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**Changes to legislation:** Copyright, Designs and Patents Act 1988, Cross Heading: *Supplementary searches* is up to date with all changes known to be in force on or before 10 May 2019. 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)

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## SCHEDULES

### SCHEDULE 5

#### PATENTS: MISCELLANEOUS AMENDMENTS

##### *Supplementary searches*

- 3 (1) Section 17 of the Patents Act 1977 (preliminary examination and search) is amended as follows.
- (2) In subsection (7) (supplementary searches) for “subsection (4) above” substitute “subsections (4) and (5) above” and for “it applies” substitute “they apply”.
- (3) After that subsection add—
- “(8) A reference for a supplementary search in consequence of—
- (a) an amendment of the application made by the applicant under section 18(3) or 19(1) below, or
- (b) a correction of the application, or of a document filed in connection with the application, under section 117 below,
- shall be made only on payment of the prescribed fee, unless the comptroller directs otherwise.”.
- 4 In section 18 of the Patents Act 1977 (substantive examination and grant or refusal of patent), after subsection (1) insert—
- “(1A) If the examiner forms the view that a supplementary search under section 17 above is required for which a fee is payable, he shall inform the comptroller, who may decide that the substantive examination should not proceed until the fee is paid; and if he so decides, then unless within such period as he may allow—
- (a) the fee is paid, or
- (b) the application is amended so as to render the supplementary search unnecessary,
- he may refuse the application.”.
- 5 In section 130(1) of the Patents Act 1977 (interpretation), in the definition of “search fee”, for “section 17 above” substitute “section 17(1) above”.

**Changes to legislation:**

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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. 182B(3A) inserted by [S.I. 2019/265 reg. 4\(4\)\(c\)](#)
- s. 206(1)(b) omitted by [S.I. 2019/605 reg. 22](#)
- s. 249(1A) inserted by [2007 c. 15 s. 143\(3\)\(b\)](#) (Amendment not applied: 2007 c. 15, s. 143 was repealed (6.4.2015) by Intellectual Property Act 2014 (c. 18), ss. 10(11), 24(1); S.I. 2015/165, art. 3)