
 STATUTORY INSTRUMENTS

1985 No. 785

PATENTS

The Patents (Amendment) Rules 1985

<i>Made</i> - - - - -	20th May 1985
<i>Laid Before Parliament</i>	24th May 1985
<i>Coming into Operation</i>	
<i>Rules 1 and 3</i>	17th June 1985
<i>Rule 2</i>	8th July 1985
<i>Rule 4</i>	23rd September 1985

The Secretary of State, in exercise of the powers conferred on him by section 123(1), (2) and (3) of and paragraph 14 of Schedule 4 to the Patents Act 1977^(a) and of all other powers enabling him in that behalf, after consultation with the Council on Tribunals pursuant to section 10(1) of the Tribunals and Inquiries Act 1971^(b) and as to Rules 2 and 3 with the consent of the Treasury pursuant to subsection (4) of the said section 123, hereby makes the following Rules:—

1. These Rules may be cited as the Patents (Amendment) Rules 1985 and shall come into operation as respects rules 1 and 3 on 17th June 1985, as respects rule 2 on 8th July 1985 and as respects rule 4 on 23rd September 1985.

2.— (1) There shall be substituted as Schedule 1 to the Patents Rules 1982^(c) the Schedule hereto.

(2) The Patents (Amendment) Rules 1984^(d) are hereby revoked.

3. Where on or after 17th June 1985 but before 8th July 1985 an application is made for renewal of a patent in respect of any year beginning on or after 8th July 1985, the fee payable on such application shall be that which would be payable if the application were made on or after 8th July 1985 and rule 2 of these Rules had come into operation.

4.— (1) In every form set out in Schedule 2 to the Patents Rules 1982 the words “25 Southampton Buildings London, WC2A 1AY” shall be omitted.

(a) 1977 c.37.

(b) 1971 c.62.

(c) S.I. 1982/717, as amended by S.I. 1983/180, 1984/283.

(d) S.I. 1984/283.

(2) In every form set out in Schedule 2 to the Patents Rules 1968(a) the words “25, Southampton Buildings, Chancery Lane, London, W.C.2” or, as the case may be, “25 Southampton Buildings London, WC2A 1AY” shall be omitted.

Geoffrey Pattie,
Minister of State,
Department of Trade and Industry.

14th May 1985.

We consent to the making of rules 2 and 3 of these Rules.

T. Garel-Jones,
Donald Thompson,
Two of the Lords Commissioners
Of Her Majesty's Treasury.

20th May 1985.

(a) S.I. 1968/1389; relevant amending instruments are S.I. 1971/1917 and 1982/717 (rule 124). S.I. 1968/1389 was revoked with savings by S.I. 1978/216 (rule 124).

Rule 2(1)

SCHEDULE

SCHEDULE 1

Rule 3

LIST OF FEES PAYABLE

PART A

(In this part of this Schedule, any reference to a rule is a reference to that rule of these Rules.)

Number of corresponding Patents Form	Item	Amount
		£
1/77	On request for the grant of a patent (the filing fee)	10
2/77	On reference under section 8(1), 12(1) or 37(1)	28
3/77	On application under section 8(5) or 37(3) for authorisation by comptroller	28
4/77	On request for directions under section 10 or 12(4)	28
5/77	On reference under section 11(5) or 38(5) to determine the question of a licence	28
6/77	On application to comptroller under section 13(1) and/or 13(3)	20
7/77	Statement of inventorship and of right to the grant of a patent	—
8/77	On request for comptroller's certificate authorising the release of a sample from a culture collection	9
9/77	On request for preliminary examination and search or request for further search	80
10/77	On request for substantive examination	95
11/77	On request to amend application before grant	23
12/77	*On payment of renewal fee:—	
	Before the expiration of the 4th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 5th year	74
	Before the expiration of the 5th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 6th year	80
	Before the expiration of the 6th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 7th year	86
	Before the expiration of the 7th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 8th year	94
	Before the expiration of the 8th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 9th year	104

*One half of these fees payable if entry in the register "Licences of Right".

LIST OF FEES PAYABLE

PART A (*Cont'd.*)

Number of corresponding Patents Form	Item	Amount
		£
	Before the expiration of the 9th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 10th year	116
	Before the expiration of the 10th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 11th year	128
	Before the expiration of the 11th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 12th year	140
	Before the expiration of the 12th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 13th year	154
	Before the expiration of the 13th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 14th year	170
	Before the expiration of the 14th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 15th year	186
	Before the expiration of the 15th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 16th year or in the case of an old existing patent in respect of the remainder of its term	202
	† Before the expiration of the 16th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 17th year	218
	† Before the expiration of the 17th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 18th year	234
	† Before the expiration of the 18th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 19th year	258
	† Before the expiration of the 19th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 20th year	282
	†Not applicable to old existing patents	

LIST OF FEES PAYABLE

PART A (*Cont'd.*)

