

1980 No. 137

PATENTS

The Patents (Amendment) Rules 1980

<i>Made</i> - - - -	<i>4th February 1980</i>
<i>Laid before Parliament</i>	<i>6th February 1980</i>
<i>Coming into Operation</i>	
<i>Rules 1, 3 and 4</i> -	<i>27th February 1980</i>
<i>Rule 2</i> - - - -	<i>6th May 1980</i>

The Secretary of State, in exercise of the power conferred upon him by section 123 of the Patents Act 1977(a) and with the consent of the Treasury, hereby makes the following Rules:—

1. These Rules may be cited as the Patents (Amendment) Rules 1980 and shall come into operation as respects rules 1, 3 and 4 on 27th February 1980 and as respects rule 2 on 6th May 1980.

2. For Schedule 1 to the Patents Rules 1978(b) there shall be substituted the Schedule hereto.

3. Where on or after 27th February 1980 but before 6th May 1980 a request is made for the sealing of a patent under the Patents Act 1949(c) in respect of which the complete specification has not been accepted before 27th February 1980, the fee payable on such request shall be that which would be payable if the request were made on or after 6th May 1980 and Rule 2 of these Rules had come into operation.

4. Where on or after 27th February 1980 but before 6th May 1980 an application is made for renewal of a patent in respect of any year beginning on or after 6th May 1980, the fee payable on such application shall be that which would be payable if the application were made on or after 6th May 1980 and Rule 2 of these Rules had come into operation.

Reginald Eyre,
Department of Trade.

29th January 1980.

We consent to the making of these Rules.

David Waddington,
John MacGregor,
Two of the Lords Commissioners of
Her Majesty's Treasury.

4th February 1980.

(a) 1977 c. 37.

(b) S.I. 1978/216.

(c) 1949 c. 87.

SCHEDULE
LIST OF FEES PAYABLE

PART A

(In this part of this Schedule, any reference to a rule is a reference to that rule of these Rules.)

Number of corresponding Patents Form	Item	Amount
		£
1/77	On request for the grant of a patent.	6
2/77	On reference under section 8(1), 12(1) or 37(1).	19
3/77	On application under section 8(5) or 37(3) for authorisation by comptroller.	19
4/77	On request for directions under section 10 or 12(4).	19
5/77	On reference under section 11(5) or 38(5) to determine the question of a licence.	19
6/77	On application to comptroller under section 13(1) and/or 13(3).	13
7/77	Statement of inventorship and of right to the grant of a patent.	—
8/77	On request for comptroller's certificate authorising the release of a sample from a culture collection.	6
9/77	On request for preliminary examination and search or request for further search.	50
10/77	On request for substantive examination.	50
11/77	On request to amend application before grant.	16
12/77	*On payment of renewal fee:—	
	Before the expiration of the 4th year from the date of the patent and in respect of the 5th year.	50
	Before the expiration of the 5th year from the date of the patent and in respect of the 6th year.	52
	Before the expiration of the 6th year from the date of the patent and in respect of the 7th year.	58
	Before the expiration of the 7th year from the date of the patent and in respect of the 8th year.	64
	Before the expiration of the 8th year from the date of the patent and in respect of the 9th year.	70
	Before the expiration of the 9th year from the date of the patent and in respect of the 10th year.	78
	Before the expiration of the 10th year from the date of the patent and in respect of the 11th year.	86
	*One half only of these fees payable if entry in the register "Licences of Right".	

