SCHEDULE 1

Rule 13(1)

BIOLOGICAL MATERIAL

Introductory

1. In this Schedule—

"authorisation certificate" means a certificate issued by the comptroller authorising a depositary institution to make available a sample of biological material;

"Budapest Treaty" means the Treaty on the International Recognition of the Deposit of Micro-organisms for the purposes of Patent Procedure signed at Budapest on 28thApril 1977, as amended on 26th September 1980, and includes references to the regulations made under that Treaty;

"depositary institution" means an institution which—

(a) carries out the functions of receiving, accepting and storing biological material and the furnishing of samples of such biological material (whether generally or of a specific type); and

(b) conducts its affairs, in so far as they relate to the carrying out of those functions, in an objective and impartial manner;

"expert" means independent expert;

"first requirement" means the first requirement in paragraph 3;

"international depositary authority" means a depositary institution which has acquired the status of international depositary authority as provided in the Budapest Treaty; and

"second requirement" means the second requirement in paragraph 3.

Specification of an application for a patent, or of a patent, for an invention which involves the use of or concerns biological material

2.—(1) This paragraph applies where the specification of an application for a patent, or of a patent, for an invention which involves the use of or concerns biological material does not disclose the invention in a manner which is clear enough and complete enough for the invention to be performed by a person skilled in the art.

(2) Where this paragraph applies, the specification is to be treated as disclosing the invention in a manner which is clear enough and complete enough for the invention to be performed by a person skilled in the art, if—

(a) the first requirement and the second requirement are satisfied; and

(b) the specification of the application as filed contains such relevant information as is available to the applicant on the characteristics of the biological material.

The first and second requirements

3.—(1) The first requirement is that—

(a) on or before the date of filing of the application, the biological material has been deposited in a depositary institution; and

(b) that institution will be able to furnish subsequently a sample of the biological material.

(2) The second requirement is that before the end of the relevant period—

(a) the name of the depositary institution and the accession number of the deposit are included in the specification; and

(b) where the biological material was deposited by a person other than the applicant ("the depositor")—

(i) a statement is filed which identifies the name and address of the depositor, and

(ii) a statement by the depositor has been filed, which authorises the applicant to refer to the biological material in his application and irrevocably authorises the making available to the public of the biological material in accordance with this Schedule.

(3) The relevant period is the first to expire of—

(a) the period of sixteen months—

(i) where there is no declared priority date, **[**F1beginning immediately after**]** the date of filing of the application; or

(ii) where there is a declared priority date, **[**F2beginning immediately after**]** that date;

(b) where the applicant has made a request under section 16(1) to publish the application during the period prescribed for the purposes of that section, the period ending with the date of the request; or

(c) where the applicant was notified under rule 52(2), the period of one month **[**F3beginning immediately after**]** the date of the notification.

(4) Where—

(a) the application is filed with the European Patent Office and documents have been filed under the provisions of the European Patent Convention corresponding to sub-paragraph (2); or

(b) the application in suit is an international application for a patent (UK) and documents have been filed in accordance with the Patent Co-operation Treaty under the provisions of the Treaty corresponding to sub-paragraph (2),

the second requirement shall be treated as having been met.

(5) In this paragraph—

"accession number" means the number given to the deposit by a depositary institution;

"specification" means the specification of an application for a patent.

Textual Amendments

F1 Words in Sch. 1 para. 3(3)(a)(i) substituted (1.10.2011) by The Patents (Amendment) Rules 2011 (S.I. 2011/2052), rules 1, 3, **Sch.** (with rule 4)

F2 Words in Sch. 1 para. 3(3)(a)(ii) substituted (1.10.2011) by The Patents (Amendment) Rules 2011 (S.I. 2011/2052), rules 1, 3, **Sch.** (with rule 4)

F3 Words in Sch. 1 para. 3(3)(c) substituted (1.10.2011) by The Patents (Amendment) Rules 2011 (S.I. 2011/2052), rules 1, 3, **Sch.** (with rule 4)

A request by a person for biological material to be made available

4.—(1) This paragraph applies when paragraph 7 does not apply.

