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STATUTORY INSTRUMENTS

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**1987 No. 610**

**PATENTS**

**The Patents (Fees) Rules 1987**

<i>Made</i>	- - - -	<i>31st March 1987</i>
<i>Laid before Parliament</i>		<i>6th April 1987</i>
<i>Coming into force</i>		
<i>Rules 1(1), 2 and 4</i>		<i>27th April 1987</i>
<i>Rules 1(2) and 3</i>		<i>26th May 1987</i>

The Secretary of State, in exercise of the powers conferred on him by section 123(1), (2) and (3) of and paragraph 14 of Schedule 4 to the Patents Act 1977<sup>(1)</sup>, after consultation with the Council on Tribunals pursuant to section 10(1) of the Tribunals and Inquiries Act 1971<sup>(2)</sup> and with the consent of the Treasury pursuant to subsection (4) of the said section 123, hereby makes the following Rules:

**1.**—(1) These Rules may be cited as the Patents (Fees) Rules 1987 and shall come into force as respects rules 1(1), 2 and 4 on 27th April 1987 and as respects rules 1(2) and 3 on 26th May 1987.

(2) Rules 1(2), 2, 3 and 4 of and the Schedule to the Patents (Fees) Rules 1986<sup>(3)</sup> and Rules 1(2) (c) and (3)(b) and 3 of and Schedule 2 to the Patents (Amendment) Rules 1987<sup>(4)</sup> are hereby revoked.

**2.** These Rules shall be construed as one with the Patents Rules 1982<sup>(5)</sup> and, to the extent that they continue to apply in relation to existing patents and existing applications, the Patents Rules 1968<sup>(6)</sup>.

**3.** The fees to be paid in respect of any matters arising under the Patents Act 1949<sup>(7)</sup> or the Patents Act 1977 shall be those specified in the Schedule to these Rules; and in any case where a form specified in the Schedule as the corresponding form in relation to any matter is required by the Patents Rules 1968 or the Patents Rules 1982 to be used, that form shall be accompanied by the fee specified in respect of that matter or, where payment may be made within a prescribed period of time after the form has been filed, the fee so specified shall be paid within that period.

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(1) 1977 c. 37.

(2) 1971 c. 62.

(3) S.I.1986/583, amended by S.I. 1987/288.

(4) S.I. 1987/288.

(5) S.I. 1982/717; relevant amending instruments are S.I. 1985/1166, 1987/288.

(6) S.I. 1968/1389, revoked with savings by S.I. 1978/216.

(7) 1949 c. 87.

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4. Where application is made, or by virtue of section 120(2) of the Patents Act 1977 is taken to have been made, on or after 27th April 1987 but before 26th May 1987 for renewal of a patent in respect of any year beginning on or after 26th May 1986, the fee payable on such application shall be that which would be payable if the application were made on or after 26th May 1986 and rules 1(2) and 3 above had come into force.

27th March 1987

*Geoffrey Pattie*  
Minister of State,  
Department of Trade and Industry

We consent to the making of these Rules,

31st March 1987

*Michael Neubert*  
*Tim Sainsbury*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

SCHEDULE

Rule 3

FEES PAYABLE

PART A

(In this Part of this Schedule, any reference to a section is a reference to that section of the Patents Act 1977 and any reference to a rule is a reference to that rule of the Patents Rules 1982.)

Number of corresponding Patents Form	Item	Amount
		£
1/77	On request for the grant of a patent (the filing fee) ... ..	10
2/77	On reference under section 8(1), 12(1) or 37(1)	30
3/77	On application under section 8(5) or 37(3) for authorisation by comptroller	30
4/77	On request for directions under section 10 or 12(4) ... ..	30
5/77	On reference under section 11(5) or 38(5) to determine the question of a licence ... ..	30
6/77	On application to comptroller under section 13(1) and/or 13(3) ... ..	21
7/77	Statement of inventorship and of right to the grant of a patent	–
8/77	On request for comptroller’s certificate authorising the release of a sample from a culture collection ... ..	10
9/77	On request for preliminary examination and search or request for further search ... ..	85
10/77	On request for substantive examination ... ..	100
11/77	On request to amend application before grant ... ..	24
12/77	*On payment of renewal fee— Before the expiration of the 4th year from the date of filing of	78

\* One half of these fees payable if entry in the register “Licences of Right”.

