
STATUTORY INSTRUMENTS

2003 No. 512

The Patents Act 1977 (Electronic Communications) Order 2003

Insertion of new Section 124A

2. The following section shall be inserted after section 124 of the Patents Act 1977(1)—

“Use of electronic communications

124A.—(1) The comptroller may make directions as to the form and manner in which documents to be delivered to the comptroller—

- (a) in electronic form; or
- (b) using electronic communications,

are to be delivered to him.

(2) A direction under subsection (1) may provide that in order for a document to be delivered in compliance with the direction it shall be accompanied by one or more additional documents specified in the direction.

(3) If a document to which a direction under subsection (1) applies is delivered to the comptroller in a form or manner which does not comply with the direction the comptroller may treat the document as not having been delivered.

(4) Subsection (5) applies in relation to a case where—

- (a) a document is delivered using electronic communications, and
- (b) there is a requirement for a fee to accompany the document.

(5) The comptroller may make directions specifying—

- (a) how the fee shall be paid;
- (b) when the fee shall be deemed to have been paid.

(6) The comptroller may make directions specifying that a person who delivers a document to the comptroller in electronic form or using electronic communications cannot treat the document as having been delivered unless its delivery has been acknowledged.

(7) The comptroller may make directions specifying how a time of delivery is to be accorded to a document delivered to him in electronic form or using electronic communications.

(8) A direction under this section may be given—

- (a) generally;
- (b) in relation to a description of cases specified in the direction;
- (c) in relation to a particular person or persons.

(9) In a case falling within subsection (8)(a) or (b), the direction must be published in such manner as the comptroller considers appropriate for the purpose of bringing it to the attention of the persons affected by it.

(10) In a case falling within subsection (8)(c), the direction must be notified to that person or those persons in such manner as may be agreed between that person or those persons and the comptroller.

(11) A direction under this section may be varied or revoked by a subsequent direction under this section.

(12) A direction under this section may include incidental, supplementary, saving and transitional provisions.

(13) Where the comptroller delivers a document using electronic communications then, unless the contrary intention has been specified by the comptroller, the delivery is deemed to be effected by the comptroller properly addressing and transmitting the electronic communication.

(14) Where the comptroller makes a direction under this section which applies in addition to or in place of rules, to the extent that the direction applies—

- (a) “prescribed” in this Act includes prescribed by the direction;
- (b) references in this Act to compliance with rules or requirements of rules include compliance with the direction or requirements of the direction.

(15) In this section—

- (a) references to a document include anything that is or may be embodied in paper form;
- (b) references to delivery to the comptroller include delivery at, in, with or to the Patent Office;
- (c) references to delivery by the comptroller include delivery by the Patent Office; and cognate expressions must be construed accordingly.”