
STATUTORY INSTRUMENTS

2007 No. 3291

PATENTS

The Patents Rules 2007

Made - - - - - *19th November 2007*
Laid before Parliament *22nd November*
Coming into force *2007*
17th December 2007

THE PATENTS RULES 2007

PART 1

INTRODUCTORY

1. Citation and commencement
2. General interpretation
3. The declared priority date
4. Forms and documents

PART 2

APPLICATIONS FOR PATENTS

International exhibitions

5. International exhibitions

Declarations of priority

6. Declaration of priority for the purposes of section 5(2) (priority date)
7. Request to the comptroller for permission to make a late declaration under section 5(2B)
8. Filing of priority documents to support a declaration under section 5(2)
9. Translation of priority documents

Mention of the inventor

10. Mention of the inventor
11. Waiving the right to be mentioned

Status: This is the original version (as it was originally made).

Form and content of applications

12. Applications for the grant of patents under sections 14 and 15
13. Biological material and sequence listings
14. Size and presentation of application
15. The abstract
16. Single inventive concept
17. References under section 15(1)(c)(ii)
18. Missing parts

New applications

19. New applications filed as mentioned in section 15(9)
20. New applications under sections 8(3), 12(6) and 37(4)
21. Extensions for new applications

Periods for filing contents of application

22. Periods prescribed for the purposes of sections 15(10) and 17(1)

Preliminary examination

23. Preliminary examination under section 15A
24. Correcting a declaration made for the purposes of section 5(2)
25. Formal requirements

Publication of application

26. Publication of application

Search and substantive examination

27. Search under section 17
28. Request for substantive examination under section 18
29. Substantive examination reports
30. Period for putting application in order
31. Amendment of application before grant
32. Reinstatement of applications under section 20A
33. Observations by third parties on patentability

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Certificate and amendment

34. Certificate of grant
35. Amendment of specification after grant

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36. Renewal of patents: general
37. Renewal of patents: first renewal
38. Renewal of patents: subsequent renewals
39. Renewal notice
40. Restoration of lapsed patents under section 28
41. Notification of lapsed patent

Surrender and cancelling entry that licences available as of right

42. Surrender
43. Application for, and cancellation of, an entry that licences are available as of right

PART 4

THE REGISTER AND OTHER INFORMATION

The register

44. Entries in the register
45. Advertisement in relation to register
46. Copies of entries in, or extracts from, the register and certified facts
47. Registrations of transactions, instruments and events

Copies of documents and corrections in relation to the register

48. Copies of documents
49. Correction of name, address and address for service
50. Request for correction of error

Requests for information or documents

51. Restrictions on inspection of documents
52. Request for information where section 118(4) applies
53. Confidential documents
54. Requests for certain information
55. Bibliographic information about an unpublished application

PART 5

EUROPEAN PATENTS (UK)

Translations

56. Translations of European patents (UK)
57. Corrected translations

Conversion requests

58. Procedure for making a conversion request under section 81(2)(b)(i)
59. Procedure for making a conversion request under section 81(2)(b)(ii)
60. Request for substantive examination following a direction under section 81

Obligations to other contracting parties to the European Patent Convention

61. Recognition of patent decision of competent authorities of other states
62. Procedure for obtaining evidence for proceedings under the European Patent Convention
63. Communication of information to the European Patent Office

PART 6

INTERNATIONAL APPLICATIONS

Interpretation

64. Interpretation relating to international applications

Status: This is the original version (as it was originally made).

Filing at the Patent Office

65. Filing of international applications at the Patent Office

Beginning the national phase, international exhibitions and altered prescribed periods

66. Beginning of national phase
67. International exhibitions
68. Altered prescribed periods

Translations

69. Necessary translations under section 89A(3) and (5)
70. Requirements of necessary translations

Application deemed withdrawn or filing date refused under the Patent Co-operation Treaty

71. Directions under section 89(3) and (5)
72. Circumstance prescribed for the purposes of section 89(3)

PART 7

PROCEEDINGS HEARD BEFORE THE COMPTROLLER

Introductory

73. Scope and interpretation
74. Overriding objective
75. Publication of notices

Conduct of hearings

76. Starting proceedings
77. Notification of the parties
78. The counter-statement
79. Copies of documents
80. Evidence rounds and the hearing
81. Alteration of time limits
82. General powers of the comptroller in relation to proceedings before him
83. Striking out a statement of case and summary judgment
84. Hearings in public