(2) Where an application for a patent has been published, any person may request the comptroller to issue an authorisation certificate.

(3) Where the application has not been published, a person who has been notified in accordance with section 118(4) may request the comptroller to issue an authorisation certificate.

(4) A request must be made on Patents Form 8.

(5) Where the biological material has been deposited at an international depositary authority, the request must be accompanied by the relevant form required by the Budapest Treaty.

(6) Where the comptroller grants the request, he must send copies of the request and the certificate (and any form required by the Budapest Treaty) to—

(a) the applicant for, or the proprietor of, the patent;

(b) the depositary institution; and

(c) the person making the request.

The undertaking

5.—(1) A request made under paragraph 4 or 7 shall include an undertaking by the person making the request—

(a) not to make the biological material, or any material derived from it, available to any other person; and

(b) not to use the biological material, or any material derived from it, except for experimental purposes relating to the subject matter of the invention,

subject to the following sub-paragraphs.

(2) The applicant for, or the proprietor of, a patent may agree to limit the effect of the undertaking in a particular case.

(3) The undertaking shall cease to have effect—

(a) when the application for a patent is terminated or withdrawn (but it will continue to have effect if the application is reinstated or resuscitated); or

(b) when the patent ceases to have effect.

(4) Where a request is made—

(a) by a government department or any person authorised in writing by a government department; and

(b) for the purposes of using the patented invention for the services of the Crown,

no undertaking is required and any undertaking by the government department or the person so authorised shall not have effect.

(5) Where—

(a) a licence under the patent to which the undertaking relates is available as of right; or

(b) a compulsory licence in respect of the patent to which the undertaking relates has been granted,

any undertaking made shall have no effect to the extent necessary to give effect to any such licence.

Restriction of availability of biological material to experts

6.—(1) Where the first or the second condition is met (except in relation to Crown use), paragraph 7 applies until the end of the relevant period.

(2) The first condition is—

(a) the applicant requests on Patents Form 8A that a sample of the biological material should only be made available to an expert; and

(b) that request is made before the preparations for the application's publication have been completed by the Patent Office.

(3) The second condition is that, in relation to an international application for a patent (UK), the applicant made a reference to the deposited biological material in accordance with the Patent Co-operation Treaty.

(4) Where the first condition is met, the comptroller shall, when he publishes the application, include a notice that the provisions of paragraph 7 apply.

(5) In paragraph 6(1) "the relevant period" is—

(a) where the patent is granted, the period ending with the date on which the patent was granted; and

(b) where the application is terminated or withdrawn, twenty years **[**F4beginning immediately after**]** the date of filing.

(6) Nothing in this or the following paragraph affects the rights under section 55 of any government department or any person authorised in writing by a government department.

Textual Amendments

F4 Words in Sch. 1 para. 6(5)(b) substituted (1.10.2011) by The Patents (Amendment) Rules 2011 (S.I. 2011/2052), rules 1, 3, **Sch.** (with rule 4)

Request for a sample to be made available to expert

7.—(1) A request for a sample to be made available to an expert must be made on Patents Form 8 and must include details of the expert.

(2) Where the biological material has been deposited at an international depositary authority, the request must be accompanied by any form required by the Budapest Treaty.

(3) The comptroller must send a copy of Patents Form 8 to the applicant for the patent.

(4) Before the end of the period of one month **[**F5beginning immediately after**]** the date on which a copy of Patents Form 8 is sent by the comptroller, the applicant may give notice of his objection to the particular expert, and where he objects the comptroller shall determine the matter.

(5) Where—

(a) the applicant does not object to the sample being made available; or

(b) following an objection, the comptroller decides that the sample should be made available to the particular expert,

the comptroller must issue a certificate authorising the release of a sample to the expert.

(6) A copy of Patents Form 8 (and any form required by the Budapest Treaty) and any certificate issued under sub-paragraph (5) must be sent to—

(a) the applicant for the patent;

(b) the depository institution where the sample of the biological material is stored;

(c) the expert; and

(d) the person who made the request.

