
STATUTORY INSTRUMENTS

2007 No. 3291

The Patents Rules 2007

PART 2

APPLICATIONS FOR PATENTS

New applications

New applications filed as mentioned in section 15(9)

- 19.**—(1) A new application for a patent may be filed as mentioned in section 15(9)—
- (a) before the end of the relevant period; or
 - (b) if earlier, before the earlier application is terminated or withdrawn.
- (2) Such an application must include a statement that it is filed as mentioned in section 15(9).
- (3) For the purposes of this rule the relevant period is—
- (a) where an applicant is notified under section 18(4) that his earlier application complies with the requirements of the Act and these Rules, two months [^{F1}beginning immediately after] the date of that notification; or
 - (b) in any other case, the period ending three months before the compliance date of the earlier application.

Textual Amendments

- F1** Words in rule 19(3)(a) substituted (1.10.2011) by [The Patents \(Amendment\) Rules 2011 \(S.I. 2011/2052\)](#), rules 1, 3, [Sch.](#) (with rule 4)

New applications under sections 8(3), 12(6) and 37(4)

- 20.**—(1) The period prescribed for filing a new application under section 8(3) or section 12(6) is the relevant period.
- (2) A new application for a patent may be filed under section 37(4) before the end of the relevant period.
- (3) For the purposes of this rule the relevant period is—
- (a) where the comptroller's decision to make an order under those provisions is not appealed, three months [^{F2}beginning immediately after] the date on which the order was made; or
 - (b) where that decision is appealed, three months [^{F3}beginning immediately after] the date on which the appeal was finally disposed of.
- (4) But the comptroller may, if he thinks fit, shorten the relevant period after giving the parties such notice and subject to such conditions as the comptroller may direct.

Status: Point in time view as at 01/10/2011.

Changes to legislation: There are currently no known outstanding effects for the The Patents Rules 2007, New applications. (See end of Document for details)

Textual Amendments

- F2** Words in rule 20(3)(a) substituted (1.10.2011) by [The Patents \(Amendment\) Rules 2011 \(S.I. 2011/2052\)](#), rules 1, 3, [Sch.](#) (with rule 4)
- F3** Words in rule 20(3)(b) substituted (1.10.2011) by [The Patents \(Amendment\) Rules 2011 \(S.I. 2011/2052\)](#), rules 1, 3, [Sch.](#) (with rule 4)

Extensions for new applications

21.—(1) Where a new application is filed—

- (a) the period prescribed for the purposes of section 13(2) is—
- (i) two months [^{F4}beginning immediately after] its initiation date, or
 - (ii) if it expires later, the period prescribed by rule 10(3); and
- (b) the relevant period for the purposes of rule 8 is—
- (i) two months [^{F5}beginning immediately after] its initiation date, or
 - (ii) if it expires later, the period specified in rule 8(5),

and the reference in rule 10(3) to the date of filing of the application is a reference to the date of filing of the earlier application.

- (2) But where the new application is filed less than six months before the compliance date—
- (a) the period prescribed for the purposes of section 13(2) is the period ending with its initiation date; and
 - (b) the relevant period for the purposes of rule 8 is the period ending with its initiation date.
- (3) The second requirement in Schedule 1 must be complied with—
- (a) on the initiation date; or
 - (b) if it expires later, before the end of the relevant period specified in paragraph 3(3) of that Schedule.

Textual Amendments

- F4** Words in rule 21(1)(a)(i) substituted (1.10.2011) by [The Patents \(Amendment\) Rules 2011 \(S.I. 2011/2052\)](#), rules 1, 3, [Sch.](#) (with rule 4)
- F5** Words in rule 21(1)(b)(i) substituted (1.10.2011) by [The Patents \(Amendment\) Rules 2011 \(S.I. 2011/2052\)](#), rules 1, 3, [Sch.](#) (with rule 4)

Status:

Point in time view as at 01/10/2011.

Changes to legislation:

There are currently no known outstanding effects for the The Patents Rules 2007, New applications.