Number of corresponding Patents Form	Item	Amount
		£
	Before the expiration of the 11th year from the date of the patent and in respect of the 12th year.	96
	Before the expiration of the 12th year from the date of the patent and in respect of the 13th year.	106
	Before the expiration of the 13th year from the date of the patent and in respect of the 14th year.	116
	Before the expiration of the 14th year from the date of the patent and in respect of the 15th year.	126
	Before the expiration of the 15th year from the date of the patent and in respect of the 16th year or in the case of an old existing patent.	136
	†Before the expiration of the 16th year from the date of the patent and in respect of the 17th year.	148
	†Before the expiration of the 17th year from the date of the patent and in respect of the 18th year.	160
	†Before the expiration of the 18th year from the date of the patent and in respect of the 19th year.	176
	†Before the expiration of the 19th year from the date of the patent and in respect of the 20th year.	190
	†Not applicable to old existing patents.	
13/77	On extension of the period for payment of a renewal fee under section 25(4):—	
	Not exceeding one month.	10
	Not exceeding two months.	20
	Not exceeding three months.	30
	Not exceeding four months.	40
	Not exceeding five months.	50
	Not exceeding six months.	60
14/77	On application to amend specification after grant.	31
15/77	On notice of opposition to amendment of specification after grant.	13
16/77	On application for the restoration of a patent.	19
17/77	Additional fee on the application for restoration of a patent.	50
18/77	On offer to surrender a patent.	—
19/77	On notice of opposition to offer to surrender a patent.	13
20/77	On request for alteration of name, nationality, address or address for service in the register; for each patent or application.	1

Number of corresponding Patents Form	Item	Amount
		£
21/77	On application to register or to give notice of a transaction, instrument or event affecting the rights in a patent or application for a patent.	13
	On each application covering more than one patent or application for a patent, the devolution of title being the same as in the first patent or application for a patent. For each additional request.	1
22/77	On request for the correction of an error in the register or in any connected document.	10
23/77	On request for the furnishing of or access to miscellaneous information. Each	0.40
24/77	On request for certificate of the comptroller:— (a) by impressed stamp (b) sealed and attached to documents	1 4
25/77	On application for entry of order of court in the register.	—
26/77	On application for compensation by employee.	19
27/77	On application under section 41(8) in connection with an order made under section 40(1) or 40(2).	19
28/77	On application by patentee for entry to be made in the register to the effect that licences under the patent are to be available as of right.	8
29/77	On application for settlement of terms of a licence of right.	19
30/77	On application by proprietor under section 47(1) for cancellation of entry in the register.	13
31/77	On application under section 47(3) by person interested for cancellation of entry in the register.	13
32/77	On notice of opposition to an application under section 47(1) or 47(3) for cancellation of entry in the register.	13
33/77	On application under section 48(1) for a compulsory licence or entry in the register.	19
34/77	On application by Crown in case of monopoly or merger.	19
35/77	On notice of opposition to application made under section 48 to 51.	13
36/77	On reference to the comptroller of a dispute as to infringement.	19
37/77	On application for declaration of non-infringement.	19
38/77	On application for the revocation of a patent.	13
39/77	On application to register copy of entry made in European Register of Patents.	6

Number of corresponding Patents Form	Item	Amount
		£
40/77	On payment of filing fee upon conversion of European patent application to an application under the Act.	6
41/77	On request for conversion of European patent application.	6
42/77	On request for national processing of an international application for a patent (UK).	6
43/77	On payment of prescribed fee and request for publication of translation.	6
44/77	On application to the comptroller for an international application to be treated as an application under the Act.	
45/77	On application for order for evidence to be obtained in the United Kingdom.	19
46/77	On notice that hearing before the comptroller will be attended.	8
47/77	On request for the correction of an error of translation or transcription, clerical error or mistake.	10
48/77	On notice of opposition to the correction of an error, clerical error or mistake.	13
49/77	On request for information relating to a patent or an application for a patent.	5
50/77	On request for extension of time for furnishing the file number and a copy of an application specified in a declaration for the purposes of section 5.	63
	As Receiving Office or International Preliminary Examining Authority under the Patent Co-operation Treaty:—	
—	Transmittal Fee (Rule 117(1))	6
—	Preliminary Examination Fee (Rule 120)	31
—	Additional Fee (Rule 121). Maximum	31

PART B

(In this Part of this Schedule—

- (1) any reference to a section is a reference to that section of the Patents Act 1949; and
 (2) any reference to a rule is a reference to that rule of the Patents Rules 1968, as amended, as it continues to apply by virtue of rule 124 of these Rules).

