opening date of the exhibition and, where the first disclosure of the invention did not take place on the opening date, the date of the first disclosure. The certificate shall be accompanied by an identification of the invention, duly authenticated by the authority.

Declaration of priority (*Section* 5)

6.—(1) A declaration for the purposes of section 5 or 127(4) shall be made on Patents Form No. 1/77 at the time of filing the application for a patent (the application in suit) and shall state the date of filing of any application specified in the declaration and the country in or for which it was made.

(2) Subject to the provisions of rule 26 and sub-rules (3), (4) and (5) below, where the application in suit is for a patent under the Act, the applicant shall, within the period of 16 months after the declared priority date, furnish to the Office in respect of every application specified in the declaration—

(*a*) its file number; and

(*b*) a copy of that application duly certified by the authority with which it was filed or otherwise verified to the satisfaction of the comptroller.

(3) Where an application specified in the declaration is an application for a patent under the Act, an application referred to in section 127(4) or an international application for a patent (UK) which is filed at the Office, sub-rule (2)(*b*) above shall not apply. However, if so requested by the comptroller, the applicant shall, within the period specified in sub-rule (2) above, file—

(*a*) a request that a copy of the application specified in the declaration be prepared for use in the Office; and

(*b*) Patents Form No. 24/77 requesting the comptroller to certify the same.

(4) Where the application in suit is an application for a European patent (UK) which, by virtue of section 81, is to be treated as an application for a patent under the Act, the requirements of sub-rules (1) and (2) above shall be

treated as having been complied with to the extent that the requirements of rule 38(1) to (3) of the Implementing Regulations to the European Patent Convention have been fulfilled.

(5) Where the application in suit is an international application for a patent (UK) which is to be treated as an application for a patent under the Act, the requirements of sub-rules (1) and (2) above shall be treated as having been complied with to the extent that the requirements of rules 4.10(*a*) and (*c*) and 17.1(*a*) of the Regulations made under the Patent Co-operation Treaty have been fulfilled.

(6) Where a copy of an application is filed or treated as having been filed under sub-rule (2)(*b*), (3), (4) or (5) above and that application is in a language other than English, a translation thereof into English verified to the satisfaction of the comptroller as corresponding to the original text shall be furnished to the Office within the period of 21 months after the declared priority date:

Provided that, in the case of an international application in respect of which election of the United Kingdom has been effected under Article 31(4) of that Treaty prior to the expiration of the 19th month from the priority date as defined in Article 2(xi) of that Treaty, the period for furnishing the translation shall be the 25 months after that priority date.

Right to apply for and obtain a patent (*Sections* 8 *to* 12)

7.—(1) A reference under section 8(1)(*a*) or 12(1)(*a*) shall be made on Patents Form No. 2/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the question, the facts upon which the person making the reference relies and the order or other relief which he is seeking.

(2) The comptroller shall send a copy of the reference and statement to any other person alleged in the reference to be entitled to be granted (whether alone or with any other persons) a patent for the invention and any other person, not being a person who is party to the reference, shown in the register as having a right in or under the patent or, where the application for the patent has not been published, who is an applicant for the patent or who has given notice to the comptroller of a relevant transaction, instrument or event. If any such person wishes to oppose the making of the order or the granting of the relief sought, he (the opponent) shall, within three months of the receipt of such copies, file in duplicate a counter-statement setting out fully the grounds of his opposition and the comptroller shall send a copy of the counter-statement to the person making the reference and to those recipients of the copy of the reference and statement who are not party to the counter-statement.

(3) The person making the reference or any such recipient may, within three months of the receipt of the copy of the counter-statement, file evidence in support of his case and shall send a copy of the evidence direct to the opponent.

(4) Within three months of the receipt of the copy of such evidence or, if no such evidence is filed, within three months of the expiration of the time within which it might have been filed, the opponent may file evidence in support of his case and shall send a copy of that evidence to the person making the reference and those recipients; and within three months of the receipt of the copy of the opponent's evidence, that person or any of those recipients may file further evidence confined to matters strictly in reply and shall send a copy of it to the opponent.

(5) No further evidence shall be filed except by leave or direction of the comptroller.

(6) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

8.—(1) A reference under section 8(1)(*b*) or 12(1)(*b*) shall be made on Patents Form No. 2/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the question, the facts relied upon by the co-proprietor making the reference and the order which he is seeking.

(2) The comptroller shall send a copy of the reference and statement to each of the co-proprietors other than those who are party to the making of the reference or have indicated their consent to the making of the order sought and if any recipient of the copies wishes to oppose the order sought, he shall, within three months of their receipt, file a counter-statement in duplicate setting out fully the grounds of his opposition and the comptroller shall send a copy of the counter-statement to each of the co-proprietors who are party to the reference and to all other co-proprietors who have not indicated that they consent to the making of the order sought.

(3) The co-proprietor making the reference or any non-consenting co-proprietor may, within three months of the receipt of the copy of the counter-statement, file evidence in support of his case and shall send a copy of the evidence to the opposing co-proprietors.

(4) Within three months of the receipt of the copy of such evidence or, if no such evidence is filed, within three months of the expiration of the time within which it might have been filed, each opposing co-proprietor may file evidence in support of his case and shall send a copy of that evidence to the co-proprietor making the reference and any non-consenting co-proprietor; and within three months of the receipt of the copy of that evidence, any such person may file further evidence confined to matters strictly in reply and shall send a copy of it to each opposing co-proprietor.

(5) No further evidence shall be filed by either party except by leave or direction of the comptroller.

(6) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

9. Where an order is made under section 8 or section 12 that an application for a patent shall proceed in the name of one or more persons none of whom was an original applicant: —

(*a*) the comptroller shall notify all original applicants and their licensees of whom he is aware of the making of the order, and

(*b*) a request under section 11(3) or under that section as applied by section 12(5) shall, in the case of a request by the original applicant or any of the original applicants, be made within two months, and, in the case of a licensee, four months, of his being so notified.

10. The prescribed period for the purposes of sections 8(3) and 12(6) shall be three months calculated from the day on which the time for appealing from an order made under either of those subsections expires without an appeal being brought or, where an appeal is brought, from the day on which it is finally disposed of.

11.—(1) An application under section 8(5) for authority to do anything on behalf of a person to whom directions have been given under section 8(2)(*d*) or (4) shall be made on Patents Form No. 3/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the facts upon which the applicant relies and the nature of the authorisation sought.

(2) The comptroller shall send a copy of the application and statement to the person alleged to have failed to comply with the directions.

(3) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

12.—(1) A request under section 10 or 12(4) by a joint applicant shall be made on Patents Form No. 4/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the facts upon which he relies and the directions which he seeks.

(2) The comptroller shall send a copy of the request and statement to each other joint applicant who shall, if he wishes to oppose the request, within three months of the receipt of such copies, file in duplicate a counter-statement setting out fully the grounds of his opposition and the comptroller shall send a copy of the counter-statement to the person making the request and to each other joint applicant who is not party to the counter-statement.

(3) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

13.—(1) Where, following the making of such an order as is mentioned in section 11(2), a question is referred to the comptroller under sub-section (5) of section 11 or that sub-section as applied by section 12(5) as to whether any person is entitled to be granted a licence or whether the period or terms of a licence are reasonable, the reference shall be made on Patents Form No. 5/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the facts upon which the person making the reference relies and the terms of the licence which he is prepared to accept or grant.

(2) The comptroller shall send a copy of the reference and statement to every person in whose name the application is to proceed or, as the case may be, every person claiming to be entitled to be granted a licence, in either case not being the person who makes the reference, and if any recipient does not agree to grant or accept a licence for such period and upon such terms, he shall, within three months of their receipt, file a counter-statement in duplicate setting out fully the grounds of his objection and the comptroller shall send a copy of the counter-statement to the person making the reference.

(3) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

Mention of inventor (*Section* 13)

14.—(1) An application to the comptroller under section 13(1) or (3) by any person who alleges—

(*a*) that he ought to have been mentioned as the inventor or joint inventor of an invention in any patent granted or published application for a patent for the inventor, or

(*b*) that any person mentioned as sole or joint inventor in any patent granted or published application for the invention ought not to have been so mentioned,

shall be made on Patents Form No. 6/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the facts relied upon.

(2) The comptroller shall send a copy of the section 13 application and statement to—

(*a*) every person registered as proprietor of, or applicant for, the patent (other than the section 13 applicant himself),

(*b*) every person who has been identified in the patent application or a statement filed under section 13(2)(*a*) as being or being believed to be the inventor or joint inventor of the invention, and

(*c*) every other person whose interests the comptroller considers may be affected by the section 13 application.

(3) Any recipient of such a copy of the section 13 application and statement who wishes to oppose the application shall, within three months of their receipt, file a counter-statement in duplicate setting out fully the grounds of his objection and the comptroller shall send a copy of the counter-statement to each of the persons described in this rule other than any person who is party to the counter-statement.

(4) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

(5) The document prescribed for the purposes of section 13(1) shall be an addendum or erratum slip.

15.—(1) Subject to the provisions of rules 26 and 85(3) (*a*) below, if the applicant or applicants are not the inventor or inventors, a statement under section 13(2) identifying the inventor or inventors and, where required by section 13(2)(*b*), the derivation of the right of the applicant or applicants to be granted the patent shall be made on Patents Form No. 7/77, within the period of sixteen months after the declared priority date or, where there is no declared priority date, the date of filing the application.

(2) Where the applicant is not the sole inventor or the applicants are not the joint inventors of the invention the subject of the application and the application does not contain a declared priority date which relates to an earlier relevant application as defined in section 5(5)(*b*), a sufficient number of copies of Patents Form No. 7/77 shall be filed by the applicant or applicants within the said period to enable the comptroller to send one to the or each inventor.

(3) Where the application is an application for a European patent (UK) which by virtue of section 81 is to be treated as an application for a patent under the Act, the requirements of sub-rules (1) and (2) above shall be treated as having been complied with to the extent that the requirements of rule 17 of the Implementing Regulations to the European Patent Convention have been fulfilled.

(4) Where the application is an international application for a patent (UK) which is to be treated as an application for a patent under the Act, the requirements of sub-rules (1) and (2) above shall be treated as having been complied with to the extent that the requirements of rules 4.1(*a*)(*v*) and 4.6 of the Regulations made under the Patent Co-operation Treaty have been fulfilled.

Applications for the grant of patents (*Sections* 14 *to* 16)

16.—(1) A request for the grant of a patent shall be made on Patents Form No. 1/77.

(2) The specification contained in an application for a patent made under section 14 shall state the title of the invention and be followed by the description and the claim or claims and drawings, if any, in that order.

(3) The title shall be short and indicate the matter to which the invention relates.

(4) The description shall include a list briefly describing the figures in the drawings, if any.

Micro-organisms (*Sections* 14 *and* 72)

17.—(1) Without prejudice to the provisions of section 14(3), to the extent that the specification of an application for a patent or of a patent discloses an invention which requires for its performance the use of a micro-organism which is not available to the public at its date of filing, the specification shall be treated for the purposes of the Act as disclosing the invention in a manner which is clear enough and complete enough for the invention to be performed by a person skilled in the art:—

(*a*) if (i) a culture of the micro-organism has been deposited in a culture collection not later that the date of filing the application;

(ii) the application as filed gives such relevant information as is available to the applicant on the characteristics of the micro-organism; and

(iii) the name of the culture collection, the date when the culture was deposited and the accession number of the deposit are given in the specification of the application; or

(*b*) in the case of a European patent (UK) or an application for a European patent (UK) which is treated, by virtue of section 77 or 81, as a patent under the Act, or, as the case may be, an application for a patent under the Act, to the extent that the corresponding provisions of the Implementing Regulations to the European Patent Convention have been complied with; and

(*c*) where sub-rule (3) below applies, the applicant or proprietor makes a new deposit in accordance with that sub-rule.

(2) Where the information specified in sub-rule (1)(*a*)(iii) above is not contained in an application for a patent as filed, it shall be added to the application within the period of two months after the date of filing the application. The giving of this information shall be considered as constituting the unreserved and irrevocable consent of the applicant to the culture deposited being made available to any person who, on or after the date of publication of the application in accordance with section 16, makes a valid request therefor to the culture collection with which the micro-organism is deposited. A request shall be valid if it is accompanied by the comptroller's certificate authorising the release of the sample to that person. An application for such a certificate shall be submitted to the comptroller on Patents Form No. 8/77, together with:—

(*a*) an undertaking not to make the culture available to any other person until the application for the patent is refused or withdrawn or deemed to be withdrawn or, if a patent is granted, until it ceases to have effect without the possibility of renewal or restoration in accordance with sections 25 and 28; and

(*b*) an undertaking to use the culture for experimental purposes only until the application is refused or withdrawn or deemed to be withdrawn or until the date of publication in the Journal of a notice that the patent has been granted:

Provided that the undertaking specified in paragraph (*b*) of this sub-rule shall not be required from any governmental department or person authorised in writing by a government department to make the request, where the request is being made in order to enable any act specified in section 55 to be done in relation to the culture for the services of the Crown.

(3) Where a culture collection notifies the applicant or proprietor that it cannot, for any reason, satisfy a valid request, made in accordance with sub-rule (2) above, for a sample of a culture which has been deposited with it, and in particular because the furnishing of the sample would require that it be sent outside the country in which the culture collection is situated and the sending or the receipt of the sample is prevented by export or import restrictions, the applicant or proprietor may, unless the culture has been transferred to another culture collection which is able to satisfy a request for a sample of that culture, make a new deposit of a culture of that micro-organism and if, within three months of receipt of such notification—

(i) he makes the new deposit;

(ii) he furnishes to the culture collection with which the new deposit is made a declaration claiming that the culture so deposited is of the same micro-organism as was the culture originally deposited; and

(iii) he amends the specification so as to indicate the accession number of the new deposit and, where applicable, the name of the culture collection with which the new deposit has been made;

the new deposit shall be treated as always having been available for the purposes of this rule.

(4) The new deposit referred to in sub-rule (3) above shall be made with the same culture collection as was the original deposit, except in the particular case described in that sub-rule, when the new deposit shall be made with a culture collection which is able to satisfy the request.

(5) The comptroller shall send a copy of Patents Form No. 8/77 to the applicant for, or proprietor of, the patent.

18.—(1) Drawings forming part of an application for a patent made under section 14 shall be on sheets the usable surface area of which shall not exceed 26.2 cm. by 17 cm. The sheets shall not contain frames round the usable or used surface. The minimum margins shall be as follows:—

top	2.5 cm.
left side	2.5 cm.
right side	1.5 cm.
bottom	1.0 cm.

(2) Drawings shall be executed as follows:—

(*a*) drawings shall be executed without colouring in durable, black, sufficiently dense and dark, uniformly thick and well-defined, lines and strokes to permit of satisfactory reproduction;

(*b*) cross-sections shall be indicated by hatching which should not impede the clear reading of the reference signs and leading lines;

(*c*) the scale of the drawings and the distinctness of their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two-thirds would enable all details to be distinguished without difficulty. If, as an exception, the scale is given on a drawing, it shall be represented graphically;

(*d*) all numbers, letters, and reference signs, appearing on the drawings, shall be simple and clear. Brackets, circles or inverted commas shall not be used in association with numbers and letters;

(*e*) elements of the same figure shall be in proportion to each other, unless a difference in proportion is indispensable for the clarity of the figure;

(*f*) the height of the numbers and letters shall not be less than 0·32 cm. For the lettering of drawings, the Latin and, where customary, the Greek alphabets shall be used;

(*g*) the same sheet of drawings may contain several figures. Where figures drawn on two or more sheets are intended to form one whole figure, the figures on the several sheets shall be so arranged that the whole figure can be assembled without concealing any part of the partial figures. The different figures shall be arranged without wasting space, clearly separated from one another. The different figures shall be numbered consecutively in arabic numerals, independently of the numbering of the sheets;

(*h*) reference signs not mentioned in the description shall not appear in the drawings and claims, and vice versa. The same features, when denoted by reference signs, shall, throughout the application, be denoted by the same signs;

(*i*) the drawings shall not contain textual matter, except, when required for the understanding of the drawings, a single word or words such as "water", "steam", "open", "closed", "section on AA", and, in the case of electric circuits and block schematic or flow sheet diagrams, a few short catchwords;

(*j*) the sheets of the drawings shall be numbered in accordance with rule 20(8) below.

(3) Flow sheets and diagrams shall be considered to be drawings for the purposes of these Rules.

19.—(1) The abstract shall indicate the title of the invention.

(2) The abstract shall contain a concise summary of the matter contained in the specification. The summary shall indicate the technical field to which the invention belongs and be drafted in a way which allows a clear understanding of the technical problem to which the invention relates, the gist of the solution to that problem through the invention and the principal use or uses of the invention. Where appropriate, the abstract shall also contain the chemical formula which, among those contained in the specification, best characterises the invention. It shall not contain statements on the alleged merits or value of the invention or on its speculative application.

(3) The abstract shall normally not contain more than 150 words.

(4) If the specification contains any drawings, the applicant shall indicate on Patents Form No. 1/77 the figure or, exceptionally, the figures of the drawings which he suggests should accompany the abstract when published. The comptroller may decide to publish one or more other figures if he considers that they better characterise the invention. Each main feature mentioned in the

abstract and illustrated by a drawing shall be followed by the reference sign used in that drawing.

(5) The abstract shall be so drafted that it constitutes an efficient instrument for the purposes of searching in the particular technical field, in particular by making it possible to assess whether there is a need to consult the specification itself.

20.—(1) (*a*) All documents other than drawings, making up an application for a patent or replacing such documents, shall be in the English language.

(*b*) The specification, abstract and any replacement sheet thereof shall be filed in duplicate.

(2) All documents referred to in sub-rule (1)(*a*) above, including drawings, shall be so presented as to permit of direct reproduction by photography, electrostatic processes, photo offset and micro-filming, in an unlimited number of copies. All sheets shall be free from cracks, creases and folds. Only one side of the sheet shall be used, except in the case of a request for the grant of a patent.

