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STATUTORY INSTRUMENTS

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**2014 No. 578**

**The Patents (Amendment) Rules 2014**

**Substitution of rule 19 of the Patents Rules 2007**

2.—(1) The Patents Rules 2007(1) are amended as follows.

(2) For rule 19 substitute—

**“New applications filed as mentioned in section 15(9)**

19.—(1) For the purposes of section 15(9)(2), a new application may only be filed in accordance with this rule.

(2) A new application may not be filed if the earlier application(3) has been terminated or withdrawn.

(3) Where there has not been a section 18(4)(4) notification, a new application may be filed before the end of the period ending three months before the compliance date of the earlier application.

(4) Where there has been a section 18(4) notification, a new application may be filed if—

(a) the earlier application has not, prior to the date of the section 18(4) notification, been the subject of an examiner’s report which states that the earlier application does not comply with the Act and these Rules; and

(b) the period of two months beginning immediately after the date of the section 18(4) notification has not expired.

(5) Where an earlier application has been the subject of more than one section 18(4) notification, a reference in paragraph (4) to a section 18(4) notification is a reference to the first of those section 18(4) notifications.

(6) A new application must include a statement that it is filed as mentioned in section 15(9).

(7) In this rule “section 18(4) notification” means notification under section 18(4) that the earlier application complies with the Act and these Rules.”

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(1) S.I. 2007/3291, amended by S.I. 2011/2052; there are other amending instruments but none is relevant.

(2) Section 15(9) of the Patents Act 1977 (c.37) was substituted by S.I. 2004/2357.

(3) See section 15(9) of the Patents Act 1977 (c.37) for the meaning of “earlier application”.

(4) Section 18(4) of the Patents Act 1977 (c.37) was amended by S.I. 2004/2357.