



Patents Act 1949

1949 CHAPTER 87 12 13 and 14 Geo 6

Application, investigation, opposition, etc.

6 Examination of application.

- (1) When the complete specification has been filed in respect of an application for a patent, the application and specification or specifications shall be referred by the comptroller to an examiner.
- (2) If the examiner reports that the application or any specification filed in pursuance thereof does not comply with the requirements of this Act or of any rules made by the Board of Trade thereunder, or that there is lawful ground of objection to the grant of a patent in pursuance of the application, the comptroller may either—
 - (a) refuse to proceed with the application; or
 - (b) require the application or any such specification as aforesaid to be amended before he proceeds with the application.
- (3) At any time after an application has been filed under this Act and before acceptance of the complete specification, the comptroller may, at the request of the applicant and upon payment of the prescribed fee, direct that the application shall be post-dated to such date as may be specified in the request:
Provided that—
 - (a) no application shall be post-dated under this subsection to a date later than six months from the date on which it was actually made or would, but for this subsection, be deemed to have been made; and
 - (b) a convention application shall not be post-dated under this subsection to a date later than the last date on which, under the foregoing provisions of this Act, the application could have been made; [^{F1}and—
 - (c) no application shall, on or after the appointed day, be post-dated under this subsection to a date which is that of the appointed day or which falls after it].
- (4) Where an application or specification filed under this Act is amended before acceptance of the complete specification, the comptroller may direct that the application or specification shall be post-dated to the date on which it is amended or, if it has been returned to the applicant, to the date on which it is refiled [^{F2}; but no

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application shall on or after the appointed day be post-dated under this subsection to a date which is that of the appointed day or which falls after it].

- (5) Rules made by the Board of Trade under this Act may make provision for securing that where, at any time after an application or specification has been filed under this Act and before acceptance of the complete specification, a fresh application or specification is filed in respect of any part of the subject matter of the first-mentioned application or specification, the comptroller may direct that the fresh application or specification shall be ante-dated to a date not earlier than the date of filing of the first-mentioned application or specification [^{F3}; but a fresh application or specification may not be filed on or after the appointed day in accordance with this subsection and those rules unless the comptroller agrees that he will direct that the application or specification shall be ante-dated to a date which falls before the appointed day].
- (6) An appeal shall lie from any decision of the comptroller under subsection (2) or subsection (4) of this section.

Textual Amendments

- F1** S. 6(3) proviso (c) inserted by Patents Act 1977 (c. 37), s. 127, **Sch. 1 para. 2(1)**
- F2** Words inserted by Patents Act 1977 (c. 37), s. 127, **Sch. 1 para. 2(1)**
- F3** Words inserted by Patents Act 1977 (c. 37), s. 127, **Sch. 1 para. 2(2)**

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