(3) All such documents and drawings shall be on A4 paper (29.7 cm. × 21 cm.) which shall be pliable, strong, white, smooth, matt and durable. Each sheet (other than drawings) shall be used with its short sides at the top and bottom (upright position).

(4) The request for the grant of a patent and the description, claims, drawings and abstract shall each commence on a new sheet. The sheets shall be connected in such a way that they can easily be turned over, separated and joined together again.

(5) Subject to rule 18(1), the minimum margins shall be as follows:

top	2 cm.
left side	2.5 cm.
right side	2 cm.
bottom	2 cm.

(6) The margins of the documents making up the application, when filed, and of any replacement documents, must be completely blank.

(7) In the application, except in the drawings—

(*a*) all sheets in the request shall, when filed, be numbered consecutively; and

(*b*) all other sheets shall, when filed, be numbered consecutively as a separate series;

and all such numbering shall be in arabic numerals placed at the top of the sheet, in the middle, but not in the top margin.

(8) All sheets of drawings contained in the application, when filed, shall be numbered consecutively as a separate series. Such numbering shall be in arabic numerals placed at the top of the sheet, in the middle, but not in the top margin.

(9) (*a*) Where a document referred to in sub-rule (1)(*a*) above is typed, the typing shall be at least 1½ spaced. All textual matters shall be in characters, the capital letters of which are not less than 0.21 cm. high, and shall be in a dark indelible colour.

(*b*) Where such a document is written, it shall be in legible characters and a dark, indelible ink shall be used.

(10) The request for the grant of a patent, the description, the claims and the abstract shall not contain drawings. The description, the claims and the abstract may contain chemical or mathematical formulae. The description and the abstract may contain tables. The claims may contain tables only if their subject-matter makes the use of tables desirable.

(11) In all documents referred to in sub-rule (1)(*a*) above, including drawings, units of weight and measures shall be expressed in terms of the metric system. If a different system is used they shall also be expressed in terms of the metric system. Temperatures shall be expressed in degrees Celsius. For the other physical values, the units recognised in international practice shall be used, for mathematical formulae the symbols in general use, and for chemical formulae the symbols, atomic weights and molecular formulae in general use shall be employed. In general, use should be made of technical terms, signs and symbols generally accepted in the field in question.

(12) If a formula or symbol is used in the specification a copy thereof, prepared in the same manner as drawings, shall be furnished if the comptroller so directs.

(13) The terminology and the signs shall be consistent throughout the application.

(14) All documents referred to in sub-rule (1)(*a*) above, including drawings, shall be reasonably free from erasures and from alterations, overwritings and interlineations and shall, in any event, be legible.

21. Any statement, counter-statement or evidence filed at the Office shall, unless the comptroller otherwise directs, comply with the requirements of rule 20(1)(*a*) and (3) and, except that both sides of the sheet may be used in the case of statutory declarations and affidavits, with the requirements of rule 20(2).

22. Without prejudice to the generality of section 14(5)(*d*), an application for a patent which includes—

(*a*) in addition to an independent claim for a product, an independent claim for a process specially adapted for the manufacture of the product, and an independent claim for a use of the product; or

(*b*) in addition to an independent claim for a process, an independent claim for an apparatus or means specifically designed for carrying out the process; or

(*c*) in addition to an independent claim for a product, an independent claim for a process specially adapted for the manufacture of the product, and an independent claim for an apparatus or means specifically designed for carrying out the process;

shall be treated as relating to a group of inventions which are so linked as to form a single inventive concept.

23. The period prescribed for the purposes of section 15(2) and (3) shall be one month calculated from the date on which the Office sends out notification to the applicant that the drawing has been filed later than the date which is, by virtue of section 15(1), to be treated as the date of filing the application or, as the case may be, that it has not been filed.

24.—(1) A new application which includes a request that it shall be treated as having as its date of filing the date of filing of an earlier application for a patent may be filed in accordance with section 15(4)—

(*a*) in a case where the new application is filed after the earlier application has been amended in pursuance of section 18(3) so as to comply with the requirements of section 14(5)(*d*), within two months of such amendment; and

(*b*) in a case which does not fall within paragraph (*a*) above, at any time after filing of the earlier application, provided that where the new application is filed after the first report of the examiner under section 18 has been sent to the applicant—

(i) if the report is made under section 18(3), the new application shall be filed before the end of the period specified for reply to that report, unless the comptroller agrees otherwise; and

(ii) if the report is made under section 18(4), the new application shall be filed within two months of that report being sent to the applicant;

and in any event, any new application shall be made before the earlier application has been refused, withdrawn or taken to be withdrawn and before the expiration of the period prescribed for the purposes of section 20(1).

(2) Where possible, the description and drawings of the earlier application and the new application shall respectively relate only to the matter for which protection is sought by that application. However, when it is necessary for an application to describe the matter for which protection is sought by another application, it shall include a reference by number to that other application.

25.—(1) The period prescribed for the purposes of section 15(5)(*a*) shall be—

(*a*) if the application contains no declared priority date, the period of twelve months calculated from its date of filing; or

(*b*) if the application does contain a declared priority date, the period of twelve months calculated from the declared priority date or the period of one month calculated from the date of filing the application, whichever is the later.

(2) Subject to the provisions of rules 80(2), 81(3), 82(3) and 85(3)(*a*) below, the period prescribed for the purposes of sections 15(5)(*b*) and 17(1) shall be—

(*a*) if the application contains no declared priority date, the period of twelve months calculated from its date of filing; or

(*b*) if the application does contain a declared priority date, the period of twelve months calculated from the declared priority date.

(3) Where a new application is filed under section 8(3), 12(6), 15(4) or 37(4) after the end of the period prescribed in sub-rule (1) or (2) above, as the case may be, the period prescribed for the purposes of sections 15(5) and 17(1) shall be the period which expires on the actual date of filing of the new application.

(4) Where the declared priority date referred to in paragraph (*b*) of sub-rule (1) or paragraph (*b*) of sub-rule (2) above is the date of filing of such an application made before 1st June 1978 as is referred to in section 127(4), those paragraphs shall have effect as if for the references therein to periods of twelve months there were substituted references to periods of 15 months.

26. Where a new application is filed under section 8(3), 12(6), 15(4) or 37(4) after the period of 16 months prescribed in either rule 6 or rule 15 above, the requirements of those provisions shall be complied with at the time of filing the new application.

27. The period prescribed for the purposes of section 16 shall be the period of 18 months calculated from the declared priority date or, where there is no declared priority date, the date of filing the application.

28. The comptroller may determine when the technical preparations for publication of an application for a patent are to be treated as having been completed.

Examination and search (*Sections* 17 *to* 21)

29.—(1) A request under section 17(1)(*a*) for a preliminary examination and search shall be made on Patents Form No. 9/77.

(2) On a preliminary examination the examiner shall determine, not only whether the application (the application in suit) complies with those requirements of the Act and these Rules which are designated by rule 31 as formal requirements for the purposes of the Act, but also whether the requirements of rules 6(1) and (2) and 15(1) and the provisions of section 15(3) have been complied with.

(3) Where the preliminary examination reveals that an earlier relevant application declared for the purposes of section 5 has been stated in the application in suit to have a date of filing more than twelve months before the date of filing of the application in suit, the Office shall notify the applicant that the earlier relevant application will be disregarded unless, within one month, he supplies the Office with a corrected date, being one which falls within those twelve months.

30. Every person concerned in any proceedings to which these Rules relate and every proprietor of a patent shall furnish to the comptroller an address for service in the United Kingdom and that address may be treated for all purposes connected with such proceedings or patent as the address of the person concerned in the proceedings or the proprietor of the patent.

31.—(1) The requirements of rules 16(1), 18(1) and (2), 20 (other than those contained in the last sentence of sub-rule (10) or sub-rule (11) or (13) of that rule) and 30 shall be formal requirements for the purposes of the Act.

(2) Where the application is—

(*a*) an application for a European patent (UK), or

(*b*) an international application for a patent (UK)

which, by virtue of section 81 or 89, as the case may be, is to be treated as an application for a patent under the Act, the said requirements of rules 16(1), 18(1) and (2) and 20 shall be treated as having been complied with to the extent that the requirements of the corresponding provisions of the Implementing Regulations to the European Patent Convention or, as the case may be, of the Regulations made under the Patent Co-operation Treaty, have been fulfilled.

32.—(1) Where an examiner conducts a search under section 17(6) in relation to the first only of two or more inventions specified in the claims of an application, the Office shall notify the applicant of that fact.

(2) If the applicant desires a search to be conducted under section 17(6) in relation to a second or subsequent invention specified in the claims, he shall, before the expiry of the period specified for the making of observations on the report made under section 18(3), request the Office on Patents Form No. 9/77 to conduct such a search and pay the search fee for each invention in respect of which the search is to be made.

33.—(1) A request for a substantive examination of an application for a patent shall be made on Patents Form No. 10/77.

(2) Subject to the provisions of rules 83(1), 85(3)(*b*) and sub-rule (3) below, the request shall be made and the fee for the examination paid within six months of the date of publication of the application in accordance with section 16.

(3) Where an application is subject to directions given under section 22(1) or (2), the request shall be made and the fee paid within two years of the declared priority date or, where there is no declared priority date, from the date of filing the application.

34. Subject to the provisions of rules 83(3) and 85(3)(*c*) below, for the purposes of sections 18(4) and 20(1), the period within which an application for a patent shall comply with the Act and these Rules shall be the three years and six months calculated from its declared priority date, or where there is no declared priority date, from the date of filing of the application:

Provided that, in the case of an application made under section 8(3), 12(6), or 37(4), the period shall be the three years and six months calculated from the declared priority date or, where there is no declared priority date, from the date of filing of the earlier application, or the 18 months calculated from its actual date of filing, whichever expires the later.

35. An application for amendment of the request for the grant of a patent shall be made on Patents Form No. 11/77.

36.—(1) Before being informed under section 17(5) of the examiner's report, the applicant may not amend the description, claims or drawings contained in his application, except where so required by the comptroller.

(2) After being informed under section 17(5) of the examiner's report and before the first report of the examiner under section 18 is sent to the applicant, the applicant may, of his own volition, amend the description, claims or drawings of the application.

(3) After the applicant has been sent the first report of the examiner under section 18, in addition to his right under section 18(3) to amend the application so as to comply with the requirements of the Act and these Rules, the applicant may, of his own volition, amend once the description, claims or drawings of the application provided that, if the examiner's first report is made under section 18(3), the amendment shall be filed at the same time as the applicant replies to that report or, if the examiner's first report is made under section 18(4), the amendment shall be filed within two months of that report being sent to the applicant.

(4) Any further amendment to the description, claims or drawings which the applicant desires to make of his own volition may only be made with the consent of the comptroller following the filing of Patents Form No. 11/77.

(5) An application may not be amended by the applicant of his own volition except as provided in sub-rules (1) to (4) above.

37.—(1) The comptroller shall send to the applicant a copy of any observations on patentability which he receives under section 21 in connection with an application.

(2) If the applicant has not already been notified under section 18(4) that the application complies with the requirements of the Act and these Rules, the observations shall be referred to the examiner conducting a substantive examination of the application under section 18, who shall consider and comment upon them as he thinks fit in his report under that section.

Certificates of grant (*Section* 24)

38. A certificate that a patent has been granted shall be in the form set out in Schedule 3 to these Rules.

Renewal fees (*Section* 25)

39.—(1) If it is desired to keep a patent in force for a further year after the expiration of the fourth or any succeeding year from the date of filing an application for that patent as determined in accordance with section 15, Patents Form No. 12/77, in respect of the next succeeding year, accompanied by the prescribed renewal fee for that year, shall be filed in the three months before the expiration of the fourth or succeeding year, as the case may be:

Provided that, where a patent is granted after the expiration of the fourth or any succeeding year as so determined, except in the cases of a patent to which section 22(8) applies and a European patent (UK), Patents Form No. 12/77 in respect of the fifth or succeeding year may be filed not more than three months before the expiration of the fourth or relevant succeeding year but before the expiration of three months from the date on which the patent is granted.

(2) If it is desired, at the expiration of the fourth or any succeeding year from the date of filing an application for a European patent (UK) as determined in accordance with Article 80 of the European Patent Convention and provided that mention of the grant of the patent is or has been published in the European Patent Bulletin, to keep the patent in force, Patents Form No. 12/77, accompanied by the prescribed renewal fee, shall be filed in the three months before the expiration of that year:

Provided that, where any renewal fee is due within two months after the date of the publication in the European Patent Bulletin of the mention of the grant of the patent, that renewal fee may be paid within those two months.

(3) On receipt of the prescribed renewal fee accompanied by Patents Form No. 12/77 duly completed, the comptroller shall issue a certificate of payment on the appropriate portion of that form.

(4) Where the period for payment of a renewal fee pursuant to sub-rule (1) or (2) above has expired, the comptroller shall, not later than six weeks after the last date for payment under that sub-rule and if the fee still remains unpaid, send to the proprietor of the patent a notice reminding him that payment is overdue and of the consequences of non-payment.

(5) The notice shall be sent to the address in the United Kingdom specified for that purpose by the proprietor of the patent when last paying a renewal fee in respect of the patent or, if no such address was specified, to the relevant address for service entered in the register.

(6) A request for extension of the period for payment of any renewal fee shall be made on Patents Form No. 13/77.

Amendment of specification of patent (*Section* 27)

40.—(1) An application to the comptroller for leave to amend the specification of a patent shall be made on Patents Form No. 14/77 and shall be advertised by publication of the application and the nature of the proposed amendment in the Journal and in such other manner, if any, as the comptroller may direct.

(2) Any person wishing to oppose the application to amend shall, within three months from the date of the advertisement in the Journal, give notice to the comptroller on Patents Form No. 15/77.

(3) Such notice shall be accompanied by a copy thereof and be supported by a statement in duplicate setting out fully the facts upon which the opponent relies and the relief which he seeks. The comptroller shall send a copy of the notice and of the statement to the applicant.

(4) Within three months of the receipt of such copies, the applicant shall, if he wishes to continue with the application, file a counter-statement in duplicate setting out fully the grounds upon which the opposition is resisted; and the comptroller shall send a copy of the counter-statement to the opponent.

(5) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

(6) Unless the comptroller otherwise directs, an application to amend the specification of a patent shall be accompanied by a copy of the printed specification, clearly showing in red ink the amendment sought.

(7) Where leave to amend a specification is given, the applicant shall, if the comptroller so requires, and within a time to be fixed by him, file a new specification as amended, which shall be prepared in accordance with rules 16, 18 and 20 above.

Restoration of lapsed patents (*Section* 28)

41.—(1) An application under section 28 shall be made on Patents Form No. 16/77 and shall be supported by evidence in support of the statements made in that application.

(2) If, upon consideration of the evidence, the comptroller is not satisfied that a prima facie case for an order under section 28 has been made out, he shall notify the applicant accordingly and, unless within one month the applicant requests to be heard in the matter, the comptroller shall refuse the application.

(3) If the applicant requests a hearing within the time allowed, the comptroller shall, after giving the applicant an opportunity of being heard, determine whether the application shall be allowed or refused.

(4) If the comptroller decides to allow the application, he shall notify the applicant accordingly and require him to file Patents Form No. 17/77, together with Patents Form No. 12/77, duly completed, and the amount of the unpaid renewal fee, upon receipt of which the comptroller shall order the restoration of the patent and advertise the fact in the Journal.

42. Where a patent has ceased to have effect because a renewal fee has not been paid within the period prescribed in rule 39(1) or (2) above and the

extended period specified in section 25(4) has expired without the renewal fee and prescribed additional fee having been paid, the comptroller shall, within six weeks after the expiration of the extended period, notify the proprietor of the patent of the fact and draw his attention to the provisions of section 28.

Surrender of patents (*Section* 29)

43.—(1) A notice of an offer by a proprietor of a patent under section 29 to surrender his patent shall be given on Patents Form No. 18/77 and shall be advertised by the comptroller in the Journal.

(2) At any time within three months from the advertisement any person may give notice of opposition to the surrender to the comptroller on Patents Form No. 19/77, which shall be accompanied by a copy thereof and be supported by a statement in duplicate setting out fully the facts upon which he relies and the relief which he seeks.

(3) The comptroller shall send a copy of the notice and of the statement to the proprietor of the patent.

(4) Within three months of the receipt of such copies, the proprietor of the patent shall, if he wishes to continue with the surrender, file a counter-statement in duplicate setting out fully the grounds upon which the opposition is resisted; and the comptroller shall send a copy of the counter-statement to the opponent.

(5) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

Registration (*Sections* 32 *to* 35)

44.—(1) No entry shall be made in the register in respect of any application for a patent before the application has been published in accordance with section 16.

(2) Upon such publication, the comptroller shall cause to be entered in the register—

(*a*) the name, address and nationality of the applicant or applicants;

(*b*) the name and address of the person or persons stated by the applicant or applicants to be believed to be the inventor or inventors;

(*c*) the title of the invention;

(*d*) the date of filing and the file number of the application for the patent;

(*e*) the date of filing and the file number of any application declared for the purposes of section 5(2) or 127(4) and the country in or for which the application was made;

(*f*) the date on which the application was published;

(*g*) the address for service of the applicant or applicants.

(3) The comptroller shall also cause to be entered in the register—

(*a*) the date of filing of the request for substantive examination;

(*b*) the date on which the application is refused, withdrawn or deemed to be withdrawn;

(*c*) the date on which the patent is granted;

(*d*) the name, address and nationality of the person or persons to whom the patent is granted if different to the entries made in accordance with sub-rule (2)(*a*) above;

(*e*) the address for service if different to the entry made in accordance with sub-rule 2(*g*) above;

(*f*) notice of any transaction, instrument or event referred to in section 33(3).

(4) The comptroller may at any time enter in the register such other particulars as he may think fit.

