STATUTORY INSTRUMENTS

1978 No. 1093

PATENTS

The Register of Patent Agents Rules 1978

Made - - -	*28th July* 1978
Laid before Parliament	*7th August* 1978
Coming into Operation	*1st September* 1978

The Secretary of State, in exercise of the powers conferred on him by section 123 of the Patents Act 1977(**a**), with the consent of the Treasury and after consultation with the Council on Tribunals, hereby makes the following Rules:—

Citation, commencement and interpretation

1. These Rules may be cited as the Register of Patent Agents Rules 1978 and shall come into operation on 1st September 1978.

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

"the Act" means the Patents Act 1977;

"Institute" means the Chartered Institute of Patent Agents;

"register" means the register of patent agents required to be kept under these Rules, and "Registrar" means the person appointed in accordance with rule 7 of these Rules to maintain the register;

"the Comptroller" means the Comptroller-General of Patents, Designs and Trade Marks;

"United Kingdom" includes the Isle of Man.

(2) The Interpretation Act 1889(**b**) 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.

The Register

3. There shall continue to be kept by the Institute a register which shall contain the name of each person who is registered under the Act and these Rules, together with his business address, the date of registration, his qualification for registration, and mention of such honours, degrees, memberships or other additions as the Registrar may see fit to include.

4. The names and other particulars of persons whose names have been erased from the register shall be transferred to a special record to be kept by the Registrar, who shall enter therein the reason for any such erasure.

5. The register and the said record or, if they are kept otherwise than in legible form, documents reproducing them in legible form, shall be open to public inspection at such times and in such manner as the Registrar may, with the approval of the Comptroller, direct.

(**a**) 1977 c. 37. (**b**) 1889 c. 63.

6. Not later than the 1st day of April in each year the Institute shall cause a copy of the register as it existed at the end of the preceding calendar year, with the names arranged alphabetically, to be printed, published and placed on sale.

7. The Institute shall appoint the Registrar who shall maintain the register and the said record in accordance with the provisions of the Act and these Rules and subject thereto shall act under the directions of the Institute.

Examinations

8.—(1) The Institute shall at least once in every year hold an intermediate examination and a final qualifying examination and, subject to paragraph (2) hereof, the Institute shall have the entire management and control of such examinations.

(2) Notwithstanding anything in paragraph (1) above but subject to paragraph (3) below, the Institute—

(*a*) shall not make any general provision in relation to the admission of candidates to, or their exemption from, those examinations or in relation to examination procedures (whether by way of examination regulations or otherwise) without the prior written consent of the Comptroller;

(*b*) shall not refuse to accept as a candidate for the intermediate examination any person who is for the time being entitled to practise in the United Kingdom as a solicitor or any person who has been engaged in the United Kingdom for a period of not less than three years as a pupil or technical assistant to one or more registered patent agents practising in the United Kingdom and who has passed such preliminary examinations as the Institute may require;

(*c*) shall not refuse to accept as a candidate for the final examination any person who has passed the intermediate examination and who is entitled to practise in the United Kingdom as a solicitor or who has been engaged in the United Kingdom for a period of not less than five years as a pupil or technical assistant to one or more registered patent agents practising in the United Kingdom.

(3) Nothing in paragraph (2)(*b*) or (*c*) above shall require the Institute to accept any person as a candidate for any examination if—

(i) on the last previous occasion on which the Institute held a like examination that person was an unsuccessful candidate in the whole or any part of that examination; or

(ii) that person is not at the time of entry to that examination engaged in the United Kingdom as a pupil or technical assistant to one or more registered patent agents practising in the United Kingdom; or

(iii) the period of three or five years referred to in paragraph (2)(*b*) or (*c*) above during which that person was a pupil or technical assistant to one or more registered patent agents practising in the United Kingdom expired more than two years before the date of the examination which he has applied to sit or such earlier date as the Institute may specify in his case;

nor shall anything therein require the Institute to accept any person as a candidate in respect only of a part of any examination.

9. Any person shall be entitled to be registered as a patent agent who—

(*a*) has passed the final qualifying examination of the Institute, or such part or parts thereof (if any) as may have been prescribed by the Institute in relation to his case;

(*b*) has produced to the Registrar a certificate to that effect under the seal of the Institute; and

(*c*) has paid the registration fee set out in the Schedule hereto;

unless a direction under rule 14 below that that person shall not be so registered is in force.

Amendment of the Register

10. A registered person shall give notice to the Registrar of any change in the particulars relating to him entered in the register and the Registrar shall amend the register accordingly.

11.—(1) A registered person who ceases to practise as a patent agent shall forthwith give notice of the fact to the Registrar and shall indicate to the Registrar whether he wishes his name to be erased from the register.

(2) The Registrar may send by post to a registered person at his registered address a notice enquiring whether or not he has ceased to practise as a patent agent or has changed his address, and if the Registrar does not, within three months, receive a reply from the said person that person shall be deemed to have ceased to practise as a patent agent and his name shall be erased from the register.

(3) The Registrar shall erase from the register the name of any registered person whom he has reason to believe is dead.

