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STATUTORY INSTRUMENTS

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**2007 No. 3291**

**PATENTS**

**The Patents Rules 2007**

*Made* - - - - *19th November 2007*  
*Laid before Parliament* *22nd November*  
*Coming into force* *2007*  
*17th December 2007*

**THE PATENTS RULES 2007**

PART 1

INTRODUCTORY

1. Citation and commencement
2. General interpretation
3. The declared priority date
4. Forms and documents

PART 2

APPLICATIONS FOR PATENTS

*International exhibitions*

5. International exhibitions

*Declarations of priority*

6. Declaration of priority for the purposes of section 5(2) (priority date)
7. Request to the comptroller for permission to make a late declaration under section 5(2B)
8. Filing of priority documents to support a declaration under section 5(2)
9. Translation of priority documents

**Changes to legislation:** There are currently no known outstanding effects for the The Patents Rules 2007. (See end of Document for details)

*Mention of the inventor*

10. Mention of the inventor
11. Waiving the right to be mentioned

*Form and content of applications*

12. Applications for the grant of patents under sections 14 and 15
13. Biological material and sequence listings
14. Size and presentation of application
15. The abstract
16. Single inventive concept
17. References under section 15(1)(c)(ii)
18. Missing parts

*New applications*

19. New applications filed as mentioned in section 15(9)
20. New applications under sections 8(3), 12(6) and 37(4)
21. Extensions for new applications

*Periods for filing contents of application*

22. Periods prescribed for the purposes of sections 15(10) and 17(1)

*Preliminary examination*

23. Preliminary examination under section 15A
24. Correcting a declaration made for the purposes of section 5(2)
25. Formal requirements

*Publication of application*

26. Publication of application

*Search and substantive examination*

27. Search under section 17
28. Request for substantive examination under section 18
29. Substantive examination reports
30. Period for putting application in order
- 30A. Fee for the grant of a patent under section 18(4)
31. Amendment of application before grant
32. Reinstatement of applications under section 20A
33. Observations by third parties on patentability

PART 3  
GRANTED PATENTS

*Certificate and amendment*

- 34. Certificate of grant
- 35. Amendment of specification after grant

Renewal

- 36. Renewal of patents: general
- 37. Renewal of patents: first renewal
- 38. Renewal of patents: subsequent renewals
- 39. Renewal notice
- 40. Restoration of lapsed patents under section 28
- 41. Notification of lapsed patent
- 41A. Payment of fees under section 77(5A) following restoration of a European patent (UK)

*Surrender and cancelling entry that licences available as of right*

- 42. Surrender
- 43. Application for, and cancellation of, an entry that licences are available as of right

PART 4  
THE REGISTER AND OTHER INFORMATION

*The register*

- 44. Entries in the register
- 45. Advertisement in relation to register
- 46. Copies of entries in, or extracts from, the register and certified facts
- 47. Registrations of transactions, instruments and events

*Copies of documents and corrections in relation to the register*

- 48. Copies of documents
- 49. Correction or change of name or address; correction of address for service
- 50. Request for correction of error

*Requests for information or documents*

- 51. Restrictions on inspection of documents
- 52. Request for information where section 118(4) applies
- 53. Confidential documents

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- 54. Requests for certain information
- 55. Bibliographic information about an unpublished application

#### PART 5

### EUROPEAN PATENTS (UK)

#### *Translations*

- 56. Translations of European patents (UK)
- 57. Corrected translations

#### *Conversion requests*

- 58. Procedure for making a conversion request under section 81(2)(b)(i)
- 59. Procedure for making a conversion request under section 81(2)(b)(ii)
- 60. Request for substantive examination following a direction under section 81

#### *Obligations to other contracting parties to the European Patent Convention*

- 61. Recognition of patent decision of competent authorities of other states
- 62. Procedure for obtaining evidence for proceedings under the European Patent Convention
- 63. Communication of information to the European Patent Office

#### PART 6

### INTERNATIONAL APPLICATIONS

#### *Interpretation*

- 64. Interpretation relating to international applications

#### *Filing at the Patent Office*

- 65. Filing of international applications at the Patent Office

#### *Beginning the national phase, international exhibitions and altered prescribed periods*

- 66. Beginning of national phase
- 66A. Amendment of international application before grant
- 67. International exhibitions
- 68. Altered prescribed periods

#### *Translations*

- 69. Necessary translations under section 89A(3) and (5)
- 70. Requirements of necessary translations

*Application deemed withdrawn or filing date refused under the Patent Co-operation Treaty*

- 71. Directions under section 89(3) and (5)
- 72. Circumstance prescribed for the purposes of section 89(3)

PART 7

PROCEEDINGS HEARD BEFORE THE COMPTROLLER

*Introductory*

- 73. Scope and interpretation
- 74. Overriding objective
- 75. Publication of notices

Conduct of hearings

- 76. Starting proceedings
- 77. Notification of the parties
- 78. The counter-statement
- 79. Copies of documents
- 80. Evidence rounds and the hearing
- 81. Alteration of time limits
- 81A Failure to file Patents Form 4
- 82. General powers of the comptroller in relation to proceedings before him
- 83. Striking out a statement of case and summary judgment
- 84. Hearings in public

*Miscellaneous*

- 85. Security for costs or expenses
- 86. Powers of comptroller to compel attendance of witnesses and production of documents
- 87. Evidence in proceedings before the comptroller
- 88. Proceedings in Scotland
- 89. Proceedings started under section 46(3) by a person other than the proprietor
- 90. Licences following entitlement proceedings
- 91. Period prescribed for applications by employee for compensation