Textual Amendments

F5 Words in Sch. 1 para. 7(4) substituted (1.10.2011) by The Patents (Amendment) Rules 2011 (S.I. 2011/2052), rules 1, 3, **Sch.** (with rule 4)

New deposits

8.—(1) This paragraph applies where the first, second or third circumstance occurs.

(2) The first circumstance is that the biological material ceases to be available at the depositary institution because it is no longer viable.

(3) The second circumstance is that—

(a) the depositary institution is, for any other reason, unable to supply the biological material; or

(b) the place where the biological material is deposited is no longer a depositary institution for that type of material (whether temporarily or permanently).

(4) The third circumstance is that the biological material is transferred to a different depositary institution.

(5) The first requirement and the second requirement shall be treated as having been complied with throughout the relevant period, if and only if—

(a) where the first or second circumstance occurs—

(i) a new deposit of biological material is made at the relevant depositary before the end of the relevant period, and

(ii) that deposit is accompanied by a statement, signed by the person making the deposit, that the biological material deposited is the same as that originally deposited; and

(b) in all circumstances, the applicant or proprietor, before the end of the relevant period, applies to the comptroller to amend the specification of the application for the patent, or the patent, so that it meets the second requirement.

(6) For the purposes of paragraph (5) "the relevant period" is the period beginning when the first, second or third circumstance occurs and ending—

(a) three months after the date on which the depositor is notified by the depositary institution that the first, second or third circumstance occurred; or

(b) where it expires later, three months after the date on which that circumstance is advertised in the journal.

(7) The relevant depositary is—

(a) where only the first circumstance occurs, the depositary institution where the original deposit was made; or

(b) in any other case, any depositary institution.

SCHEDULE 2 Rule 14

FORMAL AND OTHER REQUIREMENTS

PART 1

REQUIREMENTS: ALL DOCUMENTS

1. A4 matt white paper must be used.

2. A document in paper form must be free from tears, folds or similar damage and its contents must be suitable for reproduction.

3. Frames (lines surrounding matter) must not be used.

PART 2

REQUIREMENTS: DOCUMENTS (OTHER THAN DRAWINGS)

4. The pages of the description and claims must be numbered consecutively in a single series.

5. But where a sequence listing is set out at the end of the application, it must be numbered consecutively in a separate series.

6. Page numbers must be located at the top or bottom of the page (but not in the margin) in the centre.

7. The minimum margins in any document must be 20mm.

8. Each of the following—

(a) the request for the grant of a patent;

(b) the description;

(c) the claims;

(d) the abstract,

must begin on a new sheet of paper.

9. The abstract, description and claims must use at least 1.5 line spacing, except where they form part of a translation or a sequence listing.

10. The capital letters in any typeface or font used must be more than 2mm high.

PART 3

REQUIREMENTS: DRAWINGS

11. There must be a margin around any drawing which must be at least—

(a) at the top and left side, 20mm;

(b) at the right side, 15mm; and

(c) at the bottom, 10mm.

12. All drawings must be numbered consecutively in a single series.

13. The drawings must begin on a new sheet of paper.

14. The pages containing the drawings must be numbered consecutively in a single series.

15. Drawings must comprise black lines and must not be shaded.

16. Drawings may include cross-hatching to illustrate the cross-sections of a thing.

17. Any scale or other reference for making measurement must be represented diagrammatically.

18. Any drawing must be produced in such manner that it would still be clear if it were reduced by linear reduction to two thirds of its original size.

19. A drawing must not be included in the description, the claims, the abstract or the request for the grant of a patent.

20. The capital letters in any typeface or font used in any drawing must be more than 3mm high.

PART 4

OTHER REQUIREMENTS

21. References must only be included in the drawing where they are mentioned in either the description or the claims.

22. Tables of information may only be included in the claims if the comptroller agrees.

23. The terminology and any references used must be consistent throughout the application for a patent.

24. Where units of measurement used in the application are not standard international units of measurement, the equivalent standard international units of measurement must be provided, and where no international standard exists, units must be used which are generally accepted in the field.

