
STATUTORY INSTRUMENTS

2007 No. 3291

The Patents Rules 2007

PART 9

MISCELLANEOUS

Supplementary Protection Certificates

Supplementary protection certificates

116.—(1) An application for—

- (a) a supplementary protection certificate shall be made on Patents Form SP1; and
- (b) an extension of the duration of a supplementary protection certificate under Article 8 of the Medicinal Products Regulation shall be made on Patents Form SP4.

(2) The period prescribed for the purposes of paragraph 5(a) of Schedule 4A to the Act is—

- (a) three months ending with the start date; or
- (b) where the certificate is granted after the beginning of that period, three months beginning with the date the supplementary protection certificate is granted.

(3) The comptroller must send a notice to the applicant for the certificate—

- (a) before the beginning of the period of two months immediately preceding the start date; or
- (b) where the certificate is granted as mentioned in paragraph (2)(b), on the date the certificate is granted.

(4) The notice must notify the applicant for the certificate of—

- (a) the fact that payment is required for the certificate to take effect;
- (b) the prescribed fee due;
- (c) the date before which payment must be made; and
- (d) the start date.

(5) The prescribed fee must be accompanied by Patents Form SP2; and once the certificate has taken effect no further fee may be paid to extend the term of the certificate unless an application for an extension of the duration of the certificate is made under the Medicinal Products Regulation.

(6) Where the prescribed fee is not paid before the end of the period prescribed for the purposes of paragraph 5(a) of Schedule 4A to the Act, the comptroller shall, before the end of the period of six weeks beginning immediately after the end of that prescribed period, and if the fee remains unpaid, send a notice to the applicant for the certificate.

(7) The notice shall remind the applicant for the certificate—

- (a) that payment is overdue; and
- (b) of the consequences of non-payment.

(8) The comptroller must send the notices under this rule to—

- (a) the applicant's address for service; and
- (b) the address to which a renewal notice would be sent to the proprietor of the basic patent under rule 39(3).