STATUTORY INSTRUMENTS

2004 No. 2358

The Patents (Amendment) Rules 2004

Amendment of the Patents Rules 1995

7. For rule 23 there shall be substituted—

"**Missing parts**

23.—(1) Subject to paragraph (2), the period prescribed for the purposes of section 15(5)(b) and (6) shall be the period starting on the date of filing of the application for a patent and ending on the date of the preliminary examination.

(2) Where the applicant is notified under section 15A(9) that a drawing or part of the description of the invention has been found to be missing, the period prescribed for the purposes of section 15(5)(b) and (6) shall be the period of two months starting on the date of the notification.

(3) An applicant may only withdraw a missing part by giving written notice to the comptroller.

(4) A request made under section 15(7)(b) shall be made in writing and shall—

(a) include sufficient information to identify where in the earlier relevant application or applications the contents of the document filed under section 15(5)(b) were included; and

(b) be made before the end of the period prescribed for the purpose of section 15(5)(b).

(5) Any request under section 15(7)(b) shall be considered never to have been made where—

(a) the earlier relevant application or applications do not contain every missing part filed under section 15(5);

(b) the applicant fails to furnish to the Patent Office copies of all earlier relevant applications, duly certified by the authority with which they were filed, before the end of the relevant period.

(6) Paragraph (5)(b) does not apply in respect of an earlier relevant application where that application or a copy of the application is kept at the Patent Office.

(7) The relevant period is the first to expire of—

(a) the period of sixteen months starting on the declared priority date; or

(b) the period of four months starting on the date the request was made under section 15(7)(b).".