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## STATUTORY INSTRUMENTS

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# 1995 No. 2093

## The Patents Rules 1995

### *APPLICATIONS FOR PATENTS*

#### **Applications for the grant of patents under sections 14 and 15**

**16.**—(1) A request for the grant of a patent shall be made on Patents Form 1/77.

(2) The specification contained in an application for a patent made under section 14 shall state the title of the invention and continue with the description and the claim or claims and drawings, if any, in that order.

(3) The title shall be short and indicate the matter to which the invention relates.

(4) The description shall include a list briefly describing the figures in the drawings, if any.

#### **Micro-organisms**

**17.** Schedule 2 shall have effect in relation to certain applications for patents, and patents, for inventions which require for their performance the use of micro-organisms.

#### **Drawings**

**18.**—(1) Drawings forming part of an application for a patent made under section 14 shall be on sheets the usable surface area of which shall not exceed 26.2 cm by 17 cm. The sheets shall not contain frames round the usable or used surface. The minimum margins shall be as follows—

top	2.5 cm
left side	2.5 cm
right side	1.5 cm
bottom	1.0 cm

(2) Drawings shall be executed as follows—

- (a) without colouring in durable, black, sufficiently dense and dark, uniformly thick and well-defined lines and strokes to permit satisfactory reproduction;
- (b) cross-sections shall be indicated by hatching which does not impede the clear reading of the reference signs and leading lines;
- (c) the scale of the drawings and the distinctness of their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two-thirds would enable all details to be distinguished without difficulty. If, as an exception, the scale is given on a drawing, it shall be represented graphically;
- (d) all numbers, letters, and reference signs, appearing on the drawings shall be simple and clear and brackets, circles and inverted commas shall not be used in association with numbers and letters;

- (e) elements of the same figure shall be in proportion to each other, unless a difference in proportion is indispensable for the clarity of the figure;
  - (f) the height of the numbers and letters shall not be less than 0.32 cm and for the lettering of drawings, the Latin and, where customary, the Greek alphabets shall be used;
  - (g) the same sheet of drawings may contain several figures. Where figures drawn on two or more sheets are intended to form one whole figure, the figures on the several sheets shall be so arranged that the whole figure can be assembled without concealing any part of the partial figures. The different figures shall be arranged without wasting space, clearly separated from one another. The different figures shall be numbered consecutively in arabic numerals, independently of the numbering of the sheets;
  - (h) reference signs not mentioned in the description or claims shall not appear in the drawings, and vice versa. The same features, when denoted by reference signs, shall, throughout the application, be denoted by the same signs;
  - (i) the drawings shall not contain textual matter, except, when required for the understanding of the drawings, a single word or words such as “water”, “steam”, “open”, “closed”, “section on AA”, and, in the case of electric circuits and block schematic or flow sheet diagrams, a few short catchwords; and
  - (j) the sheets of the drawings shall be numbered in accordance with rule 20(9).
- (3) Flow sheets and diagrams shall be considered to be drawings for the purposes of these Rules.

### **The abstract**

19.—(1) The abstract shall commence with a title for the invention.

(2) The abstract shall contain a concise summary of the matter contained in the specification. The summary shall indicate the technical field to which the invention belongs and be drafted in a way which allows a clear understanding of the technical problem to which the invention relates, the gist of the solution to that problem through the invention and the principal use or uses of the invention. Where appropriate, the abstract shall also contain the chemical formula which, among those contained in the specification, best characterises the invention. It shall not contain statements on the alleged merits or value of the invention or on its speculative application.

(3) The abstract shall normally not contain more than 150 words.

(4) If the specification contains any drawings, the applicant shall indicate on the abstract the figure or, exceptionally, the figures of the drawings which he suggests should accompany the abstract when published. The comptroller may decide to publish one or more other figures if he considers that they better characterise the invention. Each main feature mentioned in the abstract and illustrated by a drawing shall be followed by the reference sign used in that drawing.

(5) The abstract shall be so drafted that it constitutes an efficient instrument for the purposes of searching in the particular technical field, in particular by making it possible to assess whether there is a need to consult the specification itself.

### **Size and presentation of documents**

20.—(1) All documents (including drawings) making up an application for a patent or replacing such documents shall be in the English language.

