
STATUTORY INSTRUMENTS

2004 No. 2357

The Regulatory Reform (Patents) Order 2004

Amendment of the Patents Act 1977

3. In section 5(2) of that Act (priority date) for the words from “each having” to “date of filing the application in suit” there shall be substituted “the application in suit has a date of filing during the period allowed under subsection (2A)(a) or (b) below” and after that subsection there shall be inserted—

“(2A) The periods are—

- (a) the period of twelve months immediately following the date of filing of the earlier specified relevant application, or if there is more than one, of the earliest of them; and
- (b) where the comptroller has given permission under subsection (2B) below for a late declaration to be made under subsection (2) above, the period commencing immediately after the end of the period allowed under paragraph (a) above and ending at the end of the prescribed period.

(2B) The applicant may make a request to the comptroller for permission to make a late declaration under subsection (2) above.

(2C) The comptroller shall grant a request made under subsection (2B) above if, and only if—

- (a) the request complies with the relevant requirements of rules; and
- (b) the comptroller is satisfied that the applicant’s failure to file the application in suit within the period allowed under subsection (2A)(a) above was unintentional.”.