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STATUTORY INSTRUMENTS

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**2007 No. 3291**

**The Patents Rules 2007**

**PART 2**

**APPLICATIONS FOR PATENTS**

*New applications*

**[<sup>F1</sup>New applications filed as mentioned in section 15(9)]**

**19.**—(1) For the purposes of section 15(9) a new application may only be filed in accordance with this rule.

- (2) A new application may be filed as mentioned in section 15(9) if—
- (a) the earlier application has not been terminated or withdrawn; and
  - (b) the period ending three months before the compliance date of the earlier application has not expired.
- (3) A new application must include a statement that it is filed as mentioned in section 15(9).]

**Textual Amendments**

**F1** Rule 19 substituted (1.10.2016) by [The Patents \(Amendment\) \(No. 2\) Rules 2016 \(S.I. 2016/892\)](#), rules 1(2), 6

**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 [<sup>F2</sup>beginning immediately after] the date on which the order was made; or
  - (b) where that decision is appealed, three months [<sup>F3</sup>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.

**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](#))

*Status: Point in time view as at 01/10/2016.*

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

**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 [<sup>F4</sup>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 [<sup>F5</sup>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 01/10/2016.

**Changes to legislation:**

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