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STATUTORY INSTRUMENTS

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**2007 No. 3291**

**The Patents Rules 2007**

**PART 4**

**THE REGISTER AND OTHER INFORMATION**

*Requests for information or documents*

**Restrictions on inspection of documents**

**51.**—(1) For the purposes of section 118(1) the prescribed restrictions are those set out in paragraphs (2) and (3).

(2) No document may be inspected—

- (a) where that document was prepared by the comptroller, an examiner or the Patent Office for internal use only;
- (b) where the circumstances specified in section 118(4) exist, before the end of the period of 14 days [<sup>F1</sup>beginning immediately after] the date of the notification under rule 52(2);
- (c) where that document is a request or application made under section 118 or rule 46(2), 48(2) or 54(1); or
- (d) where that document includes matter—
  - (i) which in the comptroller's opinion disparages any person in a way likely to damage him, or
  - (ii) the inspection of which would in his opinion be generally expected to encourage offensive, immoral or anti-social behaviour.

(3) Unless in a particular case the comptroller otherwise directs, no document may be inspected—

- (a) where that document was filed at the Patent Office in connection with an application under section 40(1) or (2) or 41(8);
- (b) where that document is treated as a confidential document under rule 53;
- (c) where—
  - (i) that document was prepared by the comptroller, an examiner or the Patent Office other than for internal use, and
  - (ii) it contains information which the comptroller considers should remain confidential;
- (d) where that document relates to an international application for a patent and the International Bureau would not be permitted to allow access to that document under the Patent Co-operation Treaty; or
- (e) where—
  - (i) the comptroller has accepted a person's application under rule 11(1)(a) or (b), and

(ii) that person's name and address can be identified from that document as those of the inventor or of the person believed to be the inventor (or, as the case may be, his address can be so identified).

(4) In this rule references to a document include part of a document.

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**Textual Amendments**

**F1** Words in [rule 51\(2\)\(b\)](#) substituted (1.10.2011) by [The Patents \(Amendment\) Rules 2011 \(S.I. 2011/2052\)](#), [rules 1, 3](#), [Sch.](#) (with [rule 4](#))

**Request for information where section 118(4) applies**

**52.**—(1) Where the circumstances specified in section 118(4) exist, a request under section 118(1) must be accompanied by evidence verifying their existence.

(2) The comptroller must notify the applicant for the patent of any request.

(3) The notification must be accompanied by a copy of the request and the accompanying evidence.

(4) The applicant may, before the end of the period of 14 days [<sup>F2</sup>beginning immediately after] the date of the notification, inform the comptroller that the circumstances specified in section 118(4) do not exist; otherwise the comptroller may treat him as accepting that those circumstances exist.

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**Textual Amendments**

**F2** Words in [rule 52\(4\)](#) substituted (1.10.2011) by [The Patents \(Amendment\) Rules 2011 \(S.I. 2011/2052\)](#), [rules 1, 3](#), [Sch.](#) (with [rule 4](#))

**Confidential documents**

**53.**—(1) Where a person files a document at the Patent Office or sends it to an examiner or the comptroller, any person may request that the document be treated as a confidential document.

(2) The comptroller must refuse any request where it relates to—

(a) a Patents Form; or

(b) any document filed in connection with a request under section 74A.

(3) A request to treat a document as confidential must—

(a) be made before the end of the period of 14 days [<sup>F3</sup>beginning immediately after] the date on which the document was—

(i) filed at the Patent Office, or

(ii) received by the comptroller, an examiner or the Patent Office; and

(b) include reasons for the request.

(4) Where a request has been made under paragraph (1), the document must be treated as confidential until the comptroller refuses that request or gives a direction under paragraph (5).

(5) If it appears to the comptroller that there is good reason for the document to remain confidential, he may direct that the document shall be treated as a confidential document; otherwise he must refuse the request made under paragraph (1).

(6) But where the comptroller believes there is no longer a good reason for the direction under paragraph (5) to continue in force, he must revoke it.

(7) In this rule references to a document include part of a document.

#### **Textual Amendments**

**F3** Words in [rule 53\(3\)\(a\)](#) substituted (1.10.2011) by [The Patents \(Amendment\) Rules 2011 \(S.I. 2011/2052\)](#), [rules 1, 3](#), [Sch.](#) (with [rule 4](#))

#### **Requests for certain information**

**54.**—(1) Where a person requests to be notified of a relevant event, he must use Patents Form 49.

(2) Where a person has made such a request, the comptroller must notify him that the relevant event has occurred as soon as practicable after the event.

(3) But the comptroller shall not give him information or permit him to inspect a document unless he would be entitled to such information or to inspect such a document under section 118.

(4) A request on Patents Form 49 must be for information regarding a single relevant event only.

(5) For the purposes of paragraph (1), in relation to an application for a patent, each of the following is a relevant event—

- (a) an applicant requesting, or failing to request, a substantive examination before the end of the period prescribed for the purposes of section 18(1);
- (b) the application being published;
- (c) the notice of grant of the patent being published under section 24;
- (d) the application being terminated or withdrawn.

(6) For the purposes of paragraph (1), in relation to a patent, each of the following is a relevant event—

- (a) a request for an opinion under section 74A;
- (b) the patent ceasing to have effect by reason of section 25(3);
- (c) the renewal fee and any additional fee being paid during the period specified in section 25(4);
- (d) an application being made for the restoration of the patent which has ceased to have effect.

(7) For the purposes of paragraph (1), in relation to a patent or an application for a patent, each of the following is a relevant event—

- (a) an entry being made in the register;
- (b) a document becoming available for inspection under section 118 (by reason of a prescribed restriction no longer applying to the document);
- (c) an application to register a transaction, instrument or event being made under rule 47;
- (d) a matter being published in the journal.

#### **Bibliographic information about an unpublished application**

**55.** For the purposes of section 118(3)(b) the following bibliographic information is prescribed—

- (a) the name of the applicant;
- (b) the title of the invention;
- (c) the number of the application;
- (d) the date of filing of the application;
- (e) where a declaration has been made for the purposes of section 5(2)—

- (i) the date of filing of each earlier relevant application specified in the declaration,
  - (ii) its application number, and
  - (iii) the country it was filed in or in respect of;
- (f) where an application has been terminated or withdrawn, that information; and
- (g) where a transaction, instrument or event mentioned in section 32(2)(b) or 33(3) is notified to the comptroller, that information.

**Changes to legislation:**

There are currently no known outstanding effects for the The Patents Rules 2007, Requests for information or documents.