
STATUTORY INSTRUMENTS

2007 No. 3291

The Patents Rules 2007

PART 6

INTERNATIONAL APPLICATIONS

Translations

Necessary translations under section 89A(3) and (5)

69.—(1) A translation is necessary for the purposes of section 89A(3) where any of the following are not in English—

- (a) the international application for a patent (UK) as published in accordance with the Patent Co-operation Treaty;
- (b) where the information mentioned in paragraph 3(2)(a) and (b) of Schedule 1 (biological material) has been provided, that information.

(2) Where the applicant expressly requests the comptroller to proceed with the national phase before the end of the period prescribed by rule 66(1), the translation must include the request and abstract.

(3) But paragraph (2) does not apply where a copy of the application, as published in accordance with the Patent Co-operation Treaty, is available to the comptroller.

(4) A translation of an amendment is necessary for the purposes of section 89A(5) where any amendment made to the application is not in English and has either been—

- (a) published under the Patent Co-operation Treaty; or
- (b) annexed to the International Preliminary Examination Report.

(5) At the end of the period prescribed by rule 66(1), the comptroller must notify the applicant that a necessary translation is missing if—

- (a) a translation of the application has been filed, but a translation of the amendment has not been filed; or
- (b) the information mentioned in paragraph 3(2)(a) and (b) of Schedule 1 (biological material) has been provided, but a translation of that information has not been filed,

and the prescribed fee has been paid.

Requirements of necessary translations

70.—(1) This rule applies to translations which are necessary for the purposes of section 89A(3) and (5).

(2) Such a translation is necessary for only that part of the application which is in a language other than English.

(3) Where the application includes a drawing which is annotated, the translation shall include either—

- (a) a copy of the original drawing where the original annotations have been replaced by annotations in English; or
- (b) a new drawing with the annotations in English.

(4) Where a title has been established for the application by the International Searching Authority, the translation must include that title (and not any title which was included in the application as it was originally filed).

(5) Where—

- (a) the description of the invention includes a sequence listing; and
 - (b) the listing complies with the relevant requirements of the Patent Co-operation Treaty,
- the translation of the application may exclude a translation of the sequence listing.

(6) This rule applies to translations of amendments as it applies to translations of applications and accordingly references to “application” shall be construed as references to “amendment”.