Number of corresponding Patents Form	Item	Amount
1	On application for a patent.	£ 1
1 Con.	On convention application for a patent:— In respect of each application for protection in a convention country.	1
	On filing specification:—	
2	Provisional	—
3	Complete.	75
1 Add	On application for grant of patent of addition in lieu of an independent patent.	19
4	Declaration of inventorship of invention disclosed in complete specification.	—
5	For extension of the period of filing complete specification.	16
6	On request for the post-dating of an application under section 6(3).	13
7	For extension of time under rule 30 or 33 or 50:— Not exceeding one month.	10
	Each succeeding month.	10
8	On application for result of search made under sections 7 and 8.	0.40
9	On application under section 9(2) for deletion of reference.	—
10	For extension of the period for putting an application in order:—	
	Up to one month after the period allowed by section 12(1)	10
	Up to two months.	20
	Up to three months.	30
11	For postponement of acceptance of complete specification:—	
	Up to 13 months from date of filing of complete specification	10
	From 13 months to 14 months.	10
	From 14 months to 15 months.	10
13	On notice that hearing before the comptroller will be attended.	8
14	On a request under section 16(3).	5
15	On a claim under section 16(4).	5

Number of corresponding Patents Form	Item	Amount
		£
16	On an application for extension of the period under section 16(5).	8
17	On an application for a certificate under section 16(8).	13
18	On a claim under section 17(1) for application to proceed in name of claimants.	16
19	On application for directions under section 17(5).	19
20	On a request for sealing of a patent.	25
21	On application for extension of the period for requesting the sealing of a patent under section 19(3):—	
	Not exceeding one month.	10
	Not exceeding two months.	20
	Not exceeding three months.	30
22	On application for extension of the period for requesting the sealing of a patent under section 19(4):—	
	Not exceeding one month.	10
	Each succeeding month.	10
23	On application under section 20 for amendment of a patent.	14
27	On application under section 24 or 25 for extension of term of patent.	24
28	On opposition to application for extension of term of patent.	13
32	On application under section 28 for sealing of patent.	19
33	On opposition to application under section 28.	13
34	Additional fee for sealing under section 28.	50
35	On application to amend specification after acceptance.	31
36	On notice of opposition to amendment. By opponent.	13
37	On application to amend specification not yet accepted.	16
38	On application to amend an application for a patent.	16
38 Con.	Application for the conversion of an application for a patent to a convention application under rule 94(2).	—
39	On application for revocation of a patent under section 33.	13
43	On application for settlement of terms of licence under patent endorsed "Licences of Right".	19

Number of corresponding Patents Form	Item	Amount
		£
44	On application by patentee for cancellation of endorsement of patent "Licences of Right".	13
45	On application for cancellation of endorsement "Licences of Right".	13
46	On notice of opposition to cancellation of endorsement of patent "Licences of Right".	13
51	On opposition to application under section 37 or 40.	13
53	On application under section 55(1) for directions of comptroller.	19
54	On application under section 55(2) for directions of comptroller.	19
55	On application under section 56(1) to determine dispute.	19
63	On application for entry in the register of claim to a licence under a patent extended under section 23, 24 or 25.	—
64	On request to comptroller to correct a clerical error.	10
65	On notice of opposition to the correction of a clerical error.	13
68	For duplicate of patent.	13
69	On application for entry of order of court in the register.	—

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Patents Rules 1978 so as to increase most of the fees payable under the Act. The new fees are payable on or after 6th May 1980 except in the case of certain sealing fees and renewal fees paid in advance. Fees payable for the sealing of a patent under the Patents Act 1949 in respect of which the complete specification was accepted on or after 27th February 1980 but before 6th May 1980 and fees for the renewal of a patent in respect of any year beginning on or after 6th May 1980 are increased on 27th February 1980.