45.—(1) A request by the proprietor of a patent or an applicant for a patent for the alteration of a name, nationality, address or address for service entered in the register in respect of his patent or application shall be made on Patents Form No. 20/77.

(2) Before acting on a request to alter a name or nationality, the comptroller may require such proof of the alteration as he thinks fit.

(3) If the comptroller is satisfied that the request should be allowed, he shall cause the register to be altered accordingly.

46.—(1) An application to register, or to give notice to the comptroller of, any transaction, instrument or event to which section 33 applies shall be made on Patents Form No. 21/77.

(2) Unless the comptroller otherwise directs, an application under sub-rule (1) above shall be accompanied by a certified copy of any document which establishes the transaction, instrument or event or by an official document verifying it or by such extracts from any such document as suffice to establish it.

47.—(1) A request for the correction of an error in the register or in any document filed at the Office in connection with registration shall be made on Patents Form No. 22/77.

(2) The comptroller may call for such written explanation of the reasons for the request or evidence in support of it as he may require in order to satisfy himself that there is an error and, upon being so satisfied, shall make such correction as may be agreed between the proprietor of the patent or applicant and him.

48. Upon the payment of a renewal fee within the time prescribed by these Rules or provided for late payment thereof by section 25(4), the comptroller shall record the payment and the date thereof in the register.

49.—(1) The register or entries or reproductions of entries in it shall be made available for inspection by the public on payment of the prescribed fee between the hours of 10 a.m. and 4 p.m. on weekdays, other than Saturdays and days which are specified as excluded days for the purposes of section 120.

(2) A request to be allowed to inspect the register shall be made on Patents Form No. 23/77 and shall be accompanied by the appropriate fee.

50. The comptroller may arrange for the publication and advertisement of such things done under the Act or these Rules in relation to the register as he may think fit.

51. On the reference to the comptroller of a question under section 8(1), 12(1) or 37(1), he shall, subject to rule 44(1) above, cause an entry to be made in the register of the fact and of such other information relating to the reference as he may think fit.

52.—(1) A request for a certificate of the comptroller for the purposes of section 35(2) shall be made on Patents Form No. 24/77 and shall be accompanied by the appropriate fee.

(2) A request under section 35(3) for a sealed and certified copy, document or extract shall be made on Patents Form No. 24/77 and shall be accompanied by the appropriate fee.

53. Where any order or direction has been made or given by the court—

(*a*) transferring a patent or application or any right in or under it to any person;

(*b*) that an application should proceed in the name of any person;

(*c*) allowing the proprietor of a patent to amend the specification; or

(*d*) revoking a patent;

the person in whose favour the order is made or the direction is given shall file Patents Form No. 25/77, accompanied by an office copy of such order or direction, and thereupon the specification shall be amended or the register rectified or altered, as the case may be.

Entitlement to patent (*Sections* 37 *and* 38)

54.—(1) A reference under section 37(1)(*a*) shall be made on Patents Form No. 2/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the nature of the question, the facts upon which the person making the reference relies and the order which he is seeking.

(2) The comptroller shall send a copy of the reference and statement to every person who is not a party to the reference who is shown on the register as having any right in or under the patent. If any such person wishes to oppose the making of the order sought, he shall, within three months of the receipt of such copies, file in duplicate a counter-statement setting out fully the grounds of his opposition and the comptroller shall send a copy of the counter-statement to the person making the reference and to those recipients of the copy of the reference and statement who are not party to the counter-statement.

(3) The person making the reference or such recipients may, within three months of the receipt of the copy of the counter-statement, file evidence in support of his case and shall send a copy of the evidence to any person opposing the making of the order sought.

(4) Within three months of the receipt of the copy of such evidence or, if no such evidence is filed, within three months of the expiration of the time within which it might have been filed, any such person may file evidence in support of his case and shall send a copy of that evidence to the person making the reference and such recipients; and within three months of the receipt of the copy of that evidence, the person making the reference or any such recipient may file further evidence confined to matters strictly in reply and shall send a copy of it to any such person.

(5) No further evidence shall be filed by either party except by leave or direction of the comptroller.

(6) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

55.—(1) A reference under section 37(1)(*b*) shall be made on Patents Form No. 2/77 and shall be accompanied by a copy thereof and a statement in

duplicate setting out fully the nature of the question, the facts relied upon by the co-proprietor making the reference and the order which he is seeking.

(2) The comptroller shall send a copy of the reference and statement to each of the co-proprietors other than those who are party to the making of the reference or have indicated their consent to the making of the order sought and if any recipient of the copies wishes to oppose the order sought, he shall, within three months of their receipt, file a counter-statement in duplicate setting out fully the grounds of his opposition and the comptroller shall send a copy of the counter-statement to each of the co-proprietors who are party to the reference and to all other co-proprietors who have not indicated that they consent to the making of the order sought.

(3) Any co-proprietor who is party to the reference or has not indicated such consent may, within three months of the receipt of the copy of the counter-statement, file evidence in support of his case and shall send a copy of the evidence to the opposing co-proprietor.

(4) Within three months of the receipt of the copy of such evidence or, if no such evidence is filed, within three months of the expiration of the time within which it might have been filed, the opposing co-proprietor may file evidence in support of his case and shall send a copy of that evidence to each co-proprietor who is party to the reference or has not indicated such consent and, within three months of the receipt of the copy of that evidence, any such person may file further evidence confined to matters strictly in reply and shall send a copy of it to the opposing co-proprietor.

(5) No further evidence shall be filed by either party except by leave or direction of the comptroller.

(6) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

56.—(1) An application under section 37(3) for authority to do anything on behalf of a person to whom directions have been given under section 37(2)(*d*) shall be made on Patents Form No. 3/77 and shall be accompanied by a copy thereof and a statement setting out fully the facts upon which the applicant relies and the nature of the authorisation sought.

(2) The comptroller shall send a copy of the application and statement to the person alleged to have failed to comply with the directions.

(3) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

57. Where the comptroller orders that a new application may be made under section 37(4), it shall be made within three months calculated from the day on which the time for appealing from that order expires without an appeal being brought or, where an appeal is brought, from the day on which it is finally disposed of.

58.—(1) Where an order is made under section 37 that a patent shall be transferred to one or more persons none of whom was an old proprietor of it or that a person other than an old proprietor may make a new application for a patent, a request under section 38(3) for the grant of a licence to continue working or, as the case may be, to work the invention shall, in the case of any of the old proprietors, be made within two months, and in the case of a licensee, four months, of his being notified by the comptroller of the making of the order.

(2) Where such an order is made, the comptroller shall notify the old proprietor or proprietors, and their licensees of whom he is aware, of the making of the order.

59.—(1) Where a question is referred to the comptroller under section 38(5) as to whether any person is entitled to be granted a licence or whether the period or terms of a licence are reasonable, the reference shall be made on Patents Form No. 5/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the facts upon which the person making the reference relies and the terms of the licence which he is prepared to accept or grant.

(2) The comptroller shall send a copy of the reference and statement to the new proprietor or proprietors and every person claiming to be entitled to be granted a licence, in either case not being the person who makes the reference, and if any recipient does not agree to grant or accept a licence for such period and upon such terms, he shall, within three months of their receipt, file a counter-statement in duplicate setting out fully the grounds of his objection and the comptroller shall send a copy of the counter-statement to the person making the reference.

(3) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

Employees' inventions (*Sections* 40 *to* 43)

60.—(1) An application to the comptroller under section 40 for an award of compensation shall be made on Patents Form No. 26/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the facts relied upon.

(2) The prescribed period for the purposes of section 40(1) and (2) shall, in relation to proceedings before the comptroller, be that period which begins when the relevant patent is granted and which expires one year after it has ceased to have effect:

Provided that, where a patent has ceased to have effect by reason of a failure to pay any renewal fee within the period prescribed for the payment thereof and an application for restoration is made to the comptroller under section 28, the said period shall—

(*a*) if restoration is ordered, continue as if the patent had remained continuously in effect; or

(*b*) if restoration is refused, be treated as expiring one year after the patent ceased to have effect or six months after the refusal, whichever is the later.

(3) The comptroller shall send a copy of the application and statement to the employer who, if he wishes to contest the application, shall within three months of receiving them, file a counter-statement in duplicate setting out fully the grounds on which he disputes the employee's right to the relief sought, and the comptroller shall send a copy of the counter-statement to the employee.

(4) The employee may, within three months of the receipt of the copy of the counter-statement, file evidence in support of his case and shall send a copy of the evidence to the employer.

(5) Within three months of the receipt of the copy of the employee's evidence or, if the employee does not file any evidence, within three months

of the expiration of the time within which the employee's evidence might have been filed, the employer may file evidence in support of his case and shall send a copy of the evidence to the employee; and within three months of the receipt of the copy of the employer's evidence, the employee may file evidence confined to matters strictly in reply and shall send a copy of that evidence to the employer.

(6) No further evidence shall be filed by either party except by leave or direction of the comptroller.

(7) The comptroller may give such directions as he may think fit with regard to subsequent procedure.

61.—(1) Where an award of compensation has been made to an employee under section 40(1) or (2), an application under section 41(8) to vary, discharge, suspend or revive any provision of the order shall be made on Patents Form No. 27/77 and shall be accompanied by a copy thereof and a statement setting out fully the facts relied upon and the relief which is sought.

(2) Thereafter the provisions of rule 60(3) to (7) shall apply to an application made under section 41(8) by an employee as they apply to an application referred to in that rule and to an application made under section 41(8) by an employer as if references in those sub-rules to the employee were references to the employer and references to the employer were references to the employee.

Licences of right and compulsory licences (*Sections* 46 *to* 54)

62.—(1) An application under section 46(1) shall be made on Patents Form No. 28/77 and shall be accompanied by evidence verifying that the applicant is not precluded by contract from granting licences under the patent.

(2) Every entry made in the register consequent upon such an application shall be published in the Journal and in such other manner (if any) as the comptroller thinks necessary.

63.—(1) An application under section 46(3) (*a*) or (*b*) shall be made on Patents Form No. 29/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the facts upon which the applicant relies and the terms of the licence which he is prepared to accept or grant.

(2) The comptroller shall send a copy of the application and statement to the proprietor of the patent or, as the case may be, the person requiring a licence, who, if he does not agree to the terms set out in the statement, shall, within three months of the receipt of such copies, file a counter-statement in duplicate setting out fully the grounds of his objection and the comptroller shall send a copy of the counter-statement direct to the applicant.

(3) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

64. An application under section 47(1) shall be made on Patents Form No. 30/77 and shall be accompanied by evidence verifying that there is no existing licence under the patent or that all licensees under the patent consent to the application and by Patents Form No. 12/77 and fees to the amount of the balance of all renewal fees which would have been payable if the entry had not been made.

65.—(1) An application under section 47(3) shall be made on Patents Form No. 31/77 within three months after the making of the relevant entry and shall be accompanied by a copy of the application and supported by a statement in duplicate setting out fully the nature of the claimant's interest and the facts upon which he relies.

(2) The comptroller shall send a copy of the application and statement to the proprietor of the patent.

66.—(1) Every application under section 47 (1) or (3) shall be advertised in the Journal and the period within which notice of opposition to the cancellation of an entry may be given under section 47(6) shall be three months after the advertisement.

(2) Such notice shall be given on Patents Form No. 32/77 and shall be accompanied by a copy thereof and supported by a statement in duplicate setting out fully the facts upon which the opponent relies.

(3) The comptroller shall send a copy of the notice and statement to the applicant for cancellation of the entry who, if he desires to proceed with the application, shall, within three months of the receipt of such copies, file a counter-statement in duplicate setting out fully the grounds on which the opposition is contested and the comptroller shall send a copy of the counter-statement to the opponent.

(4) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

67. Where the comptroller cancels an entry in the register pursuant to section 47(3), he shall inform the proprietor of the patent who shall, within such period as the comptroller specifies, file Patents Form No. 12/77, accompanied by fees to the amount of the balance of all renewal fees which would have been payable if the entry had not been made.

68. An application under section 48(1) shall be made on Patents Form No. 33/77 and shall be accompanied by a statement of the facts upon which the applicant relies and evidence verifying the statement.

69. An application under section 51(1) or (2) for an order or entry under section 51(4) or (5) shall be made on Patents Form No. 34/77 and shall be accompanied by a statement of the facts upon which the applicant relies and evidence verifying the statement.

70.—(1) If upon consideration of the evidence submitted with Patents Form No. 33/77 or 34/77, the comptroller is not satisfied that a prima facie case has been made out for the making of an order or entry, he shall notify the applicant accordingly, and unless, within one month of such notification, the applicant requests to be heard in the matter, the comptroller shall refuse the application.

(2) Where the applicant requests a hearing within the time allowed, the comptroller, after giving the applicant an opportunity of being heard, shall determine whether the application may proceed or whether it shall be refused.

(3) If upon consideration of the evidence the comptroller is satisfied that a prima facie case has been made out for the making of an order or entry, or if, after hearing the applicant, he so determines, he shall direct that the application shall be advertised in the Journal and shall send a copy of the applica-

tion, the statement and the evidence filed in support thereof to the proprietor of the patent and any other person shown on the register as having any right in or under the patent.

71.—(1) The time within which notice of opposition under section 52(1) may be given shall be three months after the advertisement of the application in accordance with rule 70 above.

(2) Such notice shall be given on Patents Form No. 35/77 and shall be accompanied by a copy thereof and supported by a statement in duplicate setting out fully the facts upon which the opponent relies and evidence in duplicate verifying the statement.

(3) The comptroller shall send a copy of the notice, the statement and the evidence to the applicant who, if he desires to proceed with his application, shall within three months of the receipt of such copies, file evidence in duplicate confined to matters strictly in reply and the comptroller shall send a copy thereof to the opponent.

(4) No further evidence shall be filed by either party except by leave or direction of the comptroller.

(5) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

Infringement proceedings before comptroller (*Sections* 61 *and* 71)

72.—(1) Where a reference is made to the comptroller under section 61(3), the parties thereto shall make it on Patents Form No. 36/77, accompanied by a joint statement giving full particulars of the matters which are in dispute and of those on which they are in agreement.

(2) The procedure set out in this rule shall apply unless the only matter stated in the reference to be in dispute is the validity of any patent or part of a patent.

(3) The party to the dispute who is the proprietor of the patent or an exclusive licensee of the patent (such party being referred to in this and the next following rule as the plaintiff) shall within 14 days of making the reference file a statement in duplicate giving full particulars of his case on the matters in dispute.

(4) The comptroller shall send a copy of the plaintiff's statement to the other party to the dispute (referred to in this and the next following rule as the defendant), who shall, within three months after receipt thereof, file a counter-statement in duplicate setting out fully the grounds on which he contests the plaintiff's case and the comptroller shall send a copy of the counter-statement to the plaintiff.

(5) If the defendant alleges in his counter-statement that the patent or any part of it alleged by the plaintiff to have been infringed is not valid, the plaintiff shall, within three months after receipt of the counter-statement, file a further statement in duplicate setting out fully the grounds on which he contests the defendant's allegation; and the comptroller shall send a copy of the further statement to the defendant.

(6) Subject to such directions as the comptroller may give, the plaintiff may, within three months after the receipt of the counter-statement, or, if he has filed a further statement under sub-rule (5) above, within three months thereof, file evidence in support of his case and shall send a copy thereof direct to the defendant.

(7) Within three months of the receipt of the copy of the plaintiff's evidence or, if the plaintiff does not file any evidence, within three months of the expiration of the time within which such evidence might have been filed, the defendant may file evidence in support of his case and shall send a copy of it to the plaintiff; and, within three months of the receipt of the copy of the defendant's evidence, the plaintiff may file further evidence confined to matters strictly in reply and shall send a copy of it direct to the defendant.

(8) No further evidence shall be filed by either party except by leave or direction of the comptroller.

(9) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

73.—(1) Where the only matter stated in a reference made under section 61(3) to be in dispute is the validity of any patent or part of a patent, the procedure set out in this rule shall apply.

(2) The defendant shall, within 14 days of making the reference, file a statement in duplicate giving full particulars of the grounds on which he alleges that the patent or part of the patent is invalid.

(3) The comptroller shall send a copy of the defendant's statement to the plaintiff, who shall, within three months after the receipt thereof, file a counter-statement in duplicate giving full particulars of the grounds on which he contests the defendant's allegations, and the comptroller shall send a copy of it to the defendant.

(4) Subject to such directions as the comptroller may think fit to give, the defendant may, within three months of the receipt of the copy of the plaintiff's counter-statement, file evidence in support of his case, and shall send a copy of it to the plaintiff.

(5) Within three months of the receipt of the copy of the defendant's evidence or, if the defendant does not file any evidence, within three months of the expiration of the time within which such evidence might have been filed, the plaintiff may file evidence in support of his case and shall send a copy of it to the defendant; and, within three months of the receipt of the copy of the plaintiff's evidence, the defendant may file further evidence confined to matters strictly in reply and shall send a copy of it to the plaintiff.

(6) No further evidence shall be filed by either party except by leave or direction of the comptroller.

(7) The comptroller may give such directions as he may think fit with regard to subsequent procedure.

74.—(1) An application to the comptroller under section 71 for a declaration that an act does not, or a proposed act would not, constitute an infringement of a patent shall be made on Patents Form No. 37/77 and shall be accompanied by a copy thereof and a statement in duplicate, setting out fully the facts upon which the applicant relies as showing that paragraphs (*a*) and (*b*) of section 71(1) have been complied with and the relief which he seeks.

(2) The comptroller shall send a copy of the statement to the proprietor of the patent who shall, if he wishes to contest the application, within three months after receipt of the copy of the statement, file a counter-statement in duplicate setting out fully the grounds on which he contests the applicant's case; and the comptroller shall send a copy thereof to the applicant.

(3) Subject to such directions as the comptroller may think fit to give, the applicant may, within three months of his receipt of the copy of the counter-statement, file evidence in support of his application and shall send a copy thereof to the proprietor of the patent.

