



# Patents Act 1977

## 1977 CHAPTER 37

### PART I

#### NEW DOMESTIC LAW

##### *Applications*

#### **14 Making of application**

- (1) Every application for a patent—
  - (a) shall be made in the prescribed form and shall be filed at the Patent Office in the prescribed manner ; and
  - (b) shall be accompanied by the fee prescribed for the purposes of this subsection (hereafter in this Act referred to as the filing fee).
- (2) Every application for a patent shall contain—
  - (a) a request for the grant of a patent;
  - (b) a specification containing a description of the invention, a claim or claims and any drawing referred to in the description or any claim ; and
  - (c) an abstract;but the foregoing provision shall not prevent an application being initiated by documents complying with section 15(1) below.
- (3) The specification of an application shall disclose 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.
- (4) Without prejudice to subsection (3) above, rules may prescribe the circumstances in which the specification of an application which requires for its performance the use of a micro-organism is to be treated for the purposes of this Act as complying with that subsection.
- (5) The claim or claims shall—
  - (a) define the matter for which the applicant seeks protection ;

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*Status: This is the original version (as it was originally enacted).*

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- (b) be clear and concise ;
  - (c) be supported by the description ; and
  - (d) relate to one invention or to a group of inventions which are so linked as to form a single inventive concept.
- (6) Without prejudice to the generality of subsection (5)(d) above, rules may provide for treating two or more inventions as being so linked as to form a single inventive concept for the purposes of this Act.
- (7) The purpose of the abstract is to give technical information and on publication it shall not form part of the state of the art by virtue of section 2(3) above, and the comptroller may determine whether the abstract adequately fulfils its purpose and, if it does not, may reframe it so that it does.
- (8) Rules may require a person who has made an application for a patent for an invention which requires for its performance the use of a micro-organism not to impose or maintain in the prescribed circumstances any restrictions on the availability to the public of samples of the micro-organism and the uses to which they may be put, subject, however, to any prescribed exceptions, and rules may provide that in the event of a contravention of any provision included in the rules by virtue of this subsection the specification shall be treated for the purposes of this Act as not disclosing the invention in a manner required by subsection (3) above.
- (9) An application for a patent may be withdrawn at any time before the patent is granted and any withdrawal of such an application may not be revoked.

## **15 Date of filing application**

- (1) The date of filing an application for a patent shall, subject to the following provisions of this Act, be taken to be the earliest date on which the following conditions are satisfied in relation to the application, that is to say—
- (a) the documents filed at the Patent Office contain an indication that a patent is sought in pursuance of the application;
  - (b) those documents identify the applicant or applicants for the patent;
  - (c) those documents contain a description of the invention for which a patent is sought (whether or not the description complies with the other provisions of this Act and with any relevant rules); and
  - (d) the applicant pays the filing fee.
- (2) If any drawing referred to in any such application is filed later than the date which by virtue of subsection (1) above is to be treated as the date of filing the application, but before the beginning of the preliminary examination of the application under section 17 below, the comptroller shall give the applicant an opportunity of requesting within the prescribed period that the date on which the drawing is filed shall be treated for the purposes of this Act as the date of filing the application, and—
- (a) if the applicant makes any such request, the date of filing the drawing shall be so treated; but
  - (b) otherwise any reference to the drawing in the application shall be treated as omitted.
- (3) If on the preliminary examination of an application under section 17 below it is found that any drawing referred to in the application has not been filed, then—

- (a) if the drawing is subsequently filed within the prescribed period, the date on which it is filed shall be treated for the purposes of this Act as the date of filing the application; but
  - (b) otherwise any reference to the drawing in the application shall be treated as omitted.
- (4) Where, after an application for a patent has been filed and before the patent is granted, a new application is filed by the original applicant or his successor in title in accordance with rules in respect of any part of the matter contained in the earlier application and the conditions mentioned in subsection (1) above are satisfied in relation to the new application (without the new application contravening section 76 below) the new application shall be treated as having, as its date of filing, the date of filing the earlier application.
- (5) An application which has a date of filing by virtue of the foregoing provisions of this section shall be taken to be withdrawn at the end of the relevant prescribed period, unless before that end the applicant—
- (a) files at the Patent Office one or more claims for the purposes of the application and also the abstract; and
  - (b) makes a request for a preliminary examination and search under the following provisions of this Act and pays the search fee.

## **16 Publication of application**

- (1) Subject to section 22 below, where an application has a date of filing, then, as soon as possible after the end of the prescribed period, the comptroller shall, unless the application is withdrawn or refused before preparations for its publication have been completed by the Patent Office, publish it as filed (including not only the original claims but also any amendments of those claims and new claims subsisting immediately before the completion of those preparations) and he may, if so requested by the applicant, publish it as aforesaid during that period, and in either event shall advertise the fact and date of its publication in the journal.
- (2) The comptroller may omit from the specification of a published application for a patent any matter—
- (a) which in his opinion disparages any person in a way likely to damage him, or
  - (b) the publication or exploitation of which would in his opinion be generally expected to encourage offensive, immoral or anti-social behaviour.