

## 1970 No. 955

## PATENTS

**The Patents (Amendment) Rules 1970**

<i>Made</i>	- - -	26th June 1970
<i>Laid before Parliament</i>		3rd July 1970
<i>Coming into Operation</i>		4th July 1970

The Board of Trade, in pursuance of the powers conferred upon them by section 94 of the Patents Act 1949(a), and of all other powers enabling them in that behalf, and after consultation with the Council on Tribunals, hereby make the following Rules:—

1. These Rules may be cited as the Patents (Amendment) Rules 1970 and shall come into operation on 4th July 1970.

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.

3. The Patents Rules 1968(c), as amended (d), shall have effect as if—

(a) for Rule 5(1) there were substituted the following:—

“5.—(1) All documents and copies of documents, except drawings filed at the Office shall, unless the Comptroller otherwise directs, be written, typewritten, lithographed or printed in the English language—

- (a) upon strong white paper of a size 330 mm by 200 to 210 mm (13 inches by 8 inches to 8¼ inches) or of A4 size (297 mm by 210 mm : 11¾ inches by 8¼ inches) ;
- (b) in legible characters with a dark indelible ink ;
- (c) with the lines widely spaced ;
- (d) except in the case of statutory declarations and affidavits, on one side only ;
- (e) leaving a margin of at least 25 mm (1 inch) on the left-hand part thereof ; and
- (f) in the case of each of the forms set out in Schedule 2 hereto leaving a space of about 80 mm (3 inches) blank at the top of the form.” ;

(b) for Rule 19 there were substituted the following:—

“19.—(1) Subject to the provisions of this Rule drawings shall be on sheets of a size 330 mm by 200 to 210 mm (13 inches by 8 to 8¼ inches) ;”

(a) 1949 c. 87.

(b) 1889 c. 63.

(c) S.I. 1968/1389 (1968 II, p. 3958)

(d) The relevant amending instrument is S.I. 1968/1702 (1968 III, p. 4603).

8 $\frac{1}{4}$  inches) or of A4 size (297 mm by 210 mm : 11 $\frac{3}{4}$  inches by 8 $\frac{1}{4}$  inches) and a clear margin of 13 mm ( $\frac{1}{2}$  an inch) shall be left at the edges of each sheet.

(2) If a figure or figures cannot be shown satisfactorily on one sheet of either of these dimensions it or they may be continued on subsequent sheets of the same dimensions.

(3) If it can be shown to the satisfaction of the Comptroller that a large figure cannot be shown satisfactorily, even on a reduced scale, on a sheet or sheets of the above mentioned dimensions, a sheet or sheets each of a size 330 mm by 400 to 420 mm (13 inches by 16 to 16 $\frac{1}{2}$  inches) may be used and a clear margin of 13 mm ( $\frac{1}{2}$  an inch) shall be left at the edges of each sheet.

(4) In a case falling within sub-rule (3) of this Rule one or more of the smaller sheets shall additionally be used only when it is not possible to show all the figures comprising the drawings on the sheet or sheets used by virtue of that sub-rule.

(5) No more sheets shall be employed than are necessary.

(6) The figures shall be numbered consecutively without regard to the number of sheets, and shall as far as possible be arranged in numerical order, separated by a sufficient space to keep them distinct.

(7) Where figures on a number of sheets form in effect a single complete figure, they shall be so arranged that the complete figure can be assembled without concealing any part of another figure.” ;

(c) in Rule 20(h) after the word “inch” there were inserted the words “(3·2 mm)” ;

(d) for Rule 146 there were substituted the following:—

“146.—(1) In addition to the documents open to public inspection by virtue of section 13(2) and Rule 38(1), and subject to the provisions of this Rule, every Patents Form filed in pursuance of an application for a patent or in relation to a patent shall be open to public inspection after the date of publication of the complete specification and every document filed with or sent to the Office after the said date for the purposes of any proceedings relating to a patent or an application for a patent shall be open to public inspection after the expiry of the period of 14 days from its being filed or sent.

(2) Sub-rule (1) of this Rule shall not apply to—

(a) Patents Forms Nos. 1, 1 Con., 2, 3, 8, 37, 66 and 67 ;

(b) any document sent to the Office, at its request or otherwise, for inspection and subsequent return to the sender.

(3) (a) Where a document other than a Patents Form is filed or sent after the date of the publication of the complete specification 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 it to be treated as confidential ; and the document shall not be open to public inspection while the matter is being determined by the Comptroller.

(b) 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.

(c) The Comptroller shall not withdraw any direction given under this sub-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.

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

(e) Where the time prescribed in paragraph (a) of this sub-rule is extended under Rule 154, the relevant document shall not be open to public inspection until the expiry of the extended time, 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.

(4) 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 the office before 1st November 1968.

4. The Patents (Amendment) Rules 1968(a) are hereby revoked.

*Anthony Grant,*  
Parliamentary Secretary  
to the Board of Trade

26th June 1970.

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#### EXPLANATORY NOTE

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

These Rules further amend the Patents Rules 1968. The principal amendments are as follows:—

- (1) paper of A4 size may now be used for documents and drawings filed at the Office (Rules 5 and 19);
- (2) the use of large sheets for drawings is permitted only in exceptional circumstances (Rule 19);
- (3) additional documents are specifically excepted from the public inspection provided by Rule 146; and a request under that Rule that a document is to be treated as confidential may now be made within 14 days of the filing or sending of the document by any party to the proceedings and not, as hitherto, only at the time of filing by the person filing or sending the document.

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(a) S.I. 1968/1702 (1968 III, p. 4603).

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