PART 8

OPINIONS

*Interpretation*

- 92. Interpretation

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*Request for opinion*

- 93. Request for an opinion under section 74A
- 94. Refusal or withdrawal of request
- 95. Notification and advertisement of request
- 96. Submission of observations and observations in reply
- 97. Issue of the opinion

*Review of opinion*

- 98. Review of opinion
- 99. Procedure on review
- 100. Outcome of review

PART 9

MISCELLANEOUS

*Agents and advisers*

- 101. Agents
- 102. Appointing advisers

*Address for service*

- 103. Address for service
- 104. Failure to furnish an address for service

*Corrections and remission of fees*

- 105. Correction of errors
- 106. Remission of fees
- 107. Correction of irregularities

*Time limits and delays*

- 108. Extension of time limits
- 109. Extension of time limits specified by comptroller
- 110. Interrupted days
- 111. Delays in communication services

*Copies available to the comptroller*

- 112. Copies available to the comptroller

### *Translations*

- 113. Translations
- 114. Translations in proceedings in relation to a European patent (UK)
- 115. Establishing the accuracy of translations

### Supplementary Protection Certificates

- 116. Supplementary protection certificates
- 116A. Notifications relating to supplementary protection certificates

### *Publications*

- 117. The journal
- 118. Reports of cases
- 119. Publication and sale of documents

### *Transitional provisions and revocations*

- 120. Transitional provisions and revocations  
Signature

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## SCHEDULE 1 — BIOLOGICAL MATERIAL

- 1. Introductory
- 2. Specification of an application for a patent, or of a patent, for an invention which involves the use of or concerns biological material
- 3. The first and second requirements
- 4. A request by a person for biological material to be made available
- 5. The undertaking
- 6. Restriction of availability of biological material to experts
- 7. Request for a sample to be made available to expert
- 8. New deposits

## SCHEDULE 2 — FORMAL AND OTHER REQUIREMENTS

### PART 1 — REQUIREMENTS: ALL DOCUMENTS

- 1. A4 matt white paper must be used.
- 2. A document in paper form must be free from tears,...
- 3. Frames (lines surrounding matter) must not be used.

### PART 2 — REQUIREMENTS: DOCUMENTS (OTHER THAN DRAWINGS AND PHOTOGRAPHS)

- 4. The pages of the description and claims must be numbered...
- 5. But where a sequence listing is set out at the...
- 6. Page numbers must be located at the top or bottom...
- 7. The minimum margins in any document must be 20mm.
- 8. Each of the following— (a) the request for the grant...
- 9. The abstract, description and claims must use at least 1.5...
- 10. The capital letters in any typeface or font used must...

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**PART 3 — REQUIREMENTS: DRAWINGS AND PHOTOGRAPHS**

11. There must be a margin around any drawing or photograph...
12. All drawings or photographs must be numbered consecutively in a...
13. The drawings or photographs must begin on a new sheet...
14. The pages containing the drawings or photographs must be numbered...
15. Drawings must comprise black lines and may be shaded where...
16. Drawings may include cross-hatching to illustrate the cross-sections of a...
17. Any scale or other reference for making measurement must be...
18. Any drawing or photograph must be produced in such manner...
19. A drawing or photograph must not be included in the...
20. The capital letters in any typeface or font used in...
- 20A. Photographs must be black and white, clear and capable of...

**PART 4 — OTHER REQUIREMENTS**

21. References must only be included in the drawing or photograph...
22. Tables of information may only be included in the claims...
23. The terminology and any references used must be consistent throughout...
24. Where units of measurement used in the application are not...
25. Only technical terms, signs and symbols which are generally accepted...

**SCHEDULE 3 — PROCEEDINGS HEARD BEFORE THE COMPTROLLER**

**PART 1 — APPLICATIONS, REFERENCES AND REQUESTS**

Patents Act 1977 section 8(1) (reference regarding entitlement in relation...

**PART 2 — OPPOSITIONS WHICH START PROCEEDINGS**

Patents Act 1977 section 27(5) (opposition to amendment of specification...

**PART 3 — OPPOSITIONS AFTER PROCEEDINGS HAVE STARTED**

Patents Act 1977 section 47(6) (opposition to cancellation of licence...

**PART 4 — RULES WHICH APPLY TO ANY PROCEEDINGS HEARD BEFORE THE COMPTROLLER**

Patents Rules 2007 rule 74 (overriding objective) rule 79 (copies...

**PART 5 — RULES WHICH APPLY TO A REVIEW OF AN OPINION**

Patents Rules 2007 rule 83 (striking out a statement of...

**SCHEDULE 4 — EXTENSION OF TIME LIMITS**

**PART 1 — PERIODS OF TIME THAT CANNOT BE EXTENDED**

rule 6(2)(b) (declaration of priority for the purposes of section...

**PART 2 — PERIODS OF TIME THAT MAY BE EXTENDED UNDER RULE 108(2) OR 108(3)**

rule 8(1) and (2) (filing of information and priority documents)...

**PART 3 — PERIODS OF TIME TO WHICH RULE 108(5) AND 108(7) RELATE**

rule 10(3) (filing of statement of inventorship and the right...

**SCHEDULE 5 — TRANSITIONAL PROVISIONS**

1. Interpretation
2. Periods of time
3. Proceedings before the comptroller
4. Service by post
5. Applications to which certain amendments made to the Act by the Regulatory Reform (Patents) Order 2004 do not apply.
6. Security for costs
7. Patent applications filed before 7th January 1991
8. Patent applications filed between 7th January 1991 and 27th July 2000
9. Continued application of Patents Rules 1968 to existing patents



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10. Application of these Rules to existing patents and applications
11. Application of the 1995 Rules to sections 8 and 12

#### SCHEDULE 6 — REVOCATIONS

Explanatory Note

**Changes to legislation:**

There are currently no known outstanding effects for the The Patents Rules 2007.