(4) Within three months of the receipt of the copy of the applicant's evidence or, if the applicant does not file any evidence, within three months of the expiration of the time within which such evidence might have been filed, the proprietor of the patent may file evidence in support of his case and shall send a copy of that evidence to the applicant; and, within three months of the receipt of the copy of the proprietor's evidence, the applicant may file further evidence confined to matters strictly in reply and shall send a copy of it to the proprietor.

(5) No further evidence shall be filed by either party except by leave or direction of the comptroller.

(6) The comptroller may give such directions as he may think fit with regard to subsequent procedure.

Revocation of patents (*Sections* 72 *and* 73)

75.—(1) An application to the comptroller for the revocation of a patent shall be made on Patents Form No. 38/77 and shall be accompanied by a copy thereof and a statement in duplicate setting out fully the grounds of revocation, the facts upon which the applicant relies and the relief which he seeks.

(2) The comptroller shall send a copy of the application and statement to the proprietor of the patent.

(3) Within three months of the receipt of such copies, the proprietor of the patent shall, if he wishes to contest the application, file a counter-statement in duplicate setting out fully the grounds upon which the application is contested; and the comptroller shall send a copy of the counter-statement to the applicant.

(4) The applicant may, within three months of the receipt of the copy of the counter-statement, file evidence in support of his case and shall send a copy of the evidence to the proprietor.

(5) Within three months of the receipt of the copy of the applicant's evidence or, if the applicant does not file any evidence, within three months of the expiration of the time within which such evidence might have been filed, the proprietor of the patent may file evidence in support of his case and shall send a copy of that evidence to the applicant; and, within three months of the receipt of the copy of the proprietor's evidence, the applicant may file further evidence confined to matters strictly in reply and shall send a copy of it to the proprietor.

(6) No further evidence shall be filed by either party except by leave or direction of the comptroller.

(7) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

76. If, in proceedings before the comptroller under section 72, the proprietor of a patent offers to surrender it under section 29, the comptroller shall, in deciding whether costs should be awarded to the applicant for revocation, consider whether proceedings might have been avoided if the applicant had given reasonable notice to the proprietor before the application was filed.

77. Where it appears to the comptroller in accordance with section 73(1) or (2) that the patent ought to be revoked, the proprietor of the patent shall be so notified and afforded an opportunity, within a period of three months of such notification, of making observations and of amending the specification of the patent.

Amendment of patents and applications (*Sections* 75 *and* 76)

78.—(1) Where in proceedings before the comptroller a proposed amendment under section 75 is advertised, notice of opposition to such an amendment shall, within the period of three months from the date of advertisement in the Journal, be filed on Patents Form No. 15/77 and shall be accompanied by a copy thereof and supported by a statement in duplicate setting out fully the facts upon which the opponent relies and the relief which he seeks.

(2) The comptroller shall send a copy of the notice and statement to the proprietor of the patent and any other party to the proceedings before the comptroller.

(3) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

European patents and patent applications (*Sections* 77 *to* 85)

79.—(1) Upon publication of an application for a European patent (UK) under Article 93 of the European Patent Convention, the comptroller shall cause to be entered in the register a copy of every entry which, at the date of such publication, has been made in the Register of European Patents kept under Article 127 of that Convention in respect of that application.

(2) The comptroller shall also cause to be entered in the register in respect of an application for a European patent (UK) which has been published under Article 93 of that Convention copies of any entry made in the Register of European Patents following such publication, provided that an application to that effect is made to the comptroller on Patents Form No. 39/77, accompanied by a copy of the relevant entry in the Register duly certified to the satisfaction of the comptroller.

80.—(1) Where, in the circumstances specified in section 81(1)(*a*), the European Patent Office transmits to the Office a request of an applicant for a European patent (UK) that his application should be converted into an application under the Act, together with a copy of the files relating to the application, the comptroller shall notify the applicant thereof and the applicant shall file Patents Form No. 40/77 and, where necessary, a translation in duplicate into English of the application and of any amendment made in accordance with the European Patent Convention, within the period of two months of the date of the notification.

(2) The applicant shall also, within the said period, for the purposes of section 15(5)(*b*), file Patents Form No. 9/77.

81.—(1) A request referred to in section 81(2)(*b*)(i) shall be made on Patents Form No. 41/77 and the period within which such a request may be made shall be three months from the date on which the applicant is notified by the European Patent Office that his application for a European patent (UK) has been deemed to be withdrawn.

(2) In such a case, the applicant shall file Patents Form No. 40/77, and, where necessary, a translation in duplicate into English of the application, within a period of two months from the date on which the comptroller receives the request mentioned in sub-rule (1) above.

(3) The applicant shall also, within the period referred to in sub-rule (2) above, for the purposes of section 15(5)(*b*), file Patents Form No. 9/77.

82.—(1) Where section 81(2)(*b*)(ii) applies, the period within which a request may be transmitted to the comptroller shall be the 20 months calculated from the declared priority date or, where there is no declared priority date, the date of filing of the application for the European patent (UK).

(2) Upon receipt of the request, the comptroller shall notify the applicant thereof and Patents Form No. 40/77 and, where necessary, a translation in duplicate into English of the application shall be filed by the applicant within the period of two months calculated from the date of the notification.

(3) The applicant shall also, within the period referred to in sub-rule (2) above, for the purposes of section 15(5)(*b*), file Patents Form No. 9/77.

83.—(1) The period within which a request may be made to the comptroller for substantive examination of any application for a patent to which section 81(2) applies shall be two years from the declared priority date or, where there is no declared priority date, the date of filing of the application for the European patent (UK).

(2) The request shall be made on Patents Form No. 10/77.

(3) Where an application for a European patent (UK) is to be treated as an application for a patent under the Act, the period prescribed for the purposes of sections 18(4) and 20(1) shall be the period which expires three and a half years after the declared priority date.

84. Any person seeking recognition in proceedings before the comptroller of a determination by a competent authority of a relevant contracting state other than the United Kingdom of a question to which section 82 applies shall furnish the comptroller with a copy thereof certified as a true copy by an official of the said authority.

International applications for patents (*Section* 89)

85.—(1) An international application for a patent (UK) shall be treated as an application for a patent under the Act if the relevant conditions of section 89(4) are satisfied before the end of—

(*a*) the period of 20 months calculated from the date which, by virtue of section 89(1)(*c*), is to be treated as the declared priority date or, where there is no declared priority date, the date of filing of the international application for a patent (UK) or, if an International Searching Authority under the Patent Co-operation Treaty makes a declaration under Article 17(2)(*a*) of that Treaty, two months calculated from the date on which the applicant is notified thereof; or

(*b*) in a case where the United Kingdom has been elected in accordance with Chapter II of the Patent Co-operation Treaty before the expiry of 19 months calculated from the declared priority date, the period of 25 months calculated from the declared priority date or, where there is no declared priority date, the date of filing of the international application for a patent (UK);

and in either case Patents Form No. 42/77, duly completed, is filed within the relevant period.

(2) The Office shall publish any translation supplied in accordance with section 89(4) following the filing of Patents Form No. 43/77.

(3) In the case of an international application for a patent (UK) in respect of which the conditions specified in section 89(4) are satisfied, the period prescribed—

(*a*) for the purposes of sections 13(2), 15(5)(*b*) and 17(1) shall be the period which expires at the end of the relevant period referred to in sub-rule (1) above;

(*b*) for the purposes of section 18(1) shall, where sub-rule (1)(*a*) above applies, be the period which expires two years after the declared priority date or, where there is no declared priority date, the date of filing of the international application for a patent (UK) and, where sub-rule (1)(*b*) applies, be the 28 months calculated from the declared priority date; and

(*c*) for the purposes of sections 18(4) and 20(1) shall be the period which expires three and a half years after the declared priority date or, where there is no declared priority date, the date of filing of the international application for a patent (UK).

(4) Where, in relation to an international application for a patent (UK), the applicant desires that section 89(1) shall not cease to apply to the application by virtue of the operation of section 89(8) because the application or the designation of the United Kingdom in the application has been deemed to be withdrawn under the said Treaty on account of an error or omission in the Office or any other institution having functions under the said Treaty or of an application not being received by the International Bureau owing to circumstances outside his control, before the end of the time limited for that purpose by the said Treaty, application shall be made to the comptroller on Patents Form No. 44/77, accompanied by a statement of the facts upon which the applicant relies.

(5) Where an international application for a patent (UK) purports to designate the United Kingdom and the applicant alleges that it has been refused a filing date under the said Treaty on account of an error or omission in the Office or any other institution having functions under the said Treaty, he may apply to the comptroller for it to be treated as an application under the Act by filing Patents Form No. 44/77, accompanied by a statement of the facts upon which he relies.

Obtaining evidence for proceedings under European Patent Convention (Section 92)

86.—(1) An application to the comptroller under section 1 of the Evidence (Proceedings in Other Jurisdictions) Act 1975(**a**), as applied by section 92 of the Act, for an order for evidence to be obtained in the United Kingdom shall be made *ex parte* on Patents Form No. 45/77 and shall be accompanied by an affidavit made by a person duly authorised in that behalf by the relevant convention court, evidencing that the request is made in pursuance of a request issued by or on behalf of that court and that the evidence to which the application relates is to be obtained for the purposes of civil proceedings before it.

(2) After such an application as is mentioned in sub-rule (1) above has been made, an *ex parte* application for a further order or directions in relation to the same matter may be made to the comptroller in writing.

(**a**) 1975 c. 34.

(3) The comptroller may allow an officer of the European Patent Office to attend the hearing of such an application as is mentioned in sub-rule (1) above and examine the witnesses or request the comptroller to put specified questions to them.

Communication of information to European Patent Office (*Section* 94)

87. The comptroller may authorise the communication to the European Patent Office or the competent authority of any country which is party to the European Patent Convention of such information in the files of the Office as may be disclosed in accordance with section 118 and rule 93 below

Comptroller's discretionary powers (*Section* 101)

88.—(1) The comptroller shall, before exercising any discretionary power vested in him by the Act or these Rules adversely to any party to a proceeding before him, give that party at least 14 days' notice of the time when he may be heard.

(2) If in *inter partes* proceedings a party desires to be heard he shall notify the comptroller on Patents Form No. 46/77 and the comptroller may refuse to hear any party who has not filed the said form prior to the date of hearing.

(3) If in *inter partes* proceedings a party intends to refer at the hearing to any document not already mentioned in the proceedings, he shall give to the other party and to the comptroller at least 14 days' notice of his intention, together with details of every document to which he intends to refer.

(4) After hearing the party or parties desiring to be heard or, if neither so desires, then without a hearing, the comptroller shall decide the application and notify his decision to the parties, giving reasons for his decision if so required by either party.

89. Where a hearing before the comptroller of any dispute between two or more parties relating to any matter in connection with a patent or an application for a patent takes place after the publication of the application under section 16, the hearing of the dispute shall be in public, unless the comptroller, after consultation with those parties to the dispute who appear in person or are represented at the hearing, otherwise directs.

Agents (*Section* 115)

90.—(1) Unless the comptroller otherwise directs in any particular case—

(*a*) all attendances upon him may be made by or through an agent whose authority is established in relation to the attendance to the satisfaction of the comptroller before the attendance, and

(*b*) every notice, application or other document filed under the Act may be signed by an agent whose authority in relation to the signature is established to the satisfaction of the comptroller not later than three months after the notice, application or document is filed. If such authority is not so established, any notice, application or other document, other than a request for grant, shall be treated as not having been filed.

(2) The comptroller may refuse to recognise as such an agent in respect of any business under the Act—

(*a*) any individual whose name has been erased from, and not restored to, the register of patent agents, or who is for the time being suspended from acting as a patent agent;

(*b*) any person who has been convicted of an offence under section 88 of the 1949 Act or section 114;

(*c*) any person who is found by the Secretary of State to have been convicted of any offence or to have been guilty of any such misconduct as, in the case of an individual registered in the register of patent agents, would render him liable to have his name erased from it;

(*d*) any person, not being registered as a patent agent, who in the opinion of the comptroller is engaged wholly or mainly in acting as agent in applying for patents in the United Kingdom or elsewhere in the name or for the benefit of a person by whom he is employed;

(*e*) any company or firm, if any person whom the comptroller could refuse to recognise as agent in respect of any business under the Act is acting as a director or manager of the company or is a partner in the firm.

(3) The comptroller may refuse to recognise as agent or other representative for the purpose of applying for European patents any person who does not satisfy the condition mentioned in section 84(1) and does not fall within the exemption in subsection (2) of that section.

Correction of errors in patents and applications (Section 117)

91.—(1) A request for the correction of an error of translation or transcription, a clerical error or mistake in any specification of a patent or application for a patent or any document filed in connection with a patent or such an application shall be made on Patents Form No. 47/77.

(2) Where such a request relates to a specification no correction shall be made therein unless the correction is obvious in the sense that it is immediately evident that nothing else would have been intended than what is offered as the correction.

(3) Where the comptroller requires notice of the proposed correction to be advertised, the advertisement shall be made by publication of the request and the nature of the proposed correction in the Journal and in such other manner (if any) as the comptroller may direct.

(4) Any person may, at any time within three months after the date of the advertisement, give notice to the comptroller of opposition to the request on Patents Form No. 48/77, accompanied by a copy thereof and supported by a statement in duplicate setting out fully the facts on which the opponent relies and the relief which he seeks.

(5) The comptroller shall send a copy of the notice and the statement to the person making the request who, if he desires to proceed with his request, shall within three months of the receipt of the copies file a counter-statement in duplicate setting out fully the grounds on which he contests the opposition and the comptroller shall send a copy of the counter-statement to the opponent.

(6) The comptroller may give such directions as he may think fit with regard to the subsequent proceedings.

Information and inspection (Section 118)

92.—(1) A request under section 118 for information relating to any patent or application for a patent may be made:—

(*a*) as to when a request for substantive examination has been filed or the prescribed period for doing so has expired without the request having been filed;

(*b*) as to when the specification of a patent or application for a patent has been published;

(*c*) as to when a published application for a patent has been withdrawn, taken to be withdrawn, treated as having been withdrawn or refused by the comptroller;

(*d*) as to when a renewal fee has not been paid within the period prescribed for the purposes of section 25(3);

(*e*) as to when a renewal fee has been paid within the period of six months referred to in section 25(4);

(*f*) as to when a patent has ceased to have effect and/or an application for restoration of a patent has been filed;

(*g*) as to when an entry has been made in the register or application has been made for the making of such entry;

(*h*) as to when any application or request is made or action taken involving an entry in the register or advertisement in the Journal, if the nature of the application, request or action is specified in the request;

(*i*) as to when any document may be inspected in accordance with the provisions of rule 93 or 94 below.

(2) As regards information relating to any existing patent or existing application for a patent, a request may also be made:—

(*a*) as to when a complete specification following a provisional specification has been filed or when the period of fifteen months from the date of the application has expired and a complete specification has not been filed;

(*b*) as to when a complete specification is or will be published, or when an application for a patent has become void;

(*c*) as to when a patent has been sealed or when the time for requesting sealing has expired.

(3) Any such request shall be made on Patents Form No. 49/77 and a separate form shall be used in respect of each item of information required.

93.—(1) Subject to sub-rule (6) below and to the restrictions prescribed in sub-rule (5) below, after the date of the publication of an application for a patent in accordance with section 16, the comptroller shall, upon request made on Patents Form No. 23/77 and payment of the appropriate fee, permit all documents filed at or kept in the Office in relation to the application or to any patent granted in pursuance of it to be inspected at the Office.

(2) Subject to the same restrictions and to rule 96 below, where the circumstances specified in section 118(4) or (5) exist, the comptroller shall, upon request made on Patents Form No. 23/77 and payment of the appropriate

fee, permit inspection of such documents before the publication in accordance with section 16.

(3) Upon request made on Patents Form No. 23/77, and payment of the appropriate fee, the comptroller shall supply copies of or extracts from the register or any document referred to in section 35(3).

(4) Where a declaration has been made in accordance with section 5(2) or 127(4), inspection of any application referred to therein and of any translation thereof shall be permitted upon request under sub-rule (1) or (2) above without payment of any fee.

(5) The restrictions referred to in sub-rule (1) above are—

(*a*) that no document shall be open to inspection until 14 days after it has been filed at the Office;

(*b*) that documents prepared in the Office solely for use therein shall not be open to inspection;

(*c*) that any document sent to the Office, at its request or otherwise, for inspection and subsequent return to the sender, shall not be open to inspection;

(*d*) that no document filed at the Office in connection with an application under section 40(1) or (2) or section 41(8) shall be open to inspection unless the comptroller otherwise directs;

(*e*) that no request for information made under rule 92 above shall be open to inspection; and

(*f*) that documents in respect of which the comptroller issues directions under rule 94 below that they are to be treated as confidential shall not be open to inspection, save as permitted in accordance with that rule.

(6) Nothing in this rule shall be construed as imposing upon the comptroller the duty of making available for public inspection any documents filed with or sent to or by the Office before 1st June 1978.

94.—(1) Where a document other than a Patents Form is filed at, or sent to, the Office, and the person filing or sending it or any other party to the proceedings to which the document relates so requests, giving his reasons, within 14 days of the filing or sending of the document, the comptroller may direct that it be treated as confidential, and the document shall not be open to public inspection while the matter is being determined by the comptroller.

(2) Where such a direction has been given and not withdrawn, nothing in this rule shall be taken to authorise or require any person to be allowed to inspect the document to which the direction relates except by leave of the comptroller.

(3) The comptroller shall not withdraw any direction given under this rule nor shall he give leave for any person to inspect any document to which a direction which has not been withdrawn relates without prior consultation with the person at whose request the direction was given, unless the comptroller is satisfied that such prior consultation is not reasonably practicable.

(4) Where such a direction is given or withdrawn a record of the fact shall be filed with the document to which it relates.

(5) Where the period referred to in sub-rule (1) above is extended under rule 110, the relevant document shall not be, or, if the period is extended after it has expired, shall cease to be, open to public inspection until the expiry of the extended period, and if a request for a direction is made the document shall not be open to public inspection while the matter is being determined by the comptroller.

