
STATUTORY INSTRUMENTS

2007 No. 3291

The Patents Rules 2007

PART 9

MISCELLANEOUS

Corrections and remission of fees

Correction of errors

105.—(1) A request to the comptroller to correct an error or mistake under section 117 must be made in writing and identify the proposed correction.

(2) The comptroller may, if he thinks fit, require the person requesting a correction to produce a copy of the document indicating the correction.

(3) Where the request is to correct a specification of a patent or application, the request shall not be granted unless the correction is obvious (meaning that it is immediately evident that nothing else could have been intended in the original specification).

(4) But paragraph (3) does not apply where the error in the specification of the patent or application is connected to the delivery of the application in electronic form or using electronic communications.

(5) Where the comptroller determines that no person could reasonably object to the correction no advertisement shall be published under rule 75.

(6) Where the comptroller is required to publish a notice under section 117(3), it must be published in the journal.

(7) This rule does not apply to a correction of a name, address or address for service (which may be corrected under rule 49).

Remission of fees

106.—(1) A person may apply to the comptroller for the remission of a fee.

(2) The comptroller may remit the whole or part of a search fee where—

- (a) in relation to an international application for a patent (UK), a copy of the International Search Report (as defined in rule 64) for that application is available to the comptroller; or
- (b) a new application for a patent is filed as mentioned in section 15(9) and, in connection with the earlier application, the applicant has already paid the search fee for the invention described in the new application.

(3) The comptroller may remit the whole or part of any fee where—

- (a) a person has requested the comptroller or an examiner to do something in accordance with the Act or these Rules; and
- (b) the request is withdrawn before it is carried out.

(4) The comptroller may remit the whole or part of the fee payable in respect of a request for an opinion under section 74A where he has refused the request.

(5) Where a supplementary protection certificate lapses or is declared invalid, the comptroller must remit any fee which has been paid in respect of the relevant period.

(6) In paragraph (5) “the relevant period” is the period—

(a) beginning with the next anniversary of the start date following the date the certificate lapsed or was declared invalid; and

(b) ending with the date the certificate would have expired but for its lapse or invalidity.

(7) Any decision of the comptroller under this rule is excepted from the right of appeal conferred by section 97.

Correction of irregularities

107.—(1) Subject to paragraph (3), the comptroller may, if he thinks fit, authorise the rectification of any irregularity of procedure connected with any proceeding or other matter before the comptroller, an examiner or the Patent Office.

(2) Any rectification made under paragraph (1) shall be made—

(a) after giving the parties such notice; and

(b) subject to such conditions,

as the comptroller may direct.

(3) A period of time specified in the Act or listed in Parts 1 to 3 of Schedule 4 (whether it has already expired or not) may be extended under paragraph (1) if, and only if—

(a) the irregularity or prospective irregularity is attributable, wholly or in part, to a default, omission or other error by the comptroller, an examiner or the Patent Office; and

(b) it appears to the comptroller that the irregularity should be rectified.