
STATUTORY INSTRUMENTS

1995 No. 2093

The Patents Rules 1995

APPLICATIONS FOR PATENTS

New applications under section 15(4)

24.—(1) Subject to paragraph (2) below, a new application for a patent, which includes a request that it shall be treated as having as its date of filing the date of filing of an earlier application, may be filed in accordance with section 15(4) not later than the latest of—

- (a) the beginning of the sixth month before the end of the period ascertained under rule 34 in relation to the earlier application as altered, if that be the case, under rule 100 or rule 110 (“the rule 34 period”);
- (b) where the earlier application is amended as provided by section 18(3) so as to comply with section 14(5)(d), the expiry of the period of two months beginning on the day that the amendment is filed; and
- (c) where the first report of the examiner under section 18 is made under subsection (3), the expiry of the period specified for reply to that report:

Provided that, where the first report of the examiner under section 18 is made under subsection (4) and the comptroller notifies the applicant that the earlier application complies with the requirements of the Act and these Rules, notwithstanding the foregoing provisions of this paragraph but subject to paragraph (2) below, a new application may be filed not later than the expiry of the period of two months beginning on the day that the notification is sent.

(2) Where any of the following dates falls before the date ascertained under paragraph (1) above, a new application may only be filed before that date instead of the date so ascertained—

- (a) the date when the earlier application is refused, is withdrawn, is treated as having been withdrawn or is taken to be withdrawn;
- (b) the expiry of the rule 34 period ascertained in relation to the earlier application; and
- (c) the date when a patent is granted on the earlier application.

(3) Where possible, the description and drawings of the earlier application and the new application shall respectively relate only to the matter for which protection is sought by that application. However, when it is necessary for an application to describe the matter for which protection is sought by another application, it shall include a reference by number to that other application and shall indicate the matter for which protection is claimed in the other application.