
STATUTORY INSTRUMENTS

2007 No. 3291

The Patents Rules 2007

PART 1

INTRODUCTORY

Citation and commencement

1. These Rules may be cited as the Patents Rules 2007 and shall come into force on 17th December 2007.

General interpretation

2.—(1) In these Rules—

“the Act” means the Patents Act 1977 and “section”, unless the contrary intention appears, means a section of the Act;

“application number” includes file number;

“compliance date” means the last day of the compliance period;

“compliance period” means the period prescribed by rule 30;

“declared priority date” has the meaning given to it by rule 3(1);

“initiation date” means the date on which a new application was initiated by documents, mentioned in section 15(1), being filed at the Patent Office;

“new application” means a new application filed under section 8(3), 12(6) or 37(4) or as mentioned in section 15(9);

“no declared priority date” has the meaning given to it by rule 3(2);

“Patents Form” has the meaning given to it by rule 4(1);

“priority application” means an earlier relevant application specified in a declaration for the purposes of section 5(2);

“sequence” and “sequence listing” have the same meaning as they have under the Patent Co-operation Treaty;

“start date” means, in relation to rules 106(6)(a) and 116 on supplementary protection certificates, the first day following the day on which the basic patent expires; and

“termination” has the meaning given by section 20B(7) and “terminated” shall be construed accordingly.

(2) Where a period of time has been altered under rules 20(4), 71(7), 81 or 107 to 111, any reference in these Rules to the period of time shall be construed as a reference to the period as altered.

(3) For the purposes of these Rules a document is available to the comptroller where—

(a) it is in electronic storage (whether in the Patent Office or elsewhere) and he can access it by using electronic communications; or

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(b) it is kept at the Patent Office,
and he has been furnished with sufficient information to obtain a copy of the document.

(4) But a document may be treated as unavailable to the comptroller where—

- (a) its accuracy cannot be verified to his satisfaction; or
- (b) he has to pay to access it.

The declared priority date

3.—(1) For the purposes of these Rules the “declared priority date” is the date of filing of the earliest relevant application specified in a declaration made for the purposes of section 5(2) in, or in connection with, an application in suit.

(2) For the purposes of these Rules there is “no declared priority date” if—

- (a) no declaration has been made for the purposes of section 5(2); or
- (b) every declaration made has been withdrawn or disregarded before the end of the relevant period.

(3) For the purposes of paragraph (2)(b) the relevant period ends—

- (a) in the case of an application which falls to be treated as an application for a patent under the Act by virtue of a direction under section 81, when that direction is given;
- (b) in the case of an international application for a patent (UK), when the national phase of the application begins; or
- (c) in any other case, when preparations for the application's publication have been completed by the Patent Office.

(4) In this rule references to declarations made for the purposes of section 5(2) include declarations treated as made for those purposes.

Forms and documents

4.—(1) The forms of which the use is required by these Rules are those set out in directions under section 123(2A) and are referred to in these Rules as Patents Forms.

(2) Such a requirement to use a form is satisfied by the use of a form which is acceptable to the comptroller and contains the information required by the form as so set out.

(3) Such directions must be published in accordance with rule 117(c).

(4) Unless the comptroller otherwise directs, to file any form or other document under the Act or these Rules only one side of each sheet of paper must be used and the other side must remain blank.

(5) But where the information is delivered in electronic form or using electronic communications—

- (a) a requirement under these Rules to use a form; and
- (b) the requirements in paragraph (4),

do not apply.

(6) Where any form or other document is delivered to the comptroller in electronic form or using electronic communications, any requirement in these Rules for multiple copies of that form or document to be filed does not apply.

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