95. The following bibliographic data is prescribed for the purposes of section 118(3)(*b*):—

(*a*) the number of the application;

(*b*) the date of filing of the application and, where a declaration has been made under section 5(2) or 127(4), the filing date, country and file number when available of each application referred to in that declaration;

(*c*) the name of the applicant or applicants;

(*d*) the title of the invention.

96.—(1) Where the circumstances specified in section 118(4) exist, a request under section 118(1) shall be accompanied by a statutory declaration verifying their existence and such documentary evidence (if any) supporting the request as the comptroller may require.

(2) The comptroller shall send a copy of the request, the declaration and the evidence (if any) to the applicant for the patent and shall not comply with the request until the expiry of 14 days thereafter.

Service by post (*Section* 119)

97. Any notice, application or other document sent to the Office by posting it in the United Kingdom shall be deemed to have been given, made or filed at the time when the letter containing it would be delivered in the ordinary course of post.

Hours of business and excluded days (*Section* 120)

98. The Office shall be deemed to be closed at the following hours for the transaction of business of the classes specified—

(*a*) on weekdays other than Saturdays, at 6 p.m. for the filing of applications, forms and other documents, and at 4 p.m. for all other business;

(*b*) on Saturdays, at 1 p.m. for the filing of new applications for patents in respect of which no declaration for the purposes of section 5(2) or 127(4) is made.

99.—(1) All Sundays and such days as may, from time to time, be notified by a notice in the Journal and posted in a conspicuous place in the Office shall be excluded days for purposes of the transaction by the public of business under the Act of all classes or such class or classes as may be specified in the notice.

(2) All Saturdays, other than those falling within sub-rule (1) above, shall be excluded days for purposes of the transaction of all classes of business other than the filing of applications in respect of which no declaration for the purposes of section 5(2) or 127(4) is made.

Correction of irregularities (*Section* 123)

100. Any document filed in any proceedings before the comptroller may, if he thinks fit, be amended, and any irregularity in procedure in or before the Office may be rectified, on such terms as he may direct.

101. Where, under these Rules, any person is required to do any act or thing, or any document or evidence is required to be produced or filed, and it is shown to the satisfaction of the comptroller that from any reasonable cause that person is unable to do that act or thing, or that that document or evidence cannot be produced or filed, the comptroller may, upon the production of such evidence and subject to such terms as he thinks fit, dispense with the doing of any such act or thing, or the production or filing of such document or evidence.

Remission of fees (*Section* 123)

102.—(1) The comptroller may remit the whole or part of a search fee in the following cases:—

(*a*) where an application for a European patent (UK) which has already been the subject of a search by the European Patent Office falls to be treated as an application for a patent under the Act by virtue of a direction under section 81(1)(*a*);

(*b*) where an international application for a patent (UK) which has already been the subject of a search by the International Searching Authority in accordance with the Patent Co-operation Treaty falls to be treated as an application for a patent under the Act;

(*c*) where a new application is filed in accordance with section 15(4) for a patent for an invention in relation to which the applicant has previously paid the search fee in connection with the earlier application referred to in that subsection.

(2) In a case governed by Chapter II of the Patent Co-operation Treaty, the comptroller may remit the whole or part of the fee for the substantive examination of the international application where its preliminary examination has been carried out by the Office acting as the International Preliminary Examining Authority under Article 32 of the said Treaty.

(3) In every such case the request for remission of the whole or part of the fee shall be made in writing.

(4) No appeal shall lie from any decision of the comptroller under this rule.

Requirements as to evidence (*Section* 123)

103.—(1) Where under these Rules evidence may be filed, it shall be by statutory declaration or affidavit.

(2) The comptroller may if he thinks fit in any particular case take oral evidence in lieu of or in addition to such evidence and shall allow any witness to be cross-examined on his affidavit or declaration, unless he directs otherwise.

(3) In England and Wales, the comptroller shall, in relation to the giving of evidence (including evidence on oath), the attendance of witnesses and the discovery and production of documents, have all the powers of a judge of the High Court, other than the power to punish summarily for contempt of court.

(4) In Scotland, the comptroller shall, in relation to the giving of evidence (including evidence on oath), have all the powers which a Lord Ordinary of the Court of Session has in an action before him, other than the power to punish summarily for contempt of court, and, in relation to the attendance of witnesses and the recovery and production of documents, have all the powers of the Court of Session.

104. Any statutory declaration or affidavit filed under the Act or these Rules shall be made and subscribed as follows:—

(*a*) in the United Kingdom, before any justice of the peace, or any commissioner or other officer authorised by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceedings;

(*b*) in any other part of Her Majesty's dominions, or in any state or territory which is a protectorate or protected state for the purposes of the British Nationality Act 1948(**a**) or in the Republic of Ireland, before any court, judge, justice of the peace, or any officer authorised by law to administer an oath there for the purpose of any legal proceedings; and

(*c*) elsewhere, before a British Minister, or person exercising the functions of a British Minister, or a Consul, Vice-Consul, or other person exercising the functions of a British Consul, or before a notary public, or before a judge or magistrate.

105. Any document purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorised by the last foregoing rule to take a declaration, in testimony that the declaration was made and subscribed before him, may be admitted by the comptroller without proof of the genuineness of the seal or signature or of the official character of the person or his authority to take the declaration.

106. At any stage of any proceedings before the comptroller he may direct that such documents, information or evidence as he may require shall be furnished within such period as he may fix.

107.—(1) Where, by virtue of any of the rules mentioned in sub-rule (2) of this rule, any notice or application is required to be supported by a statement or evidence, such statement or evidence shall be filed on, or within 14 days after, the date on which the notice is given or the application is made.

(2) The rules referred to in sub-rule (1) above are rules 40(3), 41(1), 43(2), 65(1), 66(2), 71(2), 78(1) and 91(4).

Proceedings in Scotland (*Section* 123)

108.—(1) Where there is more than one party to proceedings under section 8, 12, 37, 40(1) or (2), 41(8), 61(3), 71 or 72, any party thereto may request the comptroller to direct that any hearing in such proceedings shall be held in Scotland and—

(*a*) the comptroller shall so direct in the following cases:—

(i) where one party resides in Scotland and all the parties to the proceedings agree to a hearing being held there; or

(ii) where all the parties to the proceedings reside in Scotland and one of them requests a hearing there, unless it is shown to the comptroller's satisfaction that it would be unduly burdensome to any other party to hold the hearing there; and

(*b*) the comptroller may direct that a hearing be held in Scotland (even where none of the parties resides in Scotland) where one party to the proceedings requests it and the balance of convenience is in favour of holding the hearing there.

(a) 1948 c. 56.

(2) A request under sub-rule (1) above shall be made in duplicate and shall—

(*a*) be in writing;

(*b*) be accompanied by a statement of facts in duplicate setting out the grounds upon which the request is made; and

(*c*) be filed at any time before the comptroller issues notification to the parties that a hearing has been appointed, or, with the leave of the comptroller, within 14 days thereafter.

(3) The comptroller, upon a request being made under sub-rule (1) above, shall send a copy of the request and the statement to any party to the proceedings who has not indicated that he consents to the request.

(4) Any party or parties to the proceedings having objection to a request made under sub-rule (1) above may, within three months of notification of the request, file at the Office a counter-statement in duplicate setting out the grounds upon which objection is taken, and the comptroller shall send a copy of the counter-statement to any person who is not party to it.

(5) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

(6) Where the comptroller, after consideration of a request made under sub-rule (1)(*a*)(ii) or (*b*) above, is satisfied that any hearing thereon should be held in Scotland, he shall grant the request and issue such directions as shall seem to him appropriate.

(7) No appeal shall lie from any decision of the comptroller under this rule.

Appointment of advisers (*Section 123*)

109. The comptroller may appoint an adviser or advisers to assist him in any proceeding before him and shall settle the question or instructions to be submitted or given to him.

Alteration of time limits (*Section 123*)

110.—(1) The times or periods prescribed by these Rules for doing any act or taking any proceeding thereunder, other than times or periods prescribed in the rules specified in sub-rule (2) below and subject to sub-rule (3) below, may be extended by the comptroller if he thinks fit, upon such notice to the parties and upon such term, as he may direct, and such extension may be granted although the time or period for doing such act or taking such proceeding has already expired.

(2) The rules referred to in sub-rule (1) above are rules 6(3) and (6), 15(1), 17(2) and (3), 23, 25, 26, 33(2) and (3), 34, 39(1) and (2), 40(2), 43(2), 60(2), 65(1), 66(1), 71(1), 78(1), 80, 81, 82, 83(1), 85(1)(*a*) and (*b*) and (3)(*b*) and (*c*), 90, 91(4), 113(3) and 123(1).

(3) The period prescribed in rule 6(2) above may be extended for not more than one month upon filing Patents Form No. 50/77.

(4) Where the period within which any party to a dispute may file evidence under these Rules is to begin after the expiry of any period in which any other party may file evidence under these Rules and that other party notifies the comptroller that he does not wish to file any or any further evidence, the comptroller may direct that the period within which the first-mentioned party may file evidence shall begin on such date as may be specified in the direction and shall notify all the parties to the dispute of that date.

111.—(1) Subject to the provisions of sub-rules (2) and (3) below, where any period of time specified in the Act or these Rules for the giving, making or filing of any notice, application or other document expires on a day certified by the comptroller as being one on which there is a general interruption or subsequent dislocation in the postal services of the United Kingdom, the period shall be extended to the first day following the end of the period of interruption or dislocation.

(2) Where, in or in connection with an application for a patent (the application in suit), it is desired to make a declaration specifying for the purposes of section 5(2) or section 127(4) an earlier relevant application and the period of twelve or, as the case may be, 15 months immediately following the date of filing the earlier relevant application ends on a day which is an excluded day for the purposes of section 120, such period shall, if the declaration is made on the first following day on which the Office is open for the transaction of such business be altered so as to include both the date of filing of the earlier relevant application and the day on which the declaration is made in or in connection with the application is suit.

(3) Where it is desired to make such a declaration and the said period of twelve or 15 months immediately following the date of filing the earlier relevant application ends on a day certified under sub-rule (1) above as being one on which there is a general interruption or subsequent dislocation in the postal services of the United Kingdom, the period shall, if the declaration is made on the first day following the end of the period of interruption or dislocation, be altered so as to include both the date of filing of the earlier relevant application and the date on which the declaration is so made in or in connection with the application in suit.

Copies of documents (*Section* 123)

112. Where a document, other than a published United Kingdom specification or application, is referred to in any reference, notice, statement, counter-statement or evidence required by the Act or these Rules to be filed at the Office or sent to the comptroller, copies of the document shall be furnished to the Office within the same period as the reference, notice, statement, counter-statement or evidence in which they are first referred to may be filed and in the following number:—

(*a*) where the document in which they were so referred to had to be filed or sent in duplicate or the original document had to be accompanied by a copy thereof, in duplicate; and

(*b*) in all other cases, one:

Provided that where a copy of any evidence is required by the Act or these Rules to be sent direct to any person, a copy of any document referred to in that document shall also be sent direct to that person.

Translations (*Section* 123)

113.—(1) Subject to the provisions of rules 6, 80, 81 and 82 and sub-rule (3) below, where any document or part of a document which is in a language other than English is filed at the Office or sent to the comptroller in pursuance of the Act or these Rules, it shall be accompanied by a translation into English of the document or that part, verified to the satisfaction of the comptroller as corresponding to the original text.

(2) Where more than one copy of that document is required to be so filed or sent, a corresponding number of copies of the translation shall accompany it.

(3) In a case where a search report drawn up under Article 92 of the European Patent Convention or Article 18 of the Patent Co-operation Treaty is filed at the Office in relation to the provisions of section 81(2)(*a*) or 89 and that report refers to any document in a language other than English, a translation into English of that document verified to the satisfaction of the comptroller as corresponding to the original text thereof shall be filed within the two months after the comptroller's directions under section 81(1) or, as the case may be, after the date on which the relevant conditions set out in section 89(4) are satisfied.

(4) Where proceedings are instituted before the comptroller in relation to a European patent (UK) the specification of which was published in French or Germah, the party who institutes those proceedings shall furnish to the Office a translation into English of the specification of the patent verified to the satisfaction of the comptrolller as corresponding to the original text thereof.

(5) If, in the course of such proceedings, leave is given for the amendment of the specification of the European patent (UK), the party given leave to amend shall furnish to the Office a translation of the amendment into the language in which the specification of the patent was published, verified to the satisfaction of the comptroller as corresponding to the original text thereof.

(6) The comptroller may refuse to accept any translation which is in his opinion inaccurate and thereupon another translation of the document in question verified as aforesaid shall be furnished, together with the appropriate number of copies thereof.

Publication and sale of documents (*Section* 123)

114. The comptroller may arrange for the publication and sale of copies of specifications and other documents in the Office and of indexes to and abridgements or abstracts of such documents.

The Journal (*Section* 123)

115.—(1) The comptroller shall publish a journal containing particulars of applications for patents and other proceedings under the Act and any other information that he may deem to be generally useful or important.

(2) The journal shall be entitled "The Official Journal (Patents)".

(3) Unless the comptroller otherwise directs, the Journal shall be published weekly.

Reports of cases (*Section* 123)

116. The comptroller shall from time to time publish reports of cases relating to patents, trade marks and registered designs decided by him and of cases relating to patents (whether under the Act or otherwise), trade marks, registered design and copyright decided by any court or body (whether in the United Kingdom or elsewhere), being cases which he considers to be generally useful or important.

International applications (*Section* 89)

117.—(1) Where the Office is the competent receiving office under the Patent Co-operation Treaty, an international application shall be filed at it in English in triplicate, accompanied by the transmittal fee specified in Schedule 1 hereto and the basic fee referred to in rule 15.1 (i) of the Regulations under the said Treaty.

(2) If less than three copies of the international application are so filed, upon preparation by the Office of the number of copies of it required to bring the total to three, the applicant shall on demand pay to the Office the appropriate charge.

118.—(1) Payment of designation fees referred to in rule 15.1(ii) of the said Regulations shall be made to the Office in the amount provided for in rule 15.2(*b*) thereof not later than the expiry of one year from the priority date as defined in Article 2(xi) of the said Treaty.

(2) Payment of the search fee referred to in rule 16.1 of the said Regulations shall be made to the Office in the amount fixed by the Administrative Council of the European Patent Organisation and published in the Journal.

119. A request under rule 20.9 of those Regulations for a certified copy of an international application as filed with the Office as receiving office and of any corrections thereto shall be made on Patents Form No. 24/77 and shall be accompanied by the appropriate fee.

120. A demand for international preliminary examination made under Article 31 of the said Treaty to the Office as International Preliminary Examining Authority shall be accompanied by payment of the handling fee referred to in rule 57 of those Regulations and the international preliminary examination fee specified in Schedule 1 hereto.

121. Where under rule 68.2 of those Regulations the Office as International Preliminary Examining Authority reports to the applicant that the requirement of unity of invention is not complied with, and the applicant decides to pay an additional fee in respect of each invention other than the main invention, the additional fee payable to the Office in respect of each invention shall not exceed the international preliminary examination fee specified in Schedule 1 hereto.

122. The fees referred to in rules 117 to 121 shall be paid in sterling.

123.—(1) Where a demand is made under Article 31 of the Patent Co-operation Treaty to the Office as an International Preliminary Examining Authority in relation to an international application which is in a language other than English, a translation thereof into English verified to the satisfaction of the comptroller as corresponding to the original text and signed by the applicant shall be filed at the Office not later than is required under rule 55.2(*b*) of the Regulations under that Treaty.

(2) Any letter from the applicant to the Office as International Preliminary Examining Authority and any amendment to the international application shall, if in a language other than English, be accompanied by a translation thereof into English verified to the satisfaction of the comptroller as corresponding to the original text and signed by the applicant.

Revocation of existing Rules

124.—(1) The Patents Rules 1968(**a**), the Patents (Amendment) Rules 1970(**b**), the Patents (Amendment No. 2) Rules 1971(**c**), the Patents (Amendment) Rules 1973(**d**), the Patents (Amendment No. 2) Rules 1975(**e**), the Patents (Amendment No. 3) Rules 1975(**f**) and the Patents (Amendment No. 4) Rules 1975(**g**) are hereby revoked:

Provided that in relation to existing patents and existing applications—

(*a*) subject to sub-rule (2) below, rules 1, 3 to 5, 9(2) and (4), 10 to 31, 33 to 37, 40 to 63, 69 to 77, 84 to 97, 103, 105 to 107(1), 113, 114, 116 to 118, 128 to 132, 136, 150, 153, 154, 156 and 157 of, and Schedule 4 and, to the extent necessary for the purposes of this rule, Schedule 2 to, the Patents Rules 1968, as amended, shall continue to apply;

(*b*) rule 83 of those Rules shall continue to apply only for the purposes of rule 89 of those Rules;

(*c*) rules 2, 9(1) and (3), 32, 104, 107(2), 112, 115 and 158 of those Rules shall apply as if they were in the form set out in Schedule 4 hereto; and

(*d*) subject to sub-rule (3) below, rules 30, 39(1) and (3) to (6), 41 to 50, 52, 62 to 74, 76, 88(1), 90, 92 to 95, 97 to 101, 103 to 108 and 114 to 116 of these Rules shall apply.

(2) In the rules specified in proviso (*a*) to sub-rule (1) above, as they continue to apply by virtue of that sub-rule, a reference to any of the Patents Rules 1968, as amended, or to any Schedule thereto, which is not specified in the said proviso or in proviso (*c*) to that sub-rule shall be taken to be a reference to the corresponding provisions of these Rules (any provision of these Rules being treated as a corresponding provision of those Rules if it was made for purposes which are the same as or similar to that provision of those Rules).