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85. Security for costs or expenses
86. Powers of comptroller to compel attendance of witnesses and production of documents
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88. Proceedings in Scotland
89. Proceedings started under section 46(3) by a person other than the proprietor
90. Licences following entitlement proceedings
91. Period prescribed for applications by employee for compensation

PART 8

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92. Interpretation

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93. Request for an opinion under section 74A
94. Refusal or withdrawal of request
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96. Submission of observations and observations in reply
97. Issue of the opinion

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98. Review of opinion
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PART 9

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104. Failure to furnish an address for service

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Time limits and delays

108. Extension of time limits
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112. Copies available to the comptroller

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113. Translations
114. Translations in proceedings in relation to a European patent (UK)
115. Establishing the accuracy of translations

Supplementary Protection Certificates

116. Supplementary protection certificates

Status: This is the original version (as it was originally made).

Publications

- 117. The journal
- 118. Reports of cases
- 119. Publication and sale of documents

Transitional provisions and revocations

- 120. Transitional provisions and revocations
Signature

SCHEDULE 1 — BIOLOGICAL MATERIAL

- 1. Introductory
- 2. Specification of an application for a patent, or of a patent, for an invention which involves the use of or concerns biological material
- 3. The first and second requirements
- 4. A request by a person for biological material to be made available
- 5. The undertaking
- 6. Restriction of availability of biological material to experts
- 7. Request for a sample to be made available to expert
- 8. New deposits

SCHEDULE 2 — FORMAL AND OTHER REQUIREMENTS

PART 1 — REQUIREMENTS: ALL DOCUMENTS

- 1. A4 matt white paper must be used.
 - 2. A document in paper form must be free from tears,...
 - 3. Frames (lines surrounding matter) must not be used.
- PART 2 — REQUIREMENTS: DOCUMENTS (OTHER THAN DRAWINGS)

- 4. The pages of the description and claims must be numbered...
- 5. But where a sequence listing is set out at the...
- 6. Page numbers must be located at the top or bottom...
- 7. The minimum margins in any document must be 20mm.
- 8. Each of the following— (a) the request for the grant...
- 9. The abstract, description and claims must use at least 1.5...
- 10. The capital letters in any typeface or font used must...

PART 3 — REQUIREMENTS: DRAWINGS

- 11. There must be a margin around any drawing which must...
- 12. All drawings must be numbered consecutively in a single series....
- 13. The drawings must begin on a new sheet of paper....
- 14. The pages containing the drawings must be numbered consecutively in...
- 15. Drawings must comprise black lines and must not be shaded....
- 16. Drawings may include cross-hatching to illustrate the cross-sections of a...
- 17. Any scale or other reference for making measurement must be...
- 18. Any drawing must be produced in such manner that it...
- 19. A drawing must not be included in the description, the...
- 20. The capital letters in any typeface or font used in...

PART 4 — OTHER REQUIREMENTS

- 21. References must only be included in the drawing where they...
- 22. Tables of information may only be included in the claims...
- 23. The terminology and any references used must be consistent throughout...
- 24. Where units of measurement used in the application are not...
- 25. Only technical terms, signs and symbols which are generally accepted...

SCHEDULE 3 — PROCEEDINGS HEARD BEFORE THE COMPTROLLER
PART 1 — APPLICATIONS, REFERENCES AND REQUESTS
PART 2 — OPPOSITIONS WHICH START PROCEEDINGS
PART 3 — OPPOSITIONS AFTER PROCEEDINGS HAVE STARTED
PART 4 — RULES WHICH APPLY TO ANY PROCEEDINGS HEARD
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SCHEDULE 4 — EXTENSION OF TIME LIMITS
PART 1 — PERIODS OF TIME THAT CANNOT BE EXTENDED
PART 2 — PERIODS OF TIME THAT MAY BE EXTENDED UNDER
RULE 108(2) OR 108(3)
PART 3 — PERIODS OF TIME TO WHICH RULE 108(5) AND 108(7)
RELATE

SCHEDULE 5 — TRANSITIONAL PROVISIONS

1. Interpretation
2. Periods of time
3. Proceedings before the comptroller
4. Service by post
5. Applications to which certain amendments made to the Act by the
Regulatory Reform (Patents) Order 2004 do not apply.
6. Security for costs
7. Patent applications filed before 7th January 1991
8. Patent applications filed between 7th January 1991 and 27th July 2000
9. Continued application of Patents Rules 1968 to existing patents
10. Application of these Rules to existing patents and applications
11. Application of the 1995 Rules to sections 8 and 12

SCHEDULE 6 — REVOCATIONS

Explanatory Note