



# Patents Act 1977

## 1977 CHAPTER 37

### PART I

#### NEW DOMESTIC LAW

##### *Applications*

#### **[<sup>F1</sup>15A Preliminary examination**

- (1) The comptroller shall refer an application for a patent to an examiner for a preliminary examination if—
  - (a) the application has a date of filing;
  - (b) the application has not been withdrawn or treated as withdrawn; and
  - (c) the application fee has been paid.
- (2) On a preliminary examination of an application the examiner shall—
  - (a) determine whether the application complies with those requirements of this Act and the rules which are designated by the rules as formal requirements for the purposes of this Act; and
  - (b) determine whether any requirements under section 13(2) or 15(10) above remain to be complied with.
- (3) The examiner shall report to the comptroller his determinations under subsection (2) above.
- (4) If on the preliminary examination of an application it is found that—
  - (a) any drawing referred to in the application, or
  - (b) part of the description of the invention for which the patent is sought,is missing from the application, then the examiner shall include this finding in his report under subsection (3) above .
- (5) Subsections (6) to (8) below apply if a report is made to the comptroller under subsection (3) above that not all the formal requirements have been complied with.

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*Changes to legislation: Patents Act 1977, Section 15A is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (6) The comptroller shall specify a period during which the applicant shall have the opportunity—
- (a) to make observations on the report, and
  - (b) to amend the application so as to comply with those requirements (subject to section 76 below).
- (7) The comptroller may refuse the application if the applicant fails to amend the application as mentioned in subsection (6)(b) above before the end of the period specified by the comptroller under that subsection.
- (8) Subsection (7) above does not apply if—
- (a) the applicant makes observations as mentioned in subsection (6)(a) above before the end of the period specified by the comptroller under that subsection, and
  - (b) as a result of the observations, the comptroller is satisfied that the formal requirements have been complied with.
- (9) If a report is made to the comptroller under subsection (3) above—
- (a) that any requirement of section 13(2) or 15(10) above has not been complied with; or
  - (b) that a drawing or part of the description of the invention has been found to be missing,
- then the comptroller shall notify the applicant accordingly.]

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**Textual Amendments**

**F1** Ss. 15, 15A substituted for s. 15 (1.1.2005) by [The Regulatory Reform \(Patents\) Order 2004 \(S.I. 2004/2357\)](#), arts. 1(2), 5 (with arts. 20-23)

**Changes to legislation:**

Patents Act 1977, Section 15A is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 56(4)(a)(iiia) and word added by [S.I. 2006/1056 Sch. para. 2\(b\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))
- s. 63(3)(a) words in s. 63(3) renumbered as s. 63(3)(a) by [2004 c. 16 s. 2\(4\)](#) (Amendment not applied to legislation.gov.uk. S. 2(4) was repealed (29.4.2006) by S.I. 2006/1028, art. 2(4), Sch. 4)
- s. 63(3)(b) and word inserted by [2004 c. 16 s. 2\(4\)](#) (Amendment not applied to legislation.gov.uk. S. 2(4) was repealed (29.4.2006) by S.I. 2006/1028, art. 2(4), Sch. 4)