Number of corresponding Patents Form	Item	Amount
		£
13/77	On extension of the period for payment of a renewal fee under section 25(4):—	
	Not exceeding one month	16
	Each succeeding month	16
	(but not exceeding six months)	
14/77	On application to amend specification after grant	45
15/77	On notice of opposition to amendment of specification after grant	20
16/77	On application for the restoration of a patent	28
17/77	Additional fee on the application for restoration of a patent	72
18/77	On offer to surrender a patent	—
19/77	On notice of opposition to offer to surrender a patent	20
20/77	On request for alteration of name, address or address for service in the register, for each patent or application	2
21/77	On application to register or to give notice of a transaction, instrument or event affecting the rights in a patent or application for a patent	20
	On each application covering more than one patent or application for a patent, the devolution of title being the same as in the first patent or application for a patent. For each additional request	2
22/77	On request for the correction of an error in the register or in any connected document	15
23/77	On request for the furnishing of or access to miscellaneous information	0.50
	Each	
24/77	On request for certificate of the comptroller:—	
	(a) by impressed stamp	2
	(b) sealed and attached to documents	7
25/77	On application for entry of order of court in the register	—
26/77	On application for compensation by employee	28
27/77	On application under section 41(8) in connection with an order made under section 40(1) or 40(2)	28
28/77	On application by proprietor for entry to be made in the register to the effect that licences under the patent are to be available as of right	12
29/77	On application for settlement of terms of licence of right	28
30/77	On application by proprietor under section 47(1) for cancellation of entry in the register	20
31/77	On application under section 47(3) by person interested for cancellation of entry in the register	20
32/77	On notice of opposition to an application under section 47(1) or 47(3) for cancellation of entry in the register	20
33/77	On application under section 48(1) for a compulsory licence or entry in the register	28
34/77	On application by Crown in case of monopoly or merger	28

LIST OF FEES PAYABLE

PART A (*Cont'd.*)

Number of corresponding Patents Form	Item	Amount
		£
35/77	On notice of opposition to application made under section 48 or 51	20
36/77	On reference to the comptroller of a dispute as to infringement	28
37/77	On application for declaration of non-infringement	28
38/77	On application for the revocation of a patent	20
39/77	On application to register copy of entry made in European Register of Patents	9
40/77	On payment of filing fee upon conversion of European patent application to an application under the Act	10
41/77	On request for conversion of European patent application	10
42/77	On request for national processing of an international application for a patent (UK) (the filing fee)	10
43/77	On payment of prescribed fee and request for publication of translation	9
44/77	On application to the comptroller for an international application to be treated as an application under the Act	10
45/77	On application for order for evidence to be obtained in the United Kingdom	28
46/77	On notice that hearing before the comptroller will be attended	11
47/77	On request for the correction of an error of translation or transcription, clerical error or mistake	15
48/77	On notice of opposition to the correction of an error, clerical error or mistake	20
49/77	On request for information relating to a patent or an application for a patent	7
50/77	On request for extension of time:	92
51/77	On declaration of authorisation where agent appointed during progress of application or in substitution for another	—
	As Receiving Office or International Preliminary Examining Authority under the Patent Co-operation Treaty:—	
—	Transmittal Fee (Rule 117(1))	10
—	Preliminary Examination Fee (Rule 120)	40
—	Additional fee (Rule 121)	Maximum 40

PART B

(In this Part of this Schedule—

- (1) any reference to a section is a reference to that section of the Patents Act 1949(a); and
- (2) any reference to a rule is a reference to that rule of the Patents Rules 1968, as it continues to apply by virtue of rule 124 of the Patents Rules 1978(b).)

Number of corresponding Patents form	Item	Amount
		£
1	Application for grant of patent of addition in lieu of independent patent	28
7	For extension of time under rule 30, 33 or 50:—	
	Not exceeding one month	15
	Each succeeding month	15
8	On application for result of search made under sections 7 and 8	0.50
9	On application under section 9(2) for deletion of reference	—
13	On notice that hearing before the comptroller will be attended	11
14	On request under section 16(3)	8
15	On claim under section 16(4)	8
16	On application for extension of the period under section 16(5)	11
17	On application for a certificate under section 16(8)	20
18	On claim under section 17(1) for application to proceed in name of claimants	23
19	On application for directions under section 17(5)	28
20	On request for sealing of a patent	20
21	On application for extension of the period for requesting the sealing of a patent under section 19(3):—	
	Not exceeding one month	15
	Each succeeding month	15
	(but not exceeding three months)	
22	On application for extension of the period for requesting the sealing of a patent under section 19(4):—	
	Not exceeding one month	15
	Each succeeding month	15
23	On application under section 20 for amendment of a patent	21
32	On application under section 28 for sealing of a patent	28
33	On opposition to application under section 28	20
34	Additional fee for sealing under section 28	72
35	On application to amend specification after acceptance	45
36	On notice of opposition to amendment	20
37	On application to amend specification not yet accepted	23
38	On application to amend an application for a patent	23

(a) 1949 c.87.

(b) S.I. 1978/216, to which there are amendments not relevant to these Rules.

LIST OF FEES PAYABLE

PART B (*Cont'd.*)

Number of corresponding Patents Form	Item	Amount
		£
39	On application for revocation of a patent under section 33	20
43	On application for settlement of terms of licence under patent endorsed "Licences of Right"	28
44	On application by patentee for cancellation of endorsement of patent "Licences of Right"	20
45	On application for cancellation of endorsement "Licences of Right"	20
46	On notice of opposition to cancellation of endorsement of patent "Licences of Right"	20
53	On application under section 55(1) for directions of comptroller	28
54	On application under section 55(2) for directions of comptroller	28
55	On application under section 56(1) to determine dispute	28
63	On application for entry in the register of claim to a licence under a patent extended under section 23, 24 or 25	—
64	On request to comptroller to correct a clerical error	15
65	On notice of opposition to the correction of a clerical error	20
68	For duplicate of patent	20
69	On application for entry of order of court in the register	—

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Patents Rules 1982. They reintroduce the fee for making an application for a patent of addition under the Patent Act 1949 and increase certain other fees. The new fee and the increases have effect from 8th July 1985, except in the case of fees payable for the renewal of a patent in respect of any year beginning on or after 8th July 1985, which are increased with effect from 17th June 1985. It is estimated that the total amount of fees collected per annum at the new levels will be 4.5 per cent greater than the amount collected per annum at the existing levels.

The Rules also amend the Patents Rules 1982 and the Patents Rules 1968 (which were revoked with savings by the Patents Rules 1978) by deleting from all prescribed forms the address of the Patent Office.

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