25. Only technical terms, signs and symbols which are generally accepted in the field may be used.

SCHEDULE 3

Rule 73

PROCEEDINGS HEARD BEFORE THE COMPTROLLER

PART 1

APPLICATIONS, REFERENCES AND REQUESTS

Patents Act 1977

section 8(1) (reference regarding entitlement in relation to a patent under the Act)

section 10 (request for directions for handling a joint application)

section 11(5) (reference regarding entitlement to a licence to continue working after transfer of application)

section 12(1) (reference regarding entitlement in relation to a foreign or convention patent)

section 12(4) (reference involving joint applications on entitlement in relation to a foreign or convention patent)

section 13(3) (application to comptroller to remove person mentioned as inventor)

section 37(1) (determination of right to patent after grant)

section 38(5) (reference regarding entitlement to a licence to continue working after transfer of patent)

section 40 (application for compensation by an employee)

section 41(8) (application to vary order for compensation for certain inventions)

section 46(3) (application to settle terms of licence available as of right)

section 47(3) (application to cancel licence available as of right)

section 48(1) (application for a compulsory licence)

section 50A(2) (application following merger and market investigation)

section 51(1) (application by Minister following report of Competition Commission)

section 52(2)(a) (application to cancel compulsory licence)

section 61(3) (reference on question of infringement before the comptroller)

section 71 (declaration of non-infringement)

section 72 (application to revoke patent)

Patents Rules 2007

rule 10(2) (application to be mentioned as inventor)

rule 88(1) (application to hold proceedings in Scotland)

paragraph 7(4) of Schedule 1 (notice of objection to expert)

Compulsory Licensing Regulation

Article 5(c) of the Compulsory Licensing Regulation (application to terminate EU compulsory licence)

Article 6(1) of that Regulation (application for an EU compulsory licence)

Article 10(8) of that Regulation (application to access books and records)

Article 16(1), second paragraph, of that Regulation (application for a review of an EU compulsory licence)

Article 16(4) of that Regulation (application for modification of an EU compulsory licence)

Medicinal Products Regulation and Plant Protection Products Regulation

Article 14(d) of the Medicinal Products Regulation and the Plant Protection Products Regulation (request to review lapse of supplementary protection certificate)

Article 15 of those Regulations (application for declaration of invalidity of supplementary protection certificate)

Article 15a of the Medicinal Products Regulation (application for revocation of an extension of the duration of a supplementary protection certificate)

PART 2

OPPOSITIONS WHICH START PROCEEDINGS

Patents Act 1977

section 27(5) (opposition to amendment of specification after grant)

section 29(2) (opposition to surrender of patent)

section 47(6) (opposition to cancellation of licence available as of right), where the application was made by the proprietor of the patent

section 75(2) (opposition to amendment during infringement or revocation proceedings)

section 117(2) (opposition to correction of error in patents and applications)

PART 3

OPPOSITIONS AFTER PROCEEDINGS HAVE STARTED

Patents Act 1977

section 47(6) (opposition to cancellation of licence available as of right), where the application was made by a person other than the proprietor of the patent

section 52(1) (opposition to an application for compulsory licence or under section 50A or 51)

section 52(2)(b) (opposition to an application to cancel a compulsory licence)

PART 4

RULES WHICH APPLY TO ANY PROCEEDINGS HEARD BEFORE THE COMPTROLLER

Patents Rules 2007

rule 74 (overriding objective)

rule 79 (copies of documents)

rule 80(2) to (6) (evidence and the hearing)

rule 81 (alteration of time limits)

rule 82 (general powers of the comptroller in relation to proceedings before him)

rule 84 (hearings in public)

rule 87 (evidence in proceedings before the comptroller)

PART 5

RULES WHICH APPLY TO A REVIEW OF AN OPINION

Patents Rules 2007

rule 83 (striking out a statement of case and summary judgment)

rule 85 (security for costs or expenses)

rule 86 (powers of comptroller to compel attendance of witness and production of documents)

rule 88 (proceedings in Scotland)

