
STATUTORY INSTRUMENTS

1995 No. 2093

The Patents Rules 1995

PRELIMINARY

Interpretation

2. In these Rules—

“the Act” means the Patents Act 1977;

“the 1949 Act” means the Patents Act 1949⁽¹⁾;

“declared priority date” means—

- (a) the date of filing of the earliest relevant application specified in a declaration made for the purposes of section 5 where the priority date claimed in the declaration has not been lost or abandoned and where the declaration has not been withdrawn before preparations for the publication of the application in suit have been completed by the Patent Office in accordance with section 16;
- (b) the date of filing of any such application for a patent as is referred to in section 127(4) which is specified in a declaration made for the purposes of that section;
- (c) where an application for a European patent (UK) is, by virtue of section 81(1), to be treated as an application for a patent under the Act, the date of filing of the earliest previous application mentioned in the declaration of priority filed by the applicant in respect of the application for a European patent (UK) under Article 88(1) of the European Patent Convention where the priority date claimed in the declaration has not been lost or abandoned and where the declaration has not been withdrawn before the comptroller directs that the application for a European patent (UK) shall be so treated; or
- (d) where an international application for a patent (UK) is to be treated as an application for a patent under the Act, the date of filing of the earliest application filed in or for a State which is a party to the Convention for the Protection of Industrial Property signed at Paris on 20th March 1883 the priority of which is claimed in a declaration filed for the purposes of Article 8 of the Patent Co-operation Treaty, provided that such priority claim has not been lost or abandoned under the provisions of that Treaty;

“Journal” means the Official Journal (Patents) published in accordance with rule 115.