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Number of corresponding Patents Form	Item	Amount
	the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 5th year	
	Before the expiration of the 5th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 6th year	84
	Before the expiration of the 6th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 7th year	92
	Before the expiration of the 7th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 8th year	100
	Before the expiration of the 8th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 9th year	112
	Before the expiration of the 9th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 10th year	122
	Before the expiration of the 10th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 11th year	134
	Before the expiration of the 11th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the	146

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Number of corresponding Patents Form	Item	Amount
	patent and in respect of the 12th year ... ..	
	Before the expiration of the 12th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 13th year ... ..	164
	Before the expiration of the 13th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 14th year ... ..	182
	Before the expiration of the 14th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 15th year ... ..	200
	Before the expiration of the 15th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 16th year ... ..	220
	Before the expiration of the 16th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 17th year ... ..	240
	Before the expiration of the 17th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 18th year ... ..	260
	Before the expiration of the 18th year from the date of	290

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Number of corresponding Patents Form	Item	Amount
	filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 19th year ... ..	
	Before the expiration of the 19th year from the date of filing of the application for the patent or, in the case of an existing patent, the date of the patent and in respect of the 20th year ... ..	320
13/77	On extension of the period for payment of a renewal fee under section 25(4)– Not exceeding one month ... .. Each succeeding month ... .. (but not exceeding six months)	17 17
14/77	On application to amend specification after grant ... ..	50
15/77	On notice of opposition to amendment of specification after grant ... ..	21
16/77	On application for the restoration of a patent ... ..	100
17/77	Additional fee on the application for restoration of a patent ... ..	100
18/77	On offer to surrender a patent	–
19/77	On notice of opposition to offer to surrender a patent..	21
20/77	On request for alteration of name, address or address for service in the register, for each patent or application ... ..	3
21/77	On application to register or to give notice of a transaction, instrument or event affecting the rights in a patent or application for a patent ... ..	21
	On each application covering more than one patent or	2

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Number of corresponding Patents Form	Item	Amount
	application for a patent, the devolution of title being the same as in the first patent or application for a patent. For each additional request ... ..	
22/77	On request for the correction of an error in the register or in any connected document ... ..	16
23/77	On request for the furnishing of or access to miscellaneous information ... .. Each	2
24/77	On request for certificate of the comptroller–	
	(a) (a) by impressed stamp ... ..	3
	(b) (b) sealed and attached to documents ... ..	10
25/77	On application for entry of order of court in the register	–
26/77	On application for compensation by employee	29
27/77	On application under section 41(8) in connection with an order made under section 40(1) or 40(2) ... ..	29
28/77	On application by proprietor for entry to be made in the register to the effect that licences under the patent are to be available as of right ... ..	12
29/77	On application for settlement of terms of licence of right	50
30/77	On application by proprietor under section 47(1) for cancellation of entry in the register ... ..	21
31/77	On application under section 47(3) by person interested for cancellation of entry in the register ... ..	21
32/77	On notice of opposition to an application under section 47(1)	21

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	or 47(3) for cancellation of entry in the register.	
33/77	On application under section 48(1) for a compulsory licence or entry in the register	50
34/77	On application by Crown in case of monopoly or merger	50
35/77	On notice of opposition to application made under section 48 or 51 ... ..	21
36/77	On reference to the comptroller of a dispute as to infringement	50
37/77	On application for declaration of non-infringement ... ..	50
38/77	On application for the revocation of a patent ... ..	21
39/77	On application to register copy of entry made in European Register of Patents ... ..	9
40/77	On payment of filing fee upon conversion of European patent application to an application under the Act ... ..	10
41/77	On request for conversion of European patent application	10
43/77	On payment of prescribed fee and request for publication of translation ... ..	9
44/77	On application to the comptroller for an international application to be treated as an application under the Act ... ..	10
45/77	On application for order for evidence to be obtained in the United Kingdom ... ..	29
46/77	On notice that hearing before the comptroller will be attended ... ..	11
47/77	On request for the correction of an error of translation or transcription, clerical error or mistake ... ..	30