(3) In the rules specified in proviso (*d*) to sub-rule (1) above, as they apply by virtue of that sub-rule—

(*a*) a reference to the Act shall include a reference to the 1949 Act;

(*b*) a reference to a specified provision of the Act other than one of the provisions referred to in paragraph 1(2) of Schedule 2 to the Act shall be construed as a reference to the corresponding provision of the 1949 Act (any provision of that Act being treated as corresponding to a provision of the Act if it was enacted for purposes which are the same as or similar to that provision of the Act);

(*c*) a reference to any of these Rules which is not specified in the said proviso (*d*) shall be taken to be a reference to the corresponding provisions of the Patents Rules 1968, as amended, (any provision of those Rules being treated as corresponding to a provision of these Rules if it was made for purposes which are the same as or similar to that provision of these Rules);

(*d*) references to a patent under the Act and to an application for such a patent shall include respectively a reference to an existing patent and application;

(**a**) S.I. 1968/1389. (**b**) S.I. 1970/955.
(**c**) S.I. 1971/1917. (**d**) S.I. 1973/66.
(**e**) S.I. 1975/891. (**f**) S.I. 1975/1021.
(**g**) S.I. 1975/1262.

(*e*) references to the grant of a patent under the Act shall include a reference to the sealing and grant of an existing patent; and

(*f*) references to a published application for a patent under the Act, and to publication of such an application, shall include respectively references to a complete specification which has been published under the 1949 Act and to publication of such a specification (and a reference to an application for a patent under the Act which has not been published shall be construed accordingly).

Stanley Clinton Davis,
Parliamentary Under-Secretary of State,
Department of Trade.

17th February 1978.

We consent to the making of rules 3 and 117 to 123 of these Rules.

T. M. Cox,
J. Dormand,
Two of the Lords Commissioners of
Her Majesty's Treasury.

16th February 1978.

SCHEDULE 1

LIST OF FEES PAYABLE

Rule 3

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.	5
2/77	On reference under section 8(1), 12(1) or 37(1).	15
3/77	On application under section 8(5) or 37(3) for authorisation by comptroller.	15
4/77	On request for directions under section 10 or 12(4).	15
5/77	On reference under section 11(5) or 38(5) to determine the question of a licence.	15
6/77	On application to comptroller under section 13(1) and/or 13(3).	10
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.	5
9/77	On request for preliminary examination and search or request for further search.	40
10/77	On request for substantive examination.	40
11/77	On request to amend application before grant.	13
12/77	*On payment of renewal fee:—	
	Before the expiration of the 4th year from the date of the patent and in respect of the 5th year.	40
	Before the expiration of the 5th year from the date of the patent and in respect of the 6th year.	42
	Before the expiration of the 6th year from the date of the patent and in respect of the 7th year.	46
	Before the expiration of the 7th year from the date of the patent and in respect of the 8th year.	50
	Before the expiration of the 8th year from the date of the patent and in respect of the 9th year.	56
	Before the expiration of the 9th year from the date of the patent and in respect of the 10th year.	62
	Before the expiration of the 10th year from the date of the patent and in respect of the 11th year.	68
	*One half only of these fees payable if entry in the register "Licences of Right".	

Number of corresponding Patents Form	Item	Amount
		£
	Before the expiration of the 11th year from the date of the patent and in respect of the 12th year.	76
	Before the expiration of the 12th year from the date of the patent and in respect of the 13th year.	84
	Before the expiration of the 13th year from the date of the patent and in respect of the 14th year.	92
	Before the expiration of the 14th year from the date of the patent and in respect of the 15th year.	100
	Before the expiration of the 15th year from 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.	108
	†Before the expiration of the 16th year from the date of the patent and in respect of the 17th year.	118
	†Before the expiration of the 17th year from the date of the patent and in respect of the 18th year.	128
	†Before the expiration of the 18th year from the date of the patent and in respect of the 19th year.	140
	†Before the expiration of the 19th year from the date of the patent and in respect of the 20th year.	152
	†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.	8
	Not exceeding two months	16
	Not exceeding three months.	24
	Not exceeding four months.	32
	Not exceeding five months.	40
	Not exceeding six months.	48
14/77	On application to amend specification after grant.	25
15/77	On notice of opposition to amendment of specification after grant.	10
16/77	On application for the restoration of a patent.	15
17/77	Additional fee on the application for restoration of a patent.	40
18/77	On offer to surrender a patent.	—
19/77	On notice of opposition to offer to surrender a patent.	10
20/77	On request for alteration of name, nationality, address or address for service in the register; for each patent or application.	1

Number of corresponding Patents Form	Item	Amount
		£
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.	10
	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.	1
22/77	On request for the correction of an error in the register or in any connected document.	8
23/77	On request for the furnishing of or access to miscellaneous information. Each	0.30
24/77	On request for certificate of the comptroller:—	
	(a) by impressed stamp	1
	(b) sealed and attached to documents	3
25/77	On application for entry of order of court in the register.	—
26/77	On application for compensation by employee.	15
27/77	On application under section 41(8) in connection with an order made under section 40(1) or 40(2).	15
28/77	On application by patentee for entry to be made in the register to the effect that licences under the patent are to be available as of right.	6
29/77	On application for settlement of terms of a licence of right.	15
30/77	On application by proprietor under section 47(1) for cancellation of entry in the register.	10
31/77	On application under section 47(3) by person interested for cancellation of entry in the register.	10
32/77	On notice of opposition to an application under section 47(1) or 47(3) for cancellation of entry in the register.	10
33/77	On application under section 48(1) for a compulsory licence or entry in the register.	15
34/77	On application by Crown in case of monopoly or merger.	15
35/77	On notice of opposition to application made under section 48 to 51.	10
36/77	On reference to the comptroller of a dispute as to infringement.	15
37/77	On application for declaration of non-infringement.	15
38/77	On application for the revocation of a patent.	10
39/77	On application to register copy of entry made in European Register of Patents.	5

Number of corresponding Patents Form	Item	Amount
		£
40/77	On payment of filing fee upon conversion of European patent application to an application under the Act.	5
41/77	On request for conversion of European patent application.	5
42/77	On request for national processing of an international application for a patent (UK).	5
43/77	On payment of prescribed fee and request for publication of translation.	5
44/77	On application to the comptroller for an international application to be treated as an application under the Act.	5
45/77	On application for order for evidence to be obtained in the United Kingdom.	15
46/77	On notice that hearing before the comptroller will be attended.	6
47/77	On request for the correction of an error of translation or transcription, clerical error or mistake.	8
48/77	On notice of opposition to the correction of an error, clerical error or mistake.	10
49/77	On request for information relating to a patent or an application for a patent.	4
50/77	On request for extension of time for furnishing the file number and a copy of an application specified in a declaration for the purposes of section 5.	50
	As Receiving Office or International Preliminary Examining Authority under the Patent Co-operation Treaty:—	
—	Transmittal Fee (Rule 117(1))	5
—	Preliminary Examination Fee (Rule 120)	25
—	Additional Fee (Rule 121). Maximum	25

PART B

(In this Part of this Schedule—

(1) any reference to a section is a reference to that section of the Patents Acts 1949 to 1961; 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.)

Number of corresponding Patents Form	Item	Amount
		£
1	On application for a patent.	1
1 Con.	On convention application for a patent:—	
	In respect of each application for protection in a convention country.	1
	On filing specification:—	
2	Provisional	—
3	Complete.	60
1 Add	On application for grant of patent of addition in lieu of an independent patent.	15
4	Declaration of inventorship of invention disclosed in complete specification.	—
5	For extension of the period of filing complete specification.	13
6	On request for the post-dating of an application under section 6(3).	10
7	For extension of time under rule 30 or 33 or 50:—	
	Not exceeding one month	8
	Each succeeding month.	8
8	On application for result of search made under sections 7 and 8.	0.30
9	On application under section 9(2) for deletion of reference.	—
10	For extension of the period for putting an application in order:—	
	Up to one month after the period allowed by section 12(1)	8
	Up to two months	16
	Up to three months.	24
11	For postponement of acceptance of complete specification:—	
	Up to 13 months from date of filing of complete specification	8
	From 13 months to 14 months	8
	From 14 months to 15 months.	8
13	On notice that hearing before the comptroller will be attended.	6
14	On a request under section 16(3).	4
15	On a claim under section 16(4).	4

Number of corresponding Patents Form	Item	Amount
		£
16	On an application for extension of the period under section 16(5).	6
17	On an application for a certificate under section 16(8).	10
18	On a claim under section 17(1) for application to proceed in name of claimants.	13
19	On application for directions under section 17(5).	15
20	On a 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	8
	Not exceeding two months	16
	Not exceeding three months.	24
22	On application for extension of the period for requesting the sealing of a patent under section 19(4):—	
	Not exceeding one month	8
	Each succeeding month.	8
23	On application under section 20 for amendment of a patent.	11
27	On application under section 24 or 25 for extension of term of patent.	19
28	On opposition to application for extension of term of patent.	10
32	On application under section 28 for sealing of patent.	15
33	On opposition to application under section 28.	10
34	Additional fee for sealing under section 28.	40
35	On application to amend specification after acceptance.	25
36	On notice of opposition to amendment. By opponent.	10
37	On application to amend specification not yet accepted.	13
38	On application to amend an application for a patent.	13
38 Con.	Application for the conversion of an application for a patent to a convention application under rule 94(2).	—
39	On application for revocation of a patent under section 33.	10
43	On application for settlement of terms of licence under patent endorsed "Licences of Right".	15

Number of corresponding Patents Form	Item	Amount
		£
44	On application by patentee for cancellation of endorsement of patent "Licences of Right".	10
45	On application for cancellation of endorsement "Licences of Right".	10
46	On notice of opposition to cancellation of endorsement of patent "Licences of Right".	10
51	On opposition to application under section 37 or 40.	10
53	On application under section 55(1) for directions of comptroller.	15
54	On application under section 55(2) for directions of comptroller.	15
55	On application under section 56(1) to determine dispute.	15
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.	8
65	On notice of opposition to the correction of a clerical error.	10
68	For duplicate of patent.	10
69	On application for entry of order of court in the register.	—

SCHEDULE 2
GENERAL FORMS

PATENTS ACT 1977 *Rule* 4
Patents Form No. 1/77
(Rules 6, 16, 19)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

REQUEST FOR THE GRANT OF A PATENT

THE GRANT OF A PATENT IS REQUESTED BY THE UNDERSIGNED ON THE BASIS OF THE PRESENT APPLICATION

I. APPLICANT'S OR AGENT'S REFERENCE (Please insert if available)

II. TITLE OF INVENTION

III. APPLICANT OR APPLICANTS (See note 2)

Name (first or only applicant).....

Address .....

.....

.....

Nationality .....

Name (of second applicant, if more than one).....

Address .....

.....

Nationality .....

IV. INVENTOR (See note 3)

(a) The applicant(s) is/are the sole/joint inventor(s)
or
(b) A statement on Patents Form No. 7/77 is/will be furnished.

V. AUTHORISATION OF AGENT (See note 4)

VI. ADDRESS FOR SERVICE (See note 5)

VII. DECLARATION OF PRIORITY (See note 6)

Country	Filing date	File number
.....		
.....		
.....		
.....		

VIII. THE APPLICATION CLAIMS AN EARLIER DATE UNDER SECTION 8(3), 12(6), 15(4) or 37(4). (See note 7)

Earlier application or patent number.....and filing date.....

IX. CHECK LIST (To be filled in by applicant or agent)

A. The application contains the following number of sheet(s)		B. The application as filed is accompanied by:	
1. Request	.....Sheet(s)	1. Priority document	.....
2. Description	.....Sheet(s)	2. Translation of priority document	.....
3. Claim(s)	.....Sheet(s)	3. Request for Search	.....
4. Drawing(s)	.....Sheet(s)	4. Statement of Inventorship and Right to Apply	.....
5. Abstract	.....Sheet(s)	5. Separate Authorisation of Agent.	....

X. It is suggested that Figure No ..... of the drawings (if any) should accompany the abstract when published.

XI. Signature (See note 8)

NOTES 1. This form, when completed, should be brought or sent to the Patent Office together with the prescribed fee and two copies of the description of the invention.

2. The name, address and nationality of each applicant are to be stated in the spaces provided at III. Names of natural persons should be indicated in full. Bodies corporate should be designated by their corporate name. If there are more than two applicants the information concerning the third (and further) applicants should be given on a separate sheet.

3. Where the applicant or applicants is/are the sole inventor or the joint inventors, the declaration (a) to that effect at IV should be completed and the alternative statement (b) deleted. If however this is not the case the declaration (a) should be struck out and a statement will then be required to be filed upon Patents Form No. 7/77.

4. If the applicant wishes to appoint an agent, his name and address of his place of business shall be indicated in the spaces available at V and VI; such indication will be considered to be an authorisation for the agent to prosecute the application up to grant of a patent and to service any patent so granted.

5. If no authorised agent is appointed an address for service in the United Kingdom to which all documents and notices may be sent must be stated at VI. It is recommended that a telephone number be provided if available.

6. The declaration of priority at VII should state the date of the previous filing and the country in which it was made and indicate the file number, if available.

7. When an application is made by virtue of section 8(3), 12(6), 15(4) or 37(4) the appropriate section should be identified at VIII and the number of the earlier application or any patent granted thereon identified.

8. An agent may sign only when previously authorised. An express authorisation signed by the applicant(s) must be received by the Patent Office before the expiry of 3 months from the filing date.

9. Attention of applicants is drawn to the desirability of avoiding publication of inventions relating to any article, material or device intended or adapted for use in war (Official Secrets Acts, 1911 and 1920). In addition after an application for a patent has been filed at the Patent Office the comptroller will consider whether publication or communication of the invention should be prohibited or restricted under section 22 of the Act and will inform the applicant if such prohibition is necessary.

10. Applicants resident in the United Kingdom are also reminded that, under the provisions of section 23 applications may not be filed abroad without written permission or unless an application has been filed not less than six weeks previously in the United Kingdom for a patent for the same invention and no direction prohibiting publication or communication has been given or any such direction has been revoked.

PATENTS ACT 1977

Patents Form No. 2/77
(Rules 7, 8, 54, 55).

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

REFERENCE UNDER SECTION 8(1), 12(1) OR 37(1).

I/We .....

.....

.....

hereby refer to the comptroller under subsection .....

of section ..... of the Patents Act 1977, the question set out in the accompanying statement.

Signature .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

NOTE:

The person making the reference should complete the form by inserting his name and address and indicating the section (8, 12 or 37) and the subsection ((1) (*a*) or (*b*)) under which the reference is brought in the spaces provided.

PATENTS ACT 1977

Patents Form No. 3/77
(Rules 11, 56)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION UNDER SECTION 8(5) OR 37(3) FOR AUTHORISATION BY COMPTROLLER

I/We .....

.....

.....

hereby declare that.....

.....

has failed to carry out within 14 days the directions of the comptroller given upon a reference made under section.....in respect of Patent Application/Patent No. ..... as set out in the accompanying statement:

And I/we accordingly request that the comptroller authorise me/us to carry out the said directions on behalf of the person to whom the directions were given.

Signature .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

NOTES:

1. This form should be completed by the person or persons making the application who should identify thereon the names and addresses of the parties to the proceedings and the relevant patent application or patent number.
2. The applicant should also indicate in the space provided whether the directions were given upon a reference under section 8(1)(*a*), 8(1)(*b*), 37(1)(*a*) or 37(1)(*b*).

PATENTS ACT 1977

Patents Form No. 4/77
(Rule 12)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

REQUEST FOR DIRECTIONS UNDER SECTION 10 OR 12 (4)

I .....

.....

.....

being a joint applicant with .....

.....

.....

in Patent Application No. .....

hereby declare that a dispute has arisen between us and request that an order of the comptroller be made giving directions for enabling the application to proceed.

Signature .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

NOTES:

1. The form should be completed by the person making the application entering his own name and address and those of the joint applicant(s) where appropriate, and quoting the relevant application number in the space provided.
2. Where application is made under section 12(4) the relevant country, international convention or treaty should be identified together with the number of the application for a patent.

PATENTS ACT 1977

Patents Form No. 5/77
(Rules 13, 59)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

REFERENCE UNDER SECTION 11(5) OR 38(5) TO DETERMINE THE QUESTION OF A LICENCE

I/We .....

.....

.....

hereby refer to the comptroller the question whether:—

(a) a licence should be granted on Patent Application/Patent No. .....

..... to .....

.....

..... and/or

(b) the period or terms of the proposed licence (of which a copy is attached) are reasonable;

and I also request that the comptroller should determine the question and, if he considers it appropriate, order the grant of such a licence.

I am/We are the

(a) applicant(s) for the patent

(b) proprietor(s) of the patent

(c) person(s) claiming entitlement to the grant of a licence

Signature .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

NOTES:

1. This form is to be completed by the person making the reference, inserting his name and address, the number of the relevant patent application or patent and the name and address of the person to whom the licence is to be granted in the spaces provided.
2. The two inappropriate categories in the second paragraph should be deleted.

PATENTS ACT ACT 1977

Patents Form No 6/77
(Rule 14)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION TO COMPTROLLER UNDER SECTION 13 (1) AND/OR 13 (3)

In the matter of Patent Application/Patent No.....

I/We .....

.....

hereby declare that:—

(*a*) I am/we are the inventor(s) of the invention which is the subject of the said application for a patent or patent and accordingly have a right to be mentioned as such in accordance with the terms of section 13 (1); and/or

(*b*) .....

.....

ought not to have been mentioned in pursuance of section 13 (1) as the sole or joint inventor of the invention which is the subject of the said application; and I/we hereby apply for a certificate to that effect.

Signature .....

Address for service in the .....

United Kingdom to which .....

all communications should .....

be sent .....

NOTES:

1. The person making the application should indicate on the form the published application or patent in respect of which the application is being made, state his name and address and then complete parts (*a*) and/or (*b*) as appropriate.
2. Where a certificate is sought under section 13 (3), the name of the person who, in the opinion of the applicant, ought not to have been mentioned as sole or joint inventor should be inserted in the space provided in part (*b*).
3. If the application is being brought under one only of subsections (1) and (3) of section 13, either part (*a*) or part (*b*) should be cancelled as appropriate.