SCHEDULE 4

Rule 108

EXTENSION OF TIME LIMITS

PART 1

PERIODS OF TIME THAT CANNOT BE EXTENDED

rule 6(2)(b) (declaration of priority for the purposes of section 5(2) made after the date of filing)

rule 7(1) (period for making a request to the comptroller for permission to make a late declaration of priority)

rule 32(1) (application to reinstate a terminated application)

rule 37 and 38 (renewal of patents)

rule 40(1) (application to restore a lapsed patent)

rule 43(4) (application to cancel entry that licence available as of right)

rule 58(3) (request for a direction under section 81)

rule 59(1) (request from a foreign industrial property office for a direction under section 81)

rule 66(3) (period for making a request to the comptroller for permission to make a late declaration of priority in respect of an international application for a patent (UK))

rule 76(2) (notice of opposition), except in relation to an opposition under section 27(5) where there are pending before the court or the comptroller proceedings in which the validity of the patent is put in issue

rule 77(8) and (10) (opposition periods)

rule 104(2) (period for filing an address for service), in relation to an application for a patent

rule 109 (extension of time limits specified by comptroller)

rule 116(2) (fee for supplementary protection certificate)

paragraph 8(5) of Schedule 1 (new deposits of biological material)

PART 2

PERIODS OF TIME THAT MAY BE EXTENDED UNDER RULE 108(2) OR 108(3)

rule 8(1) and (2) (filing of information and priority documents)

rule 10(3) (filing of statement of inventorship and the right to be granted a patent)

rule 18(1) (missing parts)

rule 21 (extensions for new applications)

rule 22(1), (2) and (5) (periods prescribed for the purposes of sections 15(10) and 17(1))

rule 28(2), (3) and (5) (request for substantive examination)

rule 30 (period for putting an application in order)

rule 56(6) and (7) (filing of a translation of European patent (UK) specifications)

rule 58(4) (request under section 81(2)(b)(i))

rule 59(3) (request under section 81(2)(b)(ii))

rule 60 (request for substantive examination following a direction under section 81)

rule 66(1) and (2) (international applications for patents: entry into national phase)

rule 68 (international applications for patents: altered prescribed periods)

paragraph 3(2) of Schedule 1 (filing of information in relation to the deposit of biological matter)

PART 3

PERIODS OF TIME TO WHICH RULE 108(5) AND 108(7) RELATE

rule 10(3) (filing of statement of inventorship and the right to be granted a patent)
rule 12(3) and (9) (filing of name and address and translations)
rule 19 (new applications filed as mentioned in section 15(9))
rule 21(1)(a) and (2)(a) (extensions for new applications)
rule 22 (periods prescribed for the purposes of sections 15(10) and 17(1))
rule 28 (request for substantive examination)
rule 30 (period for putting application in order)
rule 58(4) (request under section 81(2)(b)(i))
rule 59(3) (request under section 81(2)(b)(ii))
rule 60 (request for substantive examination following a direction under section 81)
rule 66(1) and (2) (international applications for patents: entry into national phase)
rule 68 (international applications for patents: altered prescribed periods)

SCHEDULE 5

Rule 120(1)

TRANSITIONAL PROVISIONS

Interpretation

1. In this Schedule, the "1995 Rules" means the Patents Rules 1995 [M1] as they had effect immediately prior to their revocation by these Rules.

Marginal Citations

M1 SI 1995/2093; as amended by SI 1999/1092, 1999/1899, 1999/3197, 2001/1412, 2002/529, 2003/513, 2004/2177 (C. 94), 2004/2358, 2004/3205 (C. 140), 2005/2496, 2006/760 and 2007/677.

Periods of time

2. Where, in relation to any proceedings under the Act, a period of time prescribed by the 1995 Rules for the purposes of a particular provision of the Act has not expired before the date on which these Rules come into force, that period continues to apply.

Proceedings before the comptroller

3. Proceedings before the comptroller which commenced before these Rules came into force shall continue in accordance with Part 7 of these Rules, subject to paragraph 2 of this Schedule.