(2) The specification, abstract and any replacement sheet thereof shall be filed in duplicate.

(3) All documents referred to in paragraph (1) above shall be so presented as to permit of direct reproduction by photography, electrostatic processes, photo offset and micro-filming, in an unlimited number of copies. All sheets shall be free from cracks, creases and folds. Only one side of the sheet shall be used, except in the case of a request for the grant of a patent.

(4) All documents referred to in paragraph (1) above shall be on A4 paper (29.7 cm × 21 cm) which shall be pliable, strong, white, smooth, matt and durable. Each sheet (other than drawings) shall be used with its short sides at the top and bottom (upright position).

(5) The request for the grant of a patent and the description, claims, drawings and abstract shall each commence on a new sheet. The sheets shall be connected in such a way that they can easily be turned over, separated and joined together again.

(6) Subject to rule 18(1), the minimum margins shall be as follows:

top	2.0 cm
left side	2.5 cm
right side	2.0 cm
bottom	2.0 cm

(7) The margins of the documents making up the application and of any replacement documents must be completely blank.

(8) In the application, except in the drawings—

(a) all sheets in the request shall be numbered consecutively; and

(b) all other sheets shall be numbered consecutively as a separate series,

and all such numbering shall be in arabic numerals placed at the top of the sheet, in the middle, but not in the top margin.

(9) All sheets of drawings contained in the application shall be numbered consecutively as a separate series. Such numbering shall be in arabic numerals placed at the top of the sheet, in the middle, but not in the top margin.

(10) Every document (other than drawings) referred to in paragraph (1) above shall be typed or printed in a dark, indelible colour in at least 1½ line spacing and in characters of which the capital letters are not less than 0.21 cm high:

Provided that Patents Form 1/77 may be completed in writing, and that graphic symbols and characters and chemical and mathematical formulae may be written or drawn, in a dark indelible colour.

(11) The request for the grant of a patent, the description, the claims and the abstract shall not contain drawings. The description, the claims and the abstract may contain chemical or mathematical formulae. The description and the abstract may contain tables. The claims may contain tables only if their subject-matter makes the use of tables desirable.

(12) In all documents referred to in paragraph (1) above units of weight and measures shall be expressed in terms of the metric system. If a different system is used they shall also be expressed in terms of the metric system. Temperatures shall be expressed in degrees Celsius. For the other physical values, the units recognised in international practice shall be used, for mathematical formulae the symbols in general use, and for chemical formulae the symbols, atomic weights and molecular formulae in general use shall be employed. In general, use should be made of technical terms, signs and symbols generally accepted in the field in question.

(13) If a formula or symbol is used in the specification a copy thereof, prepared in the same manner as drawings, shall be furnished if the comptroller so directs.

(14) The terminology and the signs shall be consistent throughout the application.

(15) All documents referred to in paragraph (1) above shall be reasonably free from deletions and other alterations, overwritings and interlineations and shall, in any event, be legible.

### **Form of statements, counter-statements and evidence**

21. Any statement, counter-statement or evidence filed shall, unless the comptroller otherwise directs, comply with the requirements of rule 20(1) and (4) and, except that both sides of the sheet may be used in the case of statutory declarations and affidavits, with the requirements of rule 20(3).

### **Unity of invention**

22.—(1) Without prejudice to the generality of section 14(5)(d), where two or more inventions are claimed (whether in a single claim or in separate claims), and there exists between or among those inventions a technical relationship which involves one or more of the same or corresponding technical features, then those inventions shall be treated as so linked as to form a single inventive concept for the purposes of the Act.

(2) In this rule, “special technical features” means those technical features which define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

### **Late filed drawings**

23. The period prescribed for the purposes of section 15(2) and (3) shall be one month calculated from the date on which the comptroller sends out notification to the applicant that the drawing has been filed later than the date which is, by virtue of section 15(1), to be treated as the date of filing the application or, as the case may be, that it has not been filed.

