



Patents Act 1977

1977 CHAPTER 37

PART III

MISCELLANEOUS AND GENERAL

Supplemental

123 Rules.

- (1) The Secretary of State may make such rules as he thinks expedient for regulating the business of the Patent Office in relation to patents and applications for patents (including European patents, applications for European patents and international applications for patents) and for regulating all matters placed by this Act under the direction or control of the comptroller; and in this Act, except so far as the context otherwise requires, “prescribed” means prescribed by rules and “rules” means rules made under this section.
- (2) Without prejudice to the generality of subsection (1) above, rules may make provision—
 - (a) prescribing the form and contents of applications for patents and other documents which may be filed at the Patent Office and requiring copies to be furnished of any such documents;
 - (b) regulating the procedure to be followed in connection with any proceeding or other matter before the comptroller or the Patent Office and authorising the rectification of irregularities of procedure;
 - (c) requiring fees to be paid in connection with any such proceeding or matter or in connection with the provision of any service by the Patent Office and providing for the remission of fees in the prescribed circumstances;
 - (d) regulating the mode of giving evidence in any such proceeding and empowering the comptroller to compel the attendance of witnesses and the discovery of and production of documents;

Status: Point in time view as at 01/10/2005.

Changes to legislation: Patents Act 1977, Section 123 is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (e) requiring the comptroller to advertise any proposed amendments of patents and any other prescribed matters, including any prescribed steps in any such proceeding;
 - (f) requiring the comptroller to hold proceedings in Scotland in such circumstances as may be specified in the rules where there is more than one party to proceedings under section 8, 12, 37, 40(1) or (2), 41(8), 61(3), 71 or 72 above;
 - (g) providing for the appointment of advisers to assist the comptroller in any proceeding before him;
 - (h) prescribing time limits for doing anything required to be done in connection with any such proceeding by this Act or the rules and providing for the alteration of any period of time specified in this Act or the rules;
 - [^{F1}(i) giving effect to an inventor’s rights to be mentioned conferred by section 13, and providing for an inventor’s waiver of any such right to be subject to acceptance by the comptroller;]
 - (j) without prejudice to any other provision of this Act, requiring and regulating the translation of documents in connection with an application for a patent or a European patent or an international application for a patent and the filing and authentication of any such translations;
 - (k)^{F2}
 - (l) providing for the publication and sale of documents in the Patent Office and of information about such documents.
- [^{F3}(2A) The comptroller may set out in directions any forms the use of which is required by rules; and any such directions shall be published in the prescribed manner.]
- (3) Rules may make different provision for different cases.
- [^{F4}(3A) It is hereby declared that rules—
- (a) authorising the rectification of irregularities of procedure, or
 - (b) providing for the alteration of any period of time,
- may authorise the comptroller to extend or further extend any period notwithstanding that the period has already expired.]
- ^{F5}(4)
- ^{F6}(5)
- (6) Rules shall provide for the publication by the comptroller of a journal (in this Act referred to as “the journal”) containing particulars of applications for and grants of patents, and of other proceedings under this Act.
- (7) Rules shall require or authorise the comptroller to make arrangements for the publication of reports of cases relating to patents, trade marks [^{F7}registered designs or design right] decided by him and of cases relating to patents (whether under this Act or otherwise) trade marks, registered designs [^{F8}, copyright and design right] decided by any court or body (whether in the United Kingdom or elsewhere).

Textual Amendments

F1 S. 123(2)(i) substituted (1.10.2005) by Patents Act 2004 (c. 16), s. 17(1), **Sch. 2 para. 26(2)**; S.I. 2005/2471, art. 2(g)

F2 S. 123(2)(k) repealed by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 303(2), **Sch. 8**

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- F3** S. 123(2A) inserted (22.9.2004) by Patents Act 2004 (c. 16), s. 17(1), **Sch. 2 para. 26(3)**; S.I. 2004/2177, art. 2 (with arts. 7, 8)
- F4** Words substituted by virtue of S.I. 1981/1670 arts. 2, 3(5)
- F5** S. 123(4) repealed (22.9.2004) by Patents Act 2004 (c. 16), s. 17(1), Sch. 2 para. 26(4), **Sch. 3**; S.I. 2004/2177, art. 2 (with arts. 7, 8)
- F6** S. 123(5) repealed (22.9.2004) by Patents Act 2004 (c. 16), s. 17(1), Sch. 2 para. 26(4), **Sch. 3**; S.I. 2004/2177, art. 2 (with arts. 7, 8)
- F7** Words substituted by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 303(1), **Sch. 7 para. 22(a)**
- F8** Words substituted by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 303(1), **Sch. 7 para. 22(b)**

Modifications etc. (not altering text)

- C1** S. 123 extended (10.12.1992) by S.I. 1992/3091, **reg. 4(2)**
S. 123 extended (1.3.2002) by The Patents and Plant Variety Rights (Compulsory Licensing) Regulations 2002 (S.I. 2002/247), **reg. 20**
- C2** S. 123(1) amended (2.1.1993) by S.I. 1992/3091, **reg. 4(1)**
- C3** S. 123(2)-(7) applied (10.12.1992) by S.I. 1992/3091, reg. 4(2)
- C4** S. 123(7) extended by Patents, Designs and Marks Act 1986 (c. 39, SIF 67A), s. 2(3), **Sch. 2 Pt. I para. 1(2)(e)(iii)**
S. 123(7) amended (31.10.1994) by 1994 c. 26, s. 106(1), **Sch. 4 para. 1(2)**; S.I. 1994/2550, **art. 2**

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