
STATUTORY INSTRUMENTS

2007 No. 3291

The Patents Rules 2007

PART 5

EUROPEAN PATENTS (UK)

Conversion requests

Procedure for making a conversion request under section 81(2)(b)(i)

58.—(1) A request under section 81(2)(b)(i) must be—

- (a) made in writing; and
 - (b) accompanied by a copy of the notification by the European Patent Office that the application has been deemed to be withdrawn.
- (2) When making such a request, a person may also request the comptroller to send—
- (a) a copy of his application for a European patent (UK); and
 - (b) a copy of the request,

to the central industrial property office of any contracting state designated in the application.

(3) The period prescribed for the purposes of section 81(2)(b)(i) is three months beginning with the date of the notification mentioned in paragraph (1)(b).

(4) Where a request has been made under section 81(2)(b)(i), the period prescribed for the purposes of sections 13(2), 15(10)(d) and 81(2)(c) is two months beginning with the date on which the comptroller received that request.

(5) In paragraph (2) “contracting state” means a country which is a party to the European Patent Convention.

Procedure for making a conversion request under section 81(2)(b)(ii)

59.—(1) The period prescribed for the purposes of section 81(2)(b)(ii) is twenty months beginning with—

- (a) where there is no declared priority date, the date of filing of the application; or
- (b) where there is a declared priority date, that date.

(2) Where a request, transmitted under section 81(2)(b)(ii), has been received by the comptroller, he must notify the applicant accordingly.

(3) Where a request has been transmitted under section 81(2)(b)(ii), the period prescribed for the purposes of sections 13(2), 15(10)(d) and 81(2)(c) is four months beginning with the date of that notification.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Request for substantive examination following a direction under section 81

60. Where an application for a European patent (UK) falls to be treated as an application for a patent under the Act by virtue of a direction under section 81, the period prescribed for the purposes of section 18(1) is two years beginning with—

- (a) where there is no declared priority date, the date of filing of the application; or
- (b) where there is a declared priority date, that date.