### **New applications under section 15(4)**

24.—(1) Subject to paragraph (2) below, a new application for a patent, which includes a request that it shall be treated as having as its date of filing the date of filing of an earlier application, may be filed in accordance with section 15(4) not later than the latest of—

- (a) the beginning of the sixth month before the end of the period ascertained under rule 34 in relation to the earlier application as altered, if that be the case, under rule 100 or rule 110 (“the rule 34 period”);
- (b) where the earlier application is amended as provided by section 18(3) so as to comply with section 14(5)(d), the expiry of the period of two months beginning on the day that the amendment is filed; and
- (c) where the first report of the examiner under section 18 is made under subsection (3), the expiry of the period specified for reply to that report:

Provided that, where the first report of the examiner under section 18 is made under subsection (4) and the comptroller notifies the applicant that the earlier application complies with the requirements of the Act and these Rules, notwithstanding the foregoing provisions of this paragraph but subject to paragraph (2) below, a new application may be filed not later than the expiry of the period of two months beginning on the day that the notification is sent.

(2) Where any of the following dates falls before the date ascertained under paragraph (1) above, a new application may only be filed before that date instead of the date so ascertained—

- (a) the date when the earlier application is refused, is withdrawn, is treated as having been withdrawn or is taken to be withdrawn;
- (b) the expiry of the rule 34 period ascertained in relation to the earlier application; and
- (c) the date when a patent is granted on the earlier application.

(3) Where possible, the description and drawings of the earlier application and the new application shall respectively relate only to the matter for which protection is sought by that application. However, when it is necessary for an application to describe the matter for which

protection is sought by another application, it shall include a reference by number to that other application and shall indicate the matter for which protection is claimed in the other application.

**Periods prescribed under section 15(5)(a) and (b) and 17(1) for filing claims, abstract and request for preliminary examination and search**

**25.**—(1) The period prescribed for the purposes of section 15(5)(a) shall be,—

- (a) if the application contains no declared priority date, the period of twelve months calculated from its date of filing; or
- (b) if the application does contain a declared priority date, the last to expire of the period of twelve months calculated from the declared priority date and the period of one month calculated from the date of filing the application.

(2) Subject to the provisions of rules 81(3), 82(3), 85(7)(a) and 85(7A)(b), the period prescribed for the purposes of sections 15(5)(b) and 17(1) shall be—

- (a) if the application contains no declared priority date, the period of twelve months calculated from its date of filing; or
- (b) if the application does contain a declared priority date, the period of twelve months calculated from the declared priority date.

(3) Where a new application is filed under section 8(3), 12(6), 15(4) or 37(4) after the end of the period prescribed in paragraph (1) or (2) above, as the case may be, the period prescribed for the purposes of sections 15(5) and 17(1) shall be the period which expires on the actual date of filing of the new application.

**Extensions for new applications**

**26.**—(1) Where a new application is filed under section 8(3), 12(6), 15(4) or 37(4) after the period of sixteen months prescribed in either rule 6 or rule 15, then, subject to the following provisions of this rule,—

- (a) the requirements of those rules shall be complied with at the time of filing the new application; and
- (b) the requirements of paragraph 1(2)(a)(ii) and (3) of Schedule 2, in a case to which they apply, shall be complied with not later than the later of the time ascertained under the said paragraph 1(3) and the time of filing the new application.

(2) Where a new application to which the requirement in paragraph (6) of rule 6 applies is filed under section 8(3), 12(6), 15(4) or 37(4), that requirement shall be met—

- (a) within the period prescribed by that paragraph; or
- (b) where the earlier application is an international application, within the period prescribed by rule 6(6) as it has effect under rule 85(3) in respect of the earlier application; or
- (c) if the new application is filed after the periods prescribed by subparagraphs (a) or (b), at the time of filing.

(3) Where a new application is filed under section 15(4) after—

- (a) the period of sixteen months prescribed in rule 6(2) or rule 15(1); or
- (b) where the earlier application is an international application, the period prescribed by rule 6(6) as it has effect under rule 85(3) in respect of the earlier application;

but within an extension of that period under rule 110(3) or (4) in respect of the earlier application, the requirements of rule 6(2) and (3), rule 6(6) or rule 15, as the case may be, shall be complied with before the end of the extended period.

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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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### **Period for publication of application**

**27.** The period prescribed for the purposes of section 16 shall be the period of eighteen months calculated from the declared priority date or, where there is no declared priority date, the date of filing the application.