
STATUTORY INSTRUMENTS

2004 No. 2357

The Regulatory Reform (Patents) Order 2004

Amendment of the Patents Act 1977

- 6.—(1) Section 17 of that Act (preliminary examination and search) shall be amended as follows.
- (2) For the heading there shall be substituted “Search”.
- (3) For subsection (1) there shall be substituted—
- “ (1) The comptroller shall refer an application for a patent to an examiner for a search if, and only if—
- (a) the comptroller has referred the application to an examiner for a preliminary examination under section 15A(1) above;
 - (b) the application has not been withdrawn or treated as withdrawn;
 - (c) before the end of the prescribed period—
 - (i) the applicant makes a request to the Patent Office in the prescribed form for a search; and
 - (ii) the fee prescribed for the search (“the search fee”) is paid;
 - (d) the application includes—
 - (i) a description of the invention for which a patent is sought; and
 - (ii) one or more claims; and
 - (e) the description and each of the claims comply with the requirements of rules as to language.”.

(4) Subsections (2) and (3) shall cease to have effect.