PATENTS ACT 1977

Patents Form No. 7/77
(Rule 15)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

STATEMENT OF INVENTORSHIP AND OF RIGHT TO THE GRANT OF A PATENT

I. Application No.

II. Title

III. I/We .....

.....

.....

the applicant(s) in respect of the above mentioned application for a patent do hereby declare as follows:—

(i) I/We believe the person(s) whose names and addresses are stated on the reverse side of this form (and supplementary sheet if necessary) is/are the inventor(s) of the invention in respect of which the above mentioned application is made;

(ii) The derivation of my/our right to be granted a patent upon the said application is as follows:—

.....

.....

.....

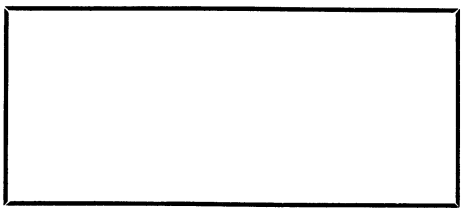
(iii) I/We consent to the publication of the details contained herein to each of the inventors named on the reverse side of this form.

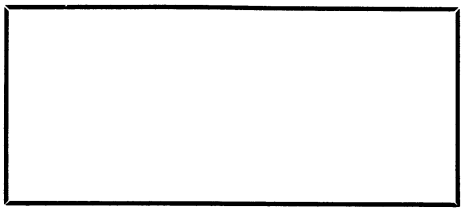
IV. *Signature* .....

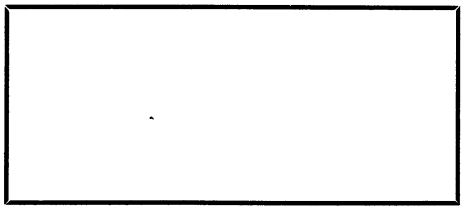
.....

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PLEASE TURN OVER







NOTES:

1. The name(s) and address(es) of the inventor(s) are to be inserted in the spaces provided alongside.
2. Where more than 3 inventors are to be named, the names of the 4th and any further inventors should be given on the reverse side of an additional blank copy of Patents Form No. 7/77 and attached to this form.

PATENTS ACT 1977

Patents Form No. 8/77
(Rule 17)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

REQUEST FOR COMPTROLLER'S CERTIFICATE AUTHORISING THE RELEASE OF A SAMPLE FROM A CULTURE COLLECTION

I/We .....

.....

.....

(a) declare as follows:—

(i) that the micro-organism deposited at .....

under the accession No. .....is referred to in the

specification of Patent Application/Patent No. .....;

(ii) that the invention disclosed in the said specification requires for its performance the use of the micro-organism identified above; and

(iii) that, although the said application has not yet been published, I am/we are, for the reasons established by the accompanying evidence and by virtue of section 118(4) or (5), entitled to receive information and inspect documents relating to the said application; and

(b) undertake, if a sample of the said micro-organism is released to me/us,

(i) not to make the culture available to any other person until the application for the patent is refused or withdrawn or deemed to be withdrawn or, if a patent is granted, until it ceases to have effect without the possibility of renewal or restoration in accordance with sections 25 and 28; and

(ii) to use the culture for experimental purposes only until the application is refused or withdrawn or deemed to be withdrawn or until the date of publiction in the Journal of a notice that the patent has been granted; and

(c) accordingly request that the comptroller's certificate authorising the release of a sample of the said micro-organism may be forwarded to me/us.

Signature .....

Address to which .....

Comptroller's certificate .....

is to be sent .....

Please see notes on reverse.

NOTES

1. This form should be completed by the person making the request entering his name and address and information identifying the relevant culture collection, accession number and patent application or patent number in the spaces provided.
2. Unless the above reference is to a patent application which has not been published under section 16(1) and the person making the request seeks by virtue of section 118(4) or (5) to secure release of a sample prior to the publication of the said application, part (iii) of the declaration at (a) should be deleted. Where section 118(4) is invoked, evidence substantiating the facts relied on must also be furnished. Where section 118(5) is relied on the reference to the accompanying evidence should be deleted.
3. The undertaking at (b) (ii) may be deleted either:—
   (a) where the reference to the micro-organism in question appears in the specification of a granted patent; or
   (b) where the person making the request is a government department or person authorised in writing by a government department to make the request and the request is made in order to enable any act specified in section 55 to be done in relation to the culture in question for the services of the Crown.

PATENTS ACT 1977

Patents Form No. 9/77
(Rules 29, 32, 80, 81, 82)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

REQUEST FOR PRELIMINARY EXAMINATION AND SEARCH OR REQUEST FOR FURTHER SEARCH

I. I/We .....
.....
.....
hereby request the comptroller to refer my/our Patent Application No. .....
..... to an examiner for a preliminary examination and search in accordance with section 17(1) of the Patents Act 1977.

II. I/We .....
.....
.....
hereby request the comptroller to direct the examiner to conduct a search in relation to such other invention disclosed in my/our Patent Application No. ..... and identified in the accompanying letter as prescribed by section 17(6) of the Patents Act 1977.

Signature .....

NOTES:
1. Paragraph I or paragraph II should be completed by the applicant for a patent according as to whether request is made for a preliminary examination and search under section 17(1) or for a further search under section 17(6).
2. Where the request is for a further search under section 17(6) a letter should accompany the request identifying the further invention in respect of which the search is to be made by reference to the claims in which it is specified. Failure to give this information will result in the examiner making the search under section 17(6) in respect of the second of the inventions specified in the search report previously issued under section 17(5).
3. When paragraph II is completed the application number quoted should be that assigned to the application when first filed.

PATENTS ACT 1977

Patents Form No. 10/77
(Rules 33, 83)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

REQUEST FOR SUBSTANTIVE EXAMINATION

I/We .....

.....

.....

hereby request the comptroller to refer my/our Patent Application No.....

.....

to an examiner for a substantive examination in accordance with section 18(1) of the Patents Act 1977.

Signature .....

.....

NOTE:

The application number to be quoted in the space provided should be that assigned to the application when first filed.

PATENTS ACT 1977

Patents Form No. 11/77
(Rules 35, 36)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

REQUEST TO AMEND APPLICATION BEFORE GRANT

I/We .....

.....

.....

seek leave to amend my/our Patent Application No. .....

as shown in red ink in the annexed copy of the original application.

My/our reasons for making this amendment are as follows .....

.....

.....

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.....

.....

.....

Signature .....

NOTE: The application number to be quoted in the space provided should be that assigned to the application when first filed.

PATENTS ACT 1977

Patents Form No. 12/77
(Rules 39, 41, 64, 67, Schedule 4).

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

PAYMENT OF RENEWAL FEE

I/We .....

.....

.....

hereby transmit the renewal fee prescribed for the continuance in force for its.....th

year of Patent No.....

standing in the name(s) of.....

.....

.....

and request that the Certificate of Payment below may be sent to me/us at the address specified.

NOTE: Where the proprietor of the patent requires the notice specified in rule 39(4) to be sent in accordance with rule 39(5) to him at an address in the United Kingdom other than the address for service specified in the register, he shall give the address in the space following and add his signature thereto.

.....

.....

.....

Signature .....

CERTIFICATE OF PAYMENT OF RENEWAL FEE

This is to certify that the prescribed fee has been duly paid and Patent No.....

.....renewed until.....
when the next renewal fee will be due.

┌ ..... ┐ Patent Office date stamp.

.....

.....

└ ..... ┘

Please do not detach this certificate. If it is completed, the Patent Office will date and return it to the address shown.

PATENTS ACT 1977

Patents Form No. 13/77
(Rule 39)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

PAYMENT OF ADDITIONAL FEE UNDER SECTION 25(4)

I/We .....

.....

.....

hereby transmit the additional fee payable in respect of an extension of.....

month(s) for the payment of the renewal fee due in respect of Patent No. .....

.....

NOTES:

1. The person tendering the fee should insert his name and address in the space provided.
2. The number of months in respect of which the additional fee is payable should be stated.
3. Patents Form No. 12/77 in respect of the corresponding unpaid renewal fee should accompany this form.

PATENTS ACT 1977

Patents Form No. 14/77
(Rule 40)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION TO AMEND SPECIFICATION AFTER GRANT

I/We .....

.....

.....

seek leave to amend the specification of Patent No.....
as shown in red ink in the annexed copy of the printed specification thereof.

I declare that no proceedings are pending before the Court or the comptroller in which the validity of the patent may be in issue.

My/Our reasons for making this amendment are as follows.....

.....

.....

.....

.....

.....

.....

.....

.....

Signature .....

NOTE: The reasons for making the amendment given by the proprietor of the patent must be sufficient to allow it to be determined that the amendment effects a proper cure for the relevant defect; in particular where it is stated that amendment is sought to distinguish the invention from what is disclosed in a specification or other publication having an earlier priority date, that specification or publication must be identified on the form.

PATENTS ACT 1977

Patents Form No. 15/77
(Rules 40, 78)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

NOTICE OF OPPOSITION TO AMENDMENT OF SPECIFICATION AFTER GRANT

I/We .....

.....

.....

hereby give notice of opposition to the proposed amendment of the specification of Patent No. .....

Signature .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

NOTE: The person giving the notice should complete the form by inserting his name and address in the space provided.

PATENTS ACT 1977

Patents Form No. 16/77
(Rule 41)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION FOR THE RESTORATION OF A PATENT

I/We .....

.....

.....

hereby apply for an order for the restoration of Patent No.....

Signature .....

PATENTS ACT 1977

Patents Form No. 17/77
(Rule 41)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

ADDITIONAL FEE ON THE APPLICATION FOR RESTORATION OF A PATENT

I/We .....

.....

hereby transmit the prescribed additional fee in connection with the restoration of Patent No. .....

together with Patents Form No. 12/77, duly completed.

Signature .....

PATENTS ACT 1977

Patents Form No. 18/77
(Rule 43)

Tne Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

OFFER TO SURRENDER A PATENT

I/We .....

.....

.....

hereby offer to surrender Patent No. .....

I/We declare that no action is pending before the Court for infringement or for revocation of the patent.

My/Our reasons for making this offer are as follows:

.....

.....

.....

.....

.....

.....

Signature .....

NOTE:

If an action before the court is pending, the declaration above should be deleted and full particulars of such action furnished in writing to the comptroller.

PATENTS ACT 1977

Patents Form No. 19/77
(Rule 43)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

NOTICE OF OPPOSITION TO OFFER TO SURRENDER A PATENT

I/We .....

.....

.....

hereby give notice of opposition to the offer to surrender Patent No. .....

.....

Signature .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

NOTE: The person giving the notice should complete the form by inserting his name and address in the space provided.

PATENTS ACT 1977

Patents Form No. 20/77
(Rule 45)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

REQUEST FOR ALTERATION OF NAME, NATIONALITY, ADDRESS OR ADDRESS FOR SERVICE IN THE REGISTER OF PATENTS

In the matter of Patent Application/Patent No. .....

I/We .....

.....

.....

hereby request that the (a) name

(b) nationality

(c) address

(d) address for service

now upon the register of patents may be altered to:

.....

.....

.....

Signature .....

NOTES:

1. The person or persons making the request should complete the form indicating whether the request relates to an application for a patent or to a granted patent by appropriate deletion and by insertion of the number of the application or patent as the case may be.
2. Any of categories (a) - (d) which are inapplicable should be deleted and the desired alteration specified.
3. Where the request is for alteration in a name or nationality, evidence of the alteration must be furnished.

PATENTS ACT 1977

Patents Form No. 21/77
(Rule 46)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION TO REGISTER OR TO GIVE NOTICE OF A TRANSACTION, INSTRUMENT OR EVENT AFFECTING THE RIGHTS IN A PATENT OR APPLICATION FOR A PATENT

I/We .....

.....

.....

hereby give notice to the comptroller of or apply for an entry to be made in the register of patents of a transaction, instrument or event (details of which are given below) affecting the rights in or under Patent Application/Patent No. .....

The said details are as follows:— .....

.....

.....

.....

I/We submit the accompanying certified copy, official document or extract establishing the transaction, instrument or event.

Signature .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

NOTES:

1. The name and address of the person making the application should be given in the space provided.
2. Details of the transaction, instrument or event to be registered, i.e. whether it is an assignment, a licence or a mortgage etc, should be stated where appropriate together with its date and the parties to the same.

PATENTS ACT 1977

Patents Form No. 22/77
(Rule 47)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

REQUEST FOR THE CORRECTION OF AN ERROR IN THE REGISTER OR IN ANY CONNECTED DOCUMENT

I/We .....

.....

.....

hereby request:—

(a) That the entry made in the register in relation to Patent Application/Patent No.....; and/or

(b) that the undermentioned document filed in connection with such registration;

be corrected

(i) as shown in red ink on the annexed copy of.....; or

(ii) as follows.....

.....

.....

.....

.....

Signature .....

NOTE: The person making the request should clearly identify in the space provided the document containing the error to be corrected and should also supply a copy thereof with the desired corrections shown in red ink, unless it is not convenient to do so, in which case the correction sought may be stated in the space provided.

PATENTS ACT 1977

Patents Form No. 23/77
(Rules 49, 93)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

REQUEST FOR THE FURNISHING OF OR ACCESS TO MISCELLANEOUS INFORMATION

I/We hereby request;

(a) That I/we be allowed to inspect the register and/or the original documents filed at or kept in the Office in relation to Patent Application/Patent No(s).....
.....
.....;

(b) that I/we be supplied with copies of or extracts from the register or documents relating to Patent Application/Patent No(s) as follows: .....
.....
.....
.....
.....
.....
.....
.....

Signature .....

Name and address to which reply .....

is to be sent (if appropriate) .....

.....

NOTES:

1. This form may be used to make more than one request; and such requests need not all relate to the same patent or patent application. However a fee equal to the total of fees corresponding to each individual item as set out in Schedule 1 to the Patents Rules 1978 must be paid; if this fee is defective the requests will be acted on in the order in which they are made on the form to the extent allowable by the fee actually paid.
2. Where section 118(4) is relied on the requirements of rule 96 must be complied with.

PATENTS ACT 1977

Patents Form No. 24/77
(Rules 6, 52, 119)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

REQUEST FOR CERTIFICATE OF THE COMPTROLLER

I/We .....

.....

.....

hereby request the comptroller to provide in respect of Patent Application/Patent No. .....

(a) his certificate to the effect that;

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

(b) a signed certificate to the effect that .....

.....

.....

(c) a sealed and certified copy of any entry in the register or of any document kept in the Patent Office, any specification of a patent or any application for a patent which has been published, as follows .....

.....

.....

PLEASE TURN OVER

(d) a sealed and certified document reproducing in legible form an entry made in the register otherwise than in legible form, as follows .....

.....

.....

(e) a sealed and certified extract from the register or of any document mentioned in (c) or (d) above, as follows .....

.....

.....

.....

Signature and address to which .....

certificate is to be sent .....

.....

.....

NOTES:

1. The person making the request should state in the appropriate one of the spaces provided the particulars which the comptroller is requested to certify, and to identify the documents (if any) copies of which are to be annexed to the certificate stating also if appropriate the purpose for which the copies are required.
2. When a certificate, copy, document or extract in accordance with and for the purposes of section 35(2) or (3) is required, the appropriate one of items (b), (c), (d) or (e) should be completed. In all such cases the greater of the two fees listed in the Fees Schedule is appropriate.
3. Where the certificate is required for any other purpose, item (a) should be completed. If only a simple certificate impressed by rubber stamp to the document to be certified is asked for, the lesser of the fees listed in the Fees Schedule is appropriate; where a separate certificate is sought, sealed with the seal of the Patent Office and stating the matter certified, the greater fee is to be paid.

PATENTS ACT 1977

Patents Form No. 25/77
(Rule 53)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION FOR ENTRY OF ORDER OF COURT IN THE REGISTER

I/We .....
.....
.....
hereby transmit an office copy of an Order of the Court with reference to.....
.....
.....
.....
.....
.....
.....
.....
.....

Signature .....

PATENTS ACT 1977

Patents Form No. 26/77
(Rule 60)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION FOR COMPENSATION BY EMPLOYEE

I/We .....

.....

.....

apply to the comptroller for an award of compensation under section 40 in respect of Patent No. .....

Signature .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

NOTE: The name and address of the person making the application should be inserted in the space provided.

PATENTS ACT 1977

Patents Form No. 27/77
(Rule 61)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION UNDER SECTION 41(8) IN CONNECTION WITH AN ORDER MADE UNDER SECTION 40(1) OR 40(2)

In the matter of Patent No. .....

and of the order made under section 40(1) or 40(2) and dated .....

between the employer viz: .....

.....

.....

and the employee, viz: .....

.....

.....

I/We, the said .....

hereby apply to the comptroller as set out fully in the accompanying statement.

Signature .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

NOTE:

The form should be completed by the person making the application who should insert the names of the employer and employee in the previous proceedings under section 40(1) or 40(2) and his own name, in the spaces provided.

PATENTS ACT 1977

Patents Form No. 28/77
(Rule 62)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION BY PATENTEE FOR ENTRY TO BE MADE IN THE REGISTER TO THE EFFECT THAT LICENCES UNDER THE PATENT ARE TO BE AVAILABLE AS OF RIGHT

I/We .....

.....

.....

hereby request that an entry may be made in the register in respect of Patent No. .....to the effect that licences under the patent are to be available as of right.

I am/We are not precluded by contract from granting licences under the patent.

Signature .....

PATENTS ACT 1977

Patents Form No. 29/77
(Rule 63)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION FOR SETTLEMENT OF THE TERMS OF A LICENCE OF RIGHT

I/We .....

.....

.....

hereby apply to the comptroller for settlement of the terms of a licence to be exchanged or granted under Patent No.....being a patent in respect of which an entry has been made in the register of patents to the effect that licences thereunder are to be available as of right.