Service by post

4. Any document sent to the comptroller by posting it in the United Kingdom before the day these Rules come into force shall be deemed to have been filed at the time when it would be delivered in the ordinary course of post.

Applications to which certain amendments made to the Act by the Regulatory Reform (Patents) Order 2004 do not apply.

5.—(1) This paragraph applies to an application for a patent to which article 20, 21 or 22 of the Regulatory Reform (Patents) Order 2004 [M2] applies.

(2) Any reference in these Rules to—

(a) section 15(9) of the Act is a reference to section 15(4) of the unamended Act;

(b) section 15(10)(a) of the Act is a reference to section 15(5)(a) of the unamended Act;

(c) section 15(10)(b) or (c) of the Act shall be disregarded;

(d) section 15(10)(d) of the Act is a reference to section 15(5)(b) of the unamended Act;

(e) section 15A of the Act is a reference to section 17(1) of the unamended Act;

(f) section 17(1)(c)(i) of the Act is a reference to section 17(1)(a) of the unamended Act; and

(g) Patents Form 9A is a reference to Patents Form 9.

(3) The following provisions do not apply—

rule 6(2) and (3) (declaration of priority made after date of filing);

rule 7 (permission to make late declaration under section 5(2B));

rule 12(2), (3), (8) and (9) (notifications of deficiencies in application);

rule 17 (references under section 15(1)(c)(ii));

rule 18 (missing parts);

rule 22(3) (prescribed period for the purpose of section 15(10)(b)(ii)).

(4) In this paragraph "unamended Act" means the Act as it had effect immediately before the Regulatory Reform (Patents) Order 2004 came into effect.

Marginal Citations

M2 SI 2004/2357.

Security for costs

6. Rule 85 does not apply in respect of proceedings started before 1st October 2005.

Patent applications filed before 7th January 1991

7.—(1) This paragraph applies to an application for a patent filed before 7th January 1991 [M3] and to a patent granted in pursuance of such application.

(2) Schedule 1 has effect with the following modifications.

(3) In paragraph 2, for the words "involves the use of or concerns biological material" substitute the words " requires for its performance the use of a micro-organism ".

(4) In paragraph 5(3)(b), insert at the beginning the words " in the case of an undertaking given in accordance with paragraph 1(a), " and insert at the end the word " or " followed by:

"(c) in the case of an undertaking given in accordance with paragraph (1)(b), when the patent is granted.".

(5) Any reference to "biological material"—

(a) in paragraphs 3(1)(a), 4, 5 and 8 is a reference to "culture of the micro-organism"; and

(b) other than in those provisions, is a reference to "micro-organism".

(6) For the purposes of paragraph 3(2) the relevant period is the period of two months **[**F6beginning immediately after**]** the date of filing of the application for a patent.

(7) The following provisions do not have effect—

paragraph 3(3) (defining relevant period);

paragraph 6 (restriction of availability of biological material to experts);

paragraph 7 (request for sample to be made available to expert).

Textual Amendments

F6 Words in Sch. 5 para. 7(6) substituted (1.10.2011) by The Patents (Amendment) Rules 2011 (S.I. 2011/2052), rules 1, 3, **Sch.** (with rule 4)

Marginal Citations

M3 The date that section 125A of the Patents Act 1977 came into effect (see paragraph 30 of Schedule 5 to the Copyright, Designs and Patents Act 1988 (c. 48)) and SI 1990/2168.

Patent applications filed between 7th January 1991 and 27th July 2000

8.—(1) This paragraph applies to an application for a patent filed during the period beginning with 7th January 1991 and ending with 27th July 2000 M4 and to a patent granted in pursuance of such application.

(2) Schedule 1 to these Rules has effect with the following modifications.

(3) In paragraph 2, for the words "involves the use of or concerns biological material" substitute the words " requires for its performance the use of a micro-organism ".

(4) In paragraph 5(3)(b), insert at the beginning the words " in the case of an undertaking given in accordance with paragraph 1(a), " and insert at the end the word " or " followed by:

"(c) in the case of an undertaking given in accordance with paragraph (1)(b), when the patent is granted.".

