
STATUTORY INSTRUMENTS

1995 No. 2093

The Patents Rules 1995

AMENDMENT OF PATENTS IN INFRINGEMENT OR REVOCATION PROCEEDINGS

Amendment of patent under section 75

78.—(1) Where in any proceedings before him, the comptroller requires an amendment proposed under section 75 to be advertised, it shall be advertised in the Journal.

(2) Within two months of the date on which the proposed amendment is so advertised, any person may give the comptroller notice of opposition to the amendment on Patents Form 15/77.

(3) Such notice shall be accompanied by a copy thereof and be supported by a statement in duplicate setting out fully the facts upon which the opponent relies and the relief which he seeks. The comptroller shall send a copy of the notice and statement to the proprietor of the patent and any other party to the proceedings before the comptroller.

(4) The comptroller may give such directions as he may think fit with regard to the subsequent procedure.

(5) Where the comptroller gives leave under section 75 for the specification of the patent to be amended, he may, before the specification is amended, require the applicant to file a new specification as amended, prepared in accordance with rules 16, 18 and 20.