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STATUTORY INSTRUMENTS

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**1995 No. 2093**

**The Patents Rules 1995**

*INFORMATION AND INSPECTION*

**Inspection of documents under section 118**

**93.**—(1) Subject to paragraph (5) below, and to the restrictions prescribed in paragraph (4) below, after the date of publication of an application for a patent in accordance with section 16, the comptroller shall, upon request and payment of the prescribed fee, if any, permit all documents filed or kept at the Patent Office in relation to the application or any patent granted in pursuance of it, to be inspected at the Patent Office.

(2) Subject to the same restrictions and to rule 96, where the circumstances specified in section 118(4) or (5) exist, the comptroller shall, upon request and payment of the prescribed fee, if any, permit inspection of such documents before the publication in accordance with section 16.

(3) Where a declaration has been made in accordance with section 5(2) or 127(4), inspection of any application referred to therein and of any translation thereof shall be permitted upon request under paragraph (1) or (2) above without payment of any fee.

(4) The restrictions referred to in paragraph (1) above are—

- (a) that no document shall be open to inspection until fourteen days after it has been filed at the Patent Office;
- (b) that documents prepared in the Patent Office solely for use therein shall not be open to inspection;
- (c) that any document sent to the Patent Office, at its request or otherwise, for inspection and subsequent return to the sender, shall not be open to inspection;
- (d) that no document filed at the Patent Office in connection with an application under section 40(1) or (2) or section 41(8) shall be open to inspection unless the comptroller otherwise directs;
- (e) that no request made under rule 48, 49(2), 52(2) or 92 or this rule shall be open to inspection;
- (f) that documents in respect of which the comptroller issues directions under rule 94 that they are to be treated as confidential shall not be open to inspection, save as permitted in accordance with that rule; and
- (g) that any documents issued by the Patent Office which the comptroller considers should be treated as confidential shall not be open to inspection unless the comptroller otherwise directs.

(5) Nothing in this rule shall be construed as imposing on the comptroller any duty of making available for public inspection—

- (a) any document or any part of a document—
  - (i) which in his opinion disparages any person in a way likely to damage him; or
  - (ii) the publication or exploitation of which would in his opinion be generally expected to encourage offensive, immoral or anti-social behaviour; or

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

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- (b) the file (but not the report) of the international preliminary examination of an international application under the Patent Co-operation Treaty; or
  - (c) any document filed with or sent to or by the Patent Office before 1st June 1978.
- (6) No appeal shall lie from a decision of the comptroller under paragraph (5)(a) above not to make a document or part of a document available for public inspection.