
STATUTORY INSTRUMENTS

2007 No. 3291

The Patents Rules 2007

PART 2

APPLICATIONS FOR PATENTS

Declarations of priority

Request to the comptroller for permission to make a late declaration under section 5(2B)

- 7.—(1) The period prescribed for the purposes of section 5(2A)(b) is two months.
- (2) Subject to paragraph (4), a request under section 5(2B) must be—
- (a) made on Patents Form 3; and
 - (b) supported by evidence of why the application in suit was not filed before the end of the period allowed under section 5(2A)(a).
- (3) Where that evidence does not accompany the request, the comptroller must specify a period within which the evidence must be filed.
- (4) In relation to a new application, a request under section 5(2B) may be made in writing, instead of on Patents Form 3, and no evidence shall accompany it.
- (5) Subject to paragraph (6) and rule 66(3), a request under section 5(2B) may only be made before the end of the period allowed under section 5(2A)(b).
- (6) Where a new application is filed after the end of the period allowed under section 5(2A)(b), a request under section 5(2B) may be made on the initiation date.
- (7) A request under section 5(2B) may only be made where—
- (a) the condition in paragraph (8) is met; or
 - (b) the request is made in relation to an international application for a patent (UK).
- (8) The condition is that—
- (a) the applicant has not made a request under section 16(1) for publication of the application during the period prescribed for the purposes of that section; or
 - (b) any request made was withdrawn before preparations for the application's publication have been completed by the Patent Office.
- (9) Where an applicant makes a request under section 5(2B), he must make the declaration for the purposes of section 5(2) at the same time as making that request.