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Number of corresponding Patents Form	Item	Amount
48/77	On notice of opposition to the correction of an error, clerical error or mistake ... ..	21
49/77	On request for information relating to a patent or an application for a patent ... ..	8
50/77	On request for extension of time or period under rule 110(3) ... .. Each	100
51/77	On declaration of authorisation where agent appointed during progress of application or in substitution for another ... ..	–
52/77	On request for extension of time or period under rule 110(3A) ... ..	100
53/77	Additional fee for extension of time or period under rule 100(3C) ... ..	100
54/77	On filing of translation of European Patent (UK) under section 77(6)(a) ... ..	25
55/77	On filing of translation of amendment of European Patent (UK) under section 77(6)(b)	25
56/77	On request for publication of translation of claims of application for European Patent (UK) filed under section 78(7) ... ..	25
57/77	On request for publication of a corrected translation filed under section 80(3) ... ..	25
–	National fee (rule 85(1))	10
–	As Receiving Office or International Preliminary Examining Authority under the Patent Co-operation Treaty–	
–	Transmittal Fee (rule 118(1))	10
–	Preliminary Examination Fee (rule 120) ... ..	42

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Number of corresponding Patents Form	Item	Amount
–	Additional fee (rule 121) ... .. Maximum	42

\* One half of these fees payable if entry in the register “Licences of Right”.

**PART B**

(In this Part of this Schedule–

- (1) any reference to a section is a reference to that section of the Patents Act 1949; and
- (2) any reference to a rule is a reference to that rule of the Patents Rules 1968, as it continues to apply by virtue of rule 124 of the Patents Rules 1978(8).)

Number of corresponding Patents Form	Item	Amount
		£
1 Add	Application for grant of patent of addition in lieu of independent patent ... ..	29
7	For extension of time under rule 30, 33 or 50– Not exceeding one month ... ..	16
	Each succeeding month ... ..	16
8	On application for result of search made under sections 7 and 8 ... ..	2
9	On application under section 9(2) for deletion of reference	–
13	On notice that hearing before the comptroller will be attended ... ..	11
14	On request under section 16(3) ... ..	8
15	On claim under section 16(4)	8
16	On application for extension of the period under section 16(5)	11
17	On application for a certificate under section 16(8) ... ..	21
18	On claim under section 17(1) for application to proceed in name of claimants ... ..	24

(8) S.I. 1978/216, to which there are amendments not relevant to these Rules.

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Number of corresponding Patents Form	Item	Amount
19	On application for directions under section 17(5) ... ..	29
20	On request for sealing of a patent ... ..	20
21	On application for extension of the period for requesting the sealing of a patent under section 19(3)– Not exceeding one month ... .. Each succeeding month ... ..	16 16
22	On application for extension of the period for requesting the sealing of a patent under section 19(4)– Not exceeding one month ... .. Each succeeding month ... ..	16 16
23	On application under section 20 for amendment of a patent ... ..	50
32	On application under section 28 for sealing of a patent ... ..	29
33	On opposition to application under section 28 ... ..	21
34	Additional fee for sealing under section 28 ... ..	74
35	On application to amend specification after acceptance	46
36	On notice of opposition to amendment ... ..	21
37	On application to amend specification not yet accepted	24
38	On application to amend an application for a patent ... ..	24
39	On application for revocation of a patent under section 33.	21
43	On application for settlement of terms of licence under patent endorsed “Licences of right” ... ..	50

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Number of corresponding Patents Form	Item	Amount
44	On application by patentee for cancellation of endorsement of patent "Licences of Right"	50
45	On application for cancellation of endorsement "Licences of Right" ... ..	50
46	On notice of opposition to cancellation of endorsement of patent "Licence of Right" ... ..	50
53	On application under section 55(1) for directions of comptroller ... ..	50
54	On application under section 55(2) for directions of comptroller ... ..	50
55	On application under section 56(1) to determine dispute ... ..	50
63	On application for entry in the register of claim to a licence under a patent extended under section 23, 24 or 25 ... ..	—
64	On request to comptroller to correct a clerical error ... ..	30
65	On notice of opposition to the correction of a clerical error	21
68	For duplicate of patent ... ..	21
69	On application for entry of order of court in the register	—

**EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules revoke and replace the provision for fees in the Patents (Fees) Rules 1986, as amended by the Patents (Amendment) Rules 1987. The fees payable on forms 2/77, 3/77, 4/77, 5/77, 8/77, 9/77, 12/77, 14/77, 16/77, 17/77, 20/77, 24/77, 29/77, 33/77, 34/77, 36/77, 37/77, 47/77 and 50/77 under the Patents Act 1977 and forms 23, 43, 44, 45, 46, 53, 54, 55 and 64 under the Patents Act 1949 are increased with effect from 26th May 1987, except in the case of fees payable for the renewal of

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a patent in respect of any year beginning on or after 26th May 1987, which are increased with effect from 27th April 1987. It is estimated that the total amount of fees collected per annum at the new levels will be 3.5 per cent greater than the amount collected per annum at the existing levels.