I am/We are

(a) the proprietor(s) of the patent

(b) the person(s) requiring the licence

(c) the holder(s) of a licence under the patent before the said entry was made.

Signature .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

NOTE:

The applicant or applicants should complete the form inserting his name and address in the space provided and deleting whichever of categories (a), (b) and (c) are not applicable.

PATENTS ACT 1977

Patents Form No. 30/77
(Rule 64)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION BY PROPRIETOR UNDER SECTION 47(1) FOR CANCELLATION OF ENTRY IN THE REGISTER

I/We .....

.....

.....

hereby apply for cancellation of the entry in the register to the effect that licences under Patent No..... are to be available as of right.

I/We enclose Patents Form No. 12/77 accompanied by the balance of all renewal fees which would have been payable if the entry had not been made.

I/We declare:—

(a) that there is no existing licence under the patent;

(b) that all the licensees consent to this application.

Signature .....

NOTE:

Either (a) or (b) above should be deleted as appropriate.

PATENTS ACT 1977

Patents Form No. 31/77
(Rule 65)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION UNDER SECTION 47(3) BY PERSON INTERESTED FOR CANCELLATION OF ENTRY IN THE REGISTER

I/We .....

.....

.....

hereby claim that the proprietor of Patent No..... made an entry in the register to the effect that licences under it are to be available as of right but is, and was at the time of the entry, precluded by a contract in which I am/we are interested from so doing, and I/we apply for the cancellation of the entry.

Signature .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

NOTE:

The name and address of the person making the application should be inserted in the space provided.

PATENTS ACT 1977

Patents Form No. 32/77
(Rule 66)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

NOTICE OF OPPOSITION TO AN APPLICATION UNDER SECTION 47(1) OR 47(3) FOR CANCELLATION OF ENTRY IN THE REGISTER

I/We .....

.....

.....

hereby give notice of opposition to the application for the cancellation of the entry in the register of patents to the effect that licences under Patent No..... are to be available as of right.

Signature .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

NOTE:

The name and address of the opponent should be inserted in the space provided.

PATENTS ACT *1977*

Patents Form No. 33/77
(Rule 68)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION UNDER SECTION 48(1) FOR A COMPULSORY LICENCE OR ENTRY IN THE REGISTER

I/We .....

.....

.....

hereby apply to the comptroller in respect of Patent No.....

(a) for a licence under the patent;

(b) for an entry to be made in the register to the effect that licences under the patent are to be available as of right;

(c) for the grant of a licence under the patent to .....

.....

.....

upon the grounds set out in the accompanying statement.

Signature .....

Address for service in the .....

United Kingdom to which all .....

communications should be used .....

NOTE:

The applicant should complete the form inserting his name and address in the space provided and deleting whichever of items (a), (b) and (c) are inapplicable.

PATENTS ACT 1977

Patents Form No. 34/77
(Rule 69)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION BY CROWN IN CASE OF MONOPOLY OR MERGER

I/We .....

.....

.....

hereby apply to the comptroller in respect of Patent No. .....
for his order for the relief set out in the accompanying statement or for such other relief as he may direct.

Signature .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

PATENTS ACT 1977

Patents Form No. 35/77
(Rule 71)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

NOTICE OF OPPOSITION TO APPLICATION MADE UNDER SECTION 48 TO 51

I/We .....

.....

.....

hereby give notice of opposition to the application made in respect of Patent No.....

.....

by .....

.....

for:—

(a) a licence under the patent

(b) an entry to be made in the register to the effect that licences under the patent are to be available as of right

(c) the grant of a licence under the patent to .....

.....

.....

(d) the order of the comptroller under sub-section (4) or (5) of section 51.

Signature .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

NOTES:

1. This form is to be completed in duplicate by the proprietor of the patent or other person or persons wishing to oppose the application made under section 48 or 51, and should show thereon, in addition to the name and address of the opponent and the patent number, the name or names of the applicant under section 48 or 51, and which of the four categories of application listed is appropriate to the present case.
2. Where the application has been made under section 48 by a government department for the grant of a licence to another person, the name and address of that other person should be inserted at (c).

PATENTS ACT 1977

Patents Form No. 36/77
(Rule 72)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

REFERENCE TO THE COMPTROLLER OF A DISPUTE AS TO INFRINGEMENT.

We, ...

.....

the proprietors of Patent No.....

or the exclusive licensee under Patent No.....

and .....

.....

the person(s) alleged by the proprietor or exclusive licensee to have infringed the patent hereby refer to the comptroller the question whether such infringement has in fact taken place. We submit herewith a joint statement giving full particulars of the matters which are in dispute and those on which we are in agreement.

Signature of proprietor or

exclusive licensee .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

Signature of other party to the reference .....

Address for .....

service in the United Kingdom .....

to which all communications should be sent .....

NOTES:

1. The parties to the reference should insert their names and addresses in the appropriate spaces and the status of the first party should be indicated.
2. The parties should submit a joint statement, setting out fully the matters on which they are in agreement and those upon which they are in dispute.

PATENTS ACT 1977

Patents Form No. 37/77
(Rule 74)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION FOR DECLARATION OF NON-INFRINGEMENT

I/We .....

.....

... .

seek the declaration of the comptroller that the act or proposed act described fully in the accompanying statement does not, or would not, constitute an infringement of Patent No. .....whose present registered proprietor(s) is/are .....

.....

.....

I/We hereby confirm that I/we have written to the said proprietor(s) for a written acknowledgement to the effect of the declaration claimed and have furnished him/them with particulars in writing of the said act or proposed act; and further confirm that he has/they have refused or failed to give any such acknowledgment.

Signature .....

Address for service in the .....

United Kingdom to which all .....

communications should be sent .....

NOTE:

The name and address of the applicant should be inserted in the space provided.

PATENTS ACT 1977

Patents Form No. 38/77
(Rule 75)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION FOR THE REVOCATION OF A PATENT

I/We .....

.....

.....

hereby apply for the revocation of Patent No.....

standing in the name of.....

.....

.....

.....

Signature .....

Address for service in the.....

United Kingdom to which all.....

communications should be sent.....

NOTE:

The notice and accompanying statement are to be furnished in duplicate. The statement should not only set out clearly which of the grounds (a) to (e) of section 72(1) is being relied on, but it should also set out fully the facts upon which the application relies in support of his case and the relief sought.

PATENTS ACT 1977

Patents Form No. 39/77
(Rule 79)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION TO REGISTER COPY OF ENTRY MADE IN THE EUROPEAN REGISTER OF PATENTS

I/We .....

.....

.....

.....

hereby apply for a copy of an entry made in the Register of European Patents in relation to European Patent Application No.....
to be entered in the register of patents.
A copy of the relevant entry, duly certified, accompanies this application.

Signature .....

Address for service in the.....

United Kingdom to which all.....

communications should be sent.....

NOTE:

The name and address of the applicant should be inserted in the space provided.

PATENTS ACT 1977

Patents Form No. 40/77
(Rules 80, 81, 82)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

PAYMENT OF FILING FEE UPON CONVERSION OF EUROPEAN PATENT APPLICATION TO AN APPLICATION UNDER THE ACT.

I/We .....

.....

.....

the applicant(s) in respect of European Patent Application No..... in respect of which a request for conversion to an application under the Patents Act 1977 has been made, transmit herewith the filing fee.

Signature .....

Address for service in the.....

United Kingdom to which all.....

communications should be sent.....

PATENTS ACT 1977

Patents Form No. 41/77
(Rule 81)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

REQUEST FOR CONVERSION OF EUROPEAN PATENT APPLICATION

I/We .....

.....

.....

the applicant(s) in respect of European Patent Application No.....

filed at the Patent Office on..... do hereby request

that a direction be given converting the application into an application for a patent under the Patents Act 1977.

I/We also request that a copy of my/our European Patent Application together with a copy of this request be sent in accordance with Article 136, paragraph 2, of the European Patent Convention to the central industrial property office of the following Contracting States designated in my/our said application;

....

....

In support of this request, I/we submit the notification issued to me/us by the European Patent Office to the effect that my/our said application has been deemed to be withdrawn pursuant to Article 77, paragraph 5, of the European Patent Convention.

Signature .....

Address for service in the.....

United Kingdom to which all.....

communications should be sent.....

PATENTS ACT 1977

Patents Form No. 42/77
(Rule 85)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

REQUEST FOR NATIONAL PROCESSING OF AN INTERNATIONAL APPLICATION FOR A PATENT (UK)

I/We .....

.....

.....

the applicant(s) in respect of an international application for a patent (UK) filed under the Patent Co-operation Treaty, having the international application No..... do hereby request the said application should now be processed in accordance with United Kingdom national procedure.

This application is made by virtue of the fact that the Patent Office is for the purposes of the said application

a) a designated Office under Chapter I of the Patent Co-operation Treaty

b) an elected Office under Chapter II of the Patent Co-operation Treaty

Signature .....

Address for service in the.....

United Kingdom to which all.....

communications should be sent.....

NOTE:

Either (a) or (b) above should be deleted as appropriate.

PATENTS ACT 1977

Patents Form No. 43/77
(Rule 85)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

PAYMENT OF PRESCRIBED FEE AND REQUEST FOR PUBLICATION OF TRANSLATION

I/We .....

.....

.....

herewith transmit the prescribed fee required under section 89(5) and request that the translation of the application/amendment filed at the Patent Office under section 89(4) in respect of application number.....should be published.

Signature .....

NOTE:

The application relevant to the translation to be published should be identified on the form by insertion of the number assigned to it by the Patent Office for use in connection with pre-grant proceedings.

PATENTS ACT 1977

Patents Form No. 44/77
(Rule 85)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION TO THE COMPTROLLER FOR AN INTERNATIONAL APPLICATION TO BE TREATED AS AN APPLICATION UNDER THE ACT.

I/We .....

.....

.....

hereby claim that the fact that

a) international application No..... has been deemed to be withdrawn

b) the designation of the United Kingdom in international application No..... has been deemed to be withdrawn

c) a filing date has been refused to the international application having international application No.....

was due to an error or omission in the Patent Office or other institution having functions under the Patent Co-operation Treaty or circumstances beyond my/our control as set out more fully in the accompanying statement.

I/We also request that the comptroller should treat the said application as an application under the Patents Act 1977 by virtue of section 89(8) or 89(11) as appropriate.

Signature .....

Address for service .....

in the United Kingdom.....

to which all communications.....

should be sent.....

NOTE:

The number of the international application should be inserted in the appropriate one of items (a), (b) or (c) and the remaining two items deleted.

PATENTS ACT 1977

Patents Form No. 45/77
(Rule 86)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

APPLICATION FOR ORDER FOR EVIDENCE TO BE OBTAINED IN THE UNITED KINGDOM

I/We .....

.....

.....

apply to the comptroller for an order under section (1) of the Evidence (Proceedings in other Jurisdictions) Act 1975, as applied by section 92 of the Patents Act 1977, for evidence to be obtained in the United Kingdom for the purpose of proceedings before a relevant convention court under the European Patent Convention in respect of the matter particulars of which are given in the accompanying affidavit.

The evidence desired is.....

.....

.....

.....

.....

.....

Signature .....

Address to which the.....

evidence should be sent.....

NOTE:

The applicant should insert his name and address in the space provided.

PATENTS ACT 1977

Patents Form No. 46/77
(Rule 88)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

NOTICE THAT HEARING BEFORE THE COMPTROLLER WILL BE ATTENDED

I/We .....

.....

.....

hereby give notice that the hearing fixed for the .....

.....

in reference to.....

.....

.....

will be attended by myself/ourselves or by some person on my/our behalf.

Signature .....

.....

PATENTS ACT 1977

Patents Form No. 47/77
(Rule 91)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

REQUEST FOR THE CORRECTION OF AN ERROR OF TRANSLATION OR TRANSCRIPTION, CLERICAL ERROR OR MISTAKE

I/We .....

.....

.....

hereby request that the error .....

.....

relating to Patent Application/Patent No. may be corrected

(a) as shown in red ink in the annexed copy of the said.....

or

(b) as follows.....

.....

.....

.....

.....

.....

.....

Signature .....

NOTE:

The person making the request should clearly identify in the space provided the document containing the error or mistake to be corrected and should also supply a copy thereof with the desired corrections shown in red ink, unless it is not convenient to do so, in which case the correction sought may be stated in the space provided.

PATENTS ACT 1977

Patents Form No. 48/77
(Rule 91)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

NOTICE OF OPPOSITION TO THE CORRECTION OF AN ERROR, CLERICAL ERROR OR MISTAKE

I/We .....

.....

.....

hereby give notice of opposition to the request, dated....., made by

.....

.....

..... for

the correction of an error or mistake made in connection with Patent Application/ Patent No. .....

Signature .....

Address for service in the.....

United Kingdom to which all.....

communications should be sent .....

NOTE:

The name and address of the opponent should be inserted in the space provided, and details of the request being opposed furnished where indicated.

PATENTS ACT 1977

Patents Form No. 49/77
(Rule 92)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

REQUEST FOR INFORMATION RELATING TO A PATENT OR AN APPLICATION FOR A PATENT

I/We hereby request the comptroller to furnish me/us with the following information relating to Patent Application/Patent No....., viz; as to when .....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Signature .....

Name and address to which.....

information is to be sent.....

.....

.....

PATENTS ACT 1977

Patents Form No. 50/77
(Rule 110)

The Comptroller
The Patent Office
25 Southampton Buildings
London WC2A 1AY

REQUEST FOR EXTENSION OF TIME FOR FURNISHING THE FILE NUMBER AND COPY OF AN APPLICATION SPECIFIED IN A DECLARATION FOR THE PURPOSES OF SECTION 5

In the matter of application number.....

I/We.....

.....

.....

hereby request an extension of one month in the period prescribed by rule 6(2) for furnishing the file number and a copy of the application specified at VII on Patents Form No. 1/77 as having been filed on.....

in.....

Signature .....

NOTE:

The applicant or applicants should insert his or their names in the space provided and identify the application to which the declaration under section 5 relates by referring to its date of filing and the country in or for which it was made.

SCHEDULE 3 *Rule* 38

FORM OF CERTIFICATE OF GRANT OF PATENT

In accordance with section 24(2) of the Patents Act, 1977, it is hereby certified that a patent having the specification No.....has been granted to in respect of an invention disclosed in an application for that patent having a date of filing of..... .....being an invention for.....

Dated this day of 19

Comptroller-General of Patents,
Designs and Trade Marks.

SCHEDULE 4 *Rule 124*

FORM IN WHICH CERTAIN OF THE PATENTS RULES 1968, AS AMENDED, ARE TO APPLY

Rule 2

2.—(1) In these Rules, unless the content otherwise requires—

"the Act" means 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 Act 1977**(d)** and, save where otherwise indicated, any reference to a section is a reference to that section of the Act;

"Journal" means the Official Journal (Patents) published in accordance with rule 115 of the Patents Rules 1978**(e)**;

"Office" means the Patent Office;

"register" means the register of patents kept under the provisions of section 32 of the Patents Act 1977;

"United Kingdom" includes the Isle of Man.

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

Rule 9

9.—(1) An application other than a Convention application shall be made on Patents Form No. 1.

(3) A Convention application shall be made on Patents Form No. 1 Con.

Rule 32

32. An application for disclosure of the result of a search made under sections 7 and 8 shall be made on Patents Form No. 8.

Rule 104

104. An application under section 36(1) for the cancellation of an endorsement shall be made on Patents Form No. 44, and shall be accompanied by evidence verifying the statement in the application, and by Patents Form No. 12/77 accompanied by fees to the amount of the balance of all renewal fees which would have been payable if the patent had not been endorsed.

Rule 107(2)

107.—(2) Where the Comptroller cancels the endorsement pursuant to section 36(3), the patentee shall, within one month from the cancellation of the endorsement, file Patents Form No. 12/77 accompanied by fees to the amount of the balance of all renewal fees which would have been payable if the patent had not been endorsed.

Rule 112

112. An application under section 37 or section 40 shall be accompanied by evidence verifying the statements in the application.

(a) 1949 c.87.
(b) 1957 c.13.
(c) 1961 c.25.
(d) 1977 c.37.
(e) S.I. 1978/216.
(f) 1889 c.63.

Rule 115

115. The procedure to be followed in connection with an application under section 41 for a licence under a patent shall be the same as that prescribed in rules 112 to 114 for an application under section 37.

Rule 158

158. Not withstanding the provisions of rule 93 of the Patents Rules 1978 **(a)** the Comptroller may at any time after three months from the date of publication of the complete specification or other document refuse further inspection of any application, specification, drawing or other document in respect of which the Secretary of State has certified that further inspection thereof could in his opinion be prejudicial to the safety of the public; provided that no such certificate shall be valid for a period in excess of twelve months unless renewed by the Secretary of State.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules, made under the Patents Act 1977, revoke and replace the Patents Rules 1968, the Patents (Amendment) Rules 1970, the Patents (Amendment No. 2) Rules 1971, the Patents (Amendment) Rules 1973, the Patents (Amendment No. 2) Rules 1975, the Patents (Amendment No. 3) Rules 1975 and the Patents (Amendment No. 4) Rules 1975.

The principal changes are:—

(1) the circumstances in which the deposit of a micro-organism is to be treated as disclosing the invention in the manner required by the Act are prescribed (rule 17);

(2) provision is made for applications to the comptroller by employees for compensation for certain inventions (rules 60 and 61);

(3) provision is made in relation to European patents (UK) and applications for such patents (rules 79 to 84) and;

(4) provision is made in relation to international applications for patents (rules 85 and 117 to 123).

The fees to be paid in respect of matters arising under the Act are prescribed (Schedule 1), as also are the forms which are required to be used (Schedule 2).

Some of the Patents Rules 1968, as amended, will continue to apply to existing patents and applications (rule 124).

(a) S.I. 1978/216

SI 1978/216
ISBN 0-11-083216-7