(4) The name of a person erased from the register under this rule may be restored to the register by direction of the Institute where from the circumstances of the case it appears just so to direct.

12.—(1) If any registered person fails to pay the annual fee referred to in the Schedule hereto within one month from the day on which it becomes payable, the Registrar shall send to him at his registered address a notice requiring him to pay the fee on or before a day specified in the notice, and if that person fails to pay the fee on or before that date the Registrar may erase his name from the register.

(2) The name of a person erased from the register under this rule may be restored to it by direction of the Institute on payment by him of the fee or fees due from him, together with such further sum not exceeding the amount specified in the Schedule hereto in respect of the annual fee as the Institute may in each particular case direct.

13. The Comptroller may direct the Registrar to erase from the register any entry therein which he is satisfied has been wrongly inserted.

14.—(1) The Secretary of State may—

(*a*) suspend any registered person from acting as agent in respect of any business under the Act for such time as he may think fit, or

(*b*) direct the Registrar to erase from the register the name of any registered person, or

(*c*) direct the Registrar not to register the name of any person who would otherwise be entitled to be registered, except with the prior consent of the Secretary of State,

in a case where:—

(i) that person has been convicted in England of any offence or elsewhere of an offence which, if committed in England, would be an offence, or

(ii) he is satisfied after due enquiry that that person has been guilty of conduct discreditable to a patent agent, or

(iii) having been entitled to practise as a solicitor that person has ceased to be so entitled.

(2) (*a*) The Secretary of State shall not

(i) suspend any registered person from acting as agent;

(ii) direct erasure of his name from the register; or

(iii) issue a direction under sub-rule 1(*c*) above,

unless that person has been given notice of any allegations made against him and has had an opportunity of being heard.

(*b*) In any such case, the Institute shall be entitled to be represented at the hearing.

15. Where the Secretary of State or the Comptroller has directed the erasure of any entry from the register, that entry shall not be restored to the register except by direction of the Secretary of State or the Comptroller, as the case may be, who may further direct that such restoration shall be made either without fee or on payment of such fee as he may fix not exceeding the fee set out in the Schedule hereto for the registration of the name of a patent agent, and the Registrar shall restore the entry accordingly.

Appeals

16. Any person aggrieved by any order, direction or refusal of the Institute or the Registrar may appeal to the Comptroller.

17.—(1) A person who intends to appeal to the Comptroller under rule 16 shall within one month from the date of the order, direction or refusal send to the Comptroller a notice of appeal signed by him, stating the grounds of the appeal and accompanied by a statement of his case in support thereof.

(2) The appellant shall also immediately after sending his notice of appeal to the Comptroller send a copy thereof with a copy of the statement of his case in support thereof to the Institute or the Registrar, as the case may be.

18.—(1) The Comptroller may give such directions as he thinks fit for the purpose of hearing the appeal and shall give 14 days' notice, or such shorter notice as he may in any particular case direct, of the time and place appointed for the hearing of the appeal to the appellant and to the Institute or the Registrar as the case may be.

(2) For the purpose of giving effect to his decision, the Comptroller may give such directions to the Institute or the Registrar as he thinks fit.

General

19. The fees required by the Institute in respect of the several matters mentioned in the first column of the Schedule hereto shall be paid to the Registrar at the times specified in relation thereto in the second column of the Schedule and shall not exceed the amounts so specified in the third column thereof.

20. The Comptroller may from time to time give general directions to the Institute as to any matters relating to the register.

21. The Institute shall in the month of April in every year send to the Comptroller a report stating the number of applications for registration which have been made in the preceding calendar year, the nature and results of the examinations which have been held, the amounts of fees received by the Institute under these Rules and such other matters in relation to the provisions of these Rules as the Comptroller may from time to time require.

Revocation

22. The Register of Patent Agents Rules 1950(**a**), the Register of Patent Agents (Amendment) Rules 1964(**b**) and the Register of Patent Agents (Amendment) Rules 1975(**c**) are hereby revoked.

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

28th July 1978.

We consent to the making of these Rules

T. E. Graham,
J. Dormand,
Two of the Lords Commissioners of
Her Majesty's Treasury.

27th July 1978.

(a) S.I. 1950/804. (b) S.I. 1964/2029. (c) S.I. 1975/1467.

SCHEDULE

Rule 19

FEES

(1) Nature of Fee	(2) When to be paid	(3) Maximum fee payable
1. For the registration of name of patent agent	On application and before registration	£25·00
2. Annual fee to be paid by every registered person	When required by the Registrar but in any event not more frequently than once annually	£25·00
3. On entry of a candidate for the intermediate examination or any part or parts thereof	At the time of presenting name	£25·00
4. On entry of a candidate for the final qualifying examination or any part or parts thereof	At the time of presenting name	£50·00

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules replace the Register of Patent Agents Rules 1950 as amended, and regulate, under the Patents Act 1977, the registration of patent agents and the suspension of the right to act as such an agent.

SI 1978/1093
ISBN 0-11-084093-3

