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STATUTORY INSTRUMENTS

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**2007 No. 3291**

**The Patents Rules 2007**

**PART 2**

**APPLICATIONS FOR PATENTS**

*Declarations of priority*

**Declaration of priority for the purposes of section 5(2) (priority date)**

**6.—**(1) Subject to paragraph (2) and rule 7(9), a declaration for the purposes of section 5(2) must be made at the time of filing the application for a patent.

(2) Subject to rule 7(9), a declaration for the purposes of section 5(2) may be made after the date of filing provided that—

- (a) it is made on Patents Form 3;
- (b) it is made before the end of the period of sixteen months beginning immediately following the date of filing of the earlier relevant application (or if there is more than one, the earliest of them) specified in that, or any earlier, declaration; and
- (c) the condition in paragraph (3) is met.

(3) The condition is that—

- (a) the applicant has not made a request under section 16(1) for publication of the application during the period prescribed for the purposes of that section; or
- (b) any request made was withdrawn before preparations for the application's publication have been completed by the Patent Office.

(4) A declaration for the purposes of section 5(2) must specify—

- (a) the date of filing of each earlier relevant application; and
- (b) the country it was filed in or in respect of.

(5) In the case of a new application filed as mentioned in section 15(9), no declaration shall be made which has not also been made in, or in connection with, the earlier application.