

SCHEDULES

SCHEDULE 5

PATENTS: MISCELLANEOUS AMENDMENTS

Supplementary searches

- 3 (1) Section 17 of the Patents Act 1977 (preliminary examination and search) is amended as follows.
- (2) In subsection (7) (supplementary searches) for “subsection (4) above” substitute “subsections (4) and (5) above” and for “it applies” substitute “they apply”.
- (3) After that subsection add—
- “(8) A reference for a supplementary search in consequence of—
- (a) an amendment of the application made by the applicant under section 18(3) or 19(1) below, or
- (b) a correction of the application, or of a document filed in connection with the application, under section 117 below,
- shall be made only on payment of the prescribed fee, unless the comptroller directs otherwise.”.
- 4 In section 18 of the Patents Act 1977 (substantive examination and grant or refusal of patent), after subsection (1) insert—
- “(1A) If the examiner forms the view that a supplementary search under section 17 above is required for which a fee is payable, he shall inform the comptroller, who may decide that the substantive examination should not proceed until the fee is paid; and if he so decides, then unless within such period as he may allow—
- (a) the fee is paid, or
- (b) the application is amended so as to render the supplementary search unnecessary,
- he may refuse the application.”.
- 5 In section 130(1) of the Patents Act 1977 (interpretation), in the definition of “search fee”, for “section 17 above” substitute “section 17(1) above”.