(5) Any reference to "biological material"—

(a) in paragraphs 3(1)(a), 4, 5, 6(3), 7(2) and 8 is a reference to "culture of the micro-organism"; and

(b) other than in those provisions, is a reference to "micro-organism".

(6) Paragraph 2(2)(b) (requirement that application contains relevant information) does not have effect.

(7) In paragraph 6(5)(b), for the words from "the period of 20 years" to the end of that provision substitute " the period ending with the date on which the application was terminated or withdrawn ".

(8) The specification of an application for a patent, or of a patent, must mention any international agreement under which the micro-organism is deposited.

Marginal Citations

M4 The date that SI 2000/2037 came into force. Regulation 9 of that SI limits the amendments to applications made after the provision came into force.

Continued application of Patents Rules 1968 to existing patents

9.—(1) This paragraph and paragraph 10 apply to existing patents and applications.

(2) Rules 4, 58 and 59 of the Patents Rules 1968 [M5] continue to apply.

Marginal Citations

M5 SI 1968/1389.

Application of these Rules to existing patents and applications

10.—(1) Rules 4, 10(2), 44 to 50, 73 to 88, 101, 103 to 105 and 107 apply to existing patents and applications.

(2) In those provisions as they apply by virtue of this paragraph, a reference to a specified provision of these Rules other than one of those provisions is a reference to the corresponding provision of the Patents Rules 1968 (any provision of those Rules being treated as corresponding to a provision of these Rules if it was made for purposes which are the same as or similar to that provision of these Rules).

Application of the 1995 Rules to sections 8 and 12

11. If before 1st January 2005 a question has been referred to the comptroller under section 8 or 12, in relation to that reference, sections 8, 11 and 12 have effect as if the amendments to those sections by the Patents Act 2004 [M6] had not been made and rules 9 and 13 of the 1995 Rules have effect as in force immediately before 1st January 2005.

Marginal Citations

M6 2004 (c.16).

SCHEDULE 6

Rule 120(2)

REVOCATIONS

Title and number	*Extent of revocation*
The Patents Rules 1978 (SI 1978/216)	Rule 124.
The Patents Rules 1995 (SI 1995/2093)	The whole rules.
The Patents (Supplementary Protection Certificates) Rules 1997 (SI 1997/64)	The whole rules.
The Patents (Fees) Rules 1998 (SI 1998/1778)	The whole rules.

The Patents and Trade Marks (World Trade Organisation) Regulations 1999 (SI 1999/1899)	Regulations 9 to 12.
The Patents (Amendment) Rules 1999 (SI 1999/1092)	The whole rules.
The Patents (Fees) (Amendment) Rules 1999 (1999/1093)	The whole rules.
The Patents (Amendment) (No. 2) Rules 1999 (SI 1999/3197)	The whole rules.
The Patents (Amendment) Rules 2001 (SI 2001/1412)	The whole rules.
The Patents (Amendment) Rules 2002 (SI 2002/529)	The whole rules.
The Patents (Electronic Communications) (Amendment) Rules 2003 (SI 2003/513)	The whole rules.
The Patents Act 2004 (Commencement No. 1 and Consequential and Transitional Provisions) Order 2004 (SI 2004/2177) (C.94)	Articles 3 to 5.
The Patents (Amendment) Rules 2004 (SI 2004/2358)	The whole rules.
The Patents Act 2004 (Commencement No. 2 and Consequential, etc. and Transitional Provisions) Order 2004 (SI 2004/3205) (C.140)	Articles 3 to 8. Article 9(2).
The Patents (Translations) Rules 2005 (SI 2005/687)	The whole rules.
The Patents (Amendment) Rules 2005 (SI 2005/2496)	The whole rules.
The Patents, Trade Marks and Designs (Address For Service and Time Limits, etc) Rules 2006 (SI 2006/760)	Rules 4 to 9.
The Patents (Amendment) Rules 2007 (SI 2007/677)	The whole rules.

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.