
STATUTORY INSTRUMENTS

2007 No. 3291

The Patents Rules 2007

PART 2

APPLICATIONS FOR PATENTS

New applications

New applications filed as mentioned in section 15(9)

- 19.**—(1) A new application for a patent may be filed as mentioned in section 15(9)—
- (a) before the end of the relevant period; or
 - (b) if earlier, before the earlier application is terminated or withdrawn.
- (2) Such an application must include a statement that it is filed as mentioned in section 15(9).
- (3) For the purposes of this rule the relevant period is—
- (a) where an applicant is notified under section 18(4) that his earlier application complies with the requirements of the Act and these Rules, two months beginning with the date of that notification; or
 - (b) in any other case, the period ending three months before the compliance date of the earlier application.

New applications under sections 8(3), 12(6) and 37(4)

- 20.**—(1) The period prescribed for filing a new application under section 8(3) or section 12(6) is the relevant period.
- (2) A new application for a patent may be filed under section 37(4) before the end of the relevant period.
- (3) For the purposes of this rule the relevant period is—
- (a) where the comptroller's decision to make an order under those provisions is not appealed, three months beginning with the date on which the order was made; or
 - (b) where that decision is appealed, three months beginning with the date on which the appeal was finally disposed of.
- (4) But the comptroller may, if he thinks fit, shorten the relevant period after giving the parties such notice and subject to such conditions as the comptroller may direct.

Extensions for new applications

- 21.**—(1) Where a new application is filed—
- (a) the period prescribed for the purposes of section 13(2) is—
 - (i) two months beginning with its initiation date, or

(ii) if it expires later, the period prescribed by rule 10(3); and
(b) the relevant period for the purposes of rule 8 is—
(i) two months beginning with its initiation date, or
(ii) if it expires later, the period specified in rule 8(5),
and the reference in rule 10(3) to the date of filing of the application is a reference to the date of filing of the earlier application.

- (2) But where the new application is filed less than six months before the compliance date—
(a) the period prescribed for the purposes of section 13(2) is the period ending with its initiation date; and
(b) the relevant period for the purposes of rule 8 is the period ending with its initiation date.
- (3) The second requirement in Schedule 1 must be complied with—
(a) on the initiation date; or
(b) if it expires later, before the end of the relevant period specified in paragraph 3(3) of that Schedule.