STATUTORY INSTRUMENTS

2017 No. 1100

PATENTS

The Patents and Patents (Fees) (Amendment) Rules 2017

Made - - - -	*14th November 2017*
Laid before Parliament	*16th November 2017*
Coming into force - -	*6th April 2018*

The Secretary of State makes the following Rules in exercise of the powers conferred by sections 18(4) and 123 of the Patents Act 1977(**1**).

In accordance with article 7 of the Department of Trade and Industry (Fees) Order 1988(**2**), the Secretary of State has taken into account the functions and matters specified in Part 4 of Schedule 1 and Parts 1 and 2 of Schedule 2 to that Order.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Patents and Patents (Fees) (Amendment) Rules 2017 and come into force on 6th April 2018.

(2) In these Rules—

"the Act" means the Patents Act 1977;

"Commencement Date" means the date referred to in paragraph (1);

"the Fees Rules" means the Patents (Fees) Rules 2007(**3**);

"the Patents Rules" means the Patents Rules 2007(**4**).

Amendments to the Patents Rules

2. The Patents Rules are amended as follows.

3. After rule 30 insert—

(**1**) 1977 c.37; section 18(4) was amended by S.I. 2004/2357, articles 2, 7(1) and (4) and section 123 was amended by the Copyright, Designs and Patents Act 1988 (c.48), Schedule 5, paragraph 29, Schedule 7, paragraph 22 and Schedule 8 and the Patents Act 2004 (c.16), Schedule 2, paragraphs 1 and 26 and Schedule 3.
(**2**) S.I. 1988/93, amended by S.I. 1990/1473 both of which were made under section 102 of the Finance (No. 2) Act 1987 (c.51).
(**3**) S.I. 2007/3292 amended by S.I. 2009/2089 and S.I. 2010/33.
(**4**) S.I. 2007/3291 to which there are amendments not relevant to these Rules.

"**Fee for the grant of a patent under section 18(4)**

30A.—(1) Where at the date of notification by the comptroller to the applicant in accordance with section 18(4)—

(a) the number of claims contained in the application—

(i) exceeds twenty-five; and

(ii) is greater than the number of claims contained in the application as at the date when the applicant made a request for a search under section 17(1)(c); or

(b) the number of pages of the description contained in the application—

(i) exceeds thirty-five; and

(ii) is greater than the number of pages of the description contained in the application as at the date when the applicant made a request for a substantive examination under section 18(1);

the applicant must pay a fee for the grant of the patent under section 18(4).

(2) The fee for the grant must be accompanied by Patents Form 34 and the period prescribed for the purposes of section 18(4) is two months beginning immediately after the date of the notification referred to in paragraph (1)."

4. In Schedule 4 (Extension of Time Limits), Parts 2 and 3, after the entry in the table relating to "rule 30 (period for putting application in order)" in each place insert—

"rule 30A (fee for the grant of a patent under section 18(4))".

Amendments to the Fees Rules

5. The Fees Rules are amended as follows.

6. In rule 3, omit paragraph (1)(b) and insert—

"(b) in respect of any other application for a patent, including an application treated as an application under the Act following a direction under section 81 (conversion of European patent applications)—

(i) which is filed in electronic form or using electronic communications in accordance with directions given under section 124A, specified in Table 1; and

(ii) which is filed otherwise than in the form referred to in subparagraph (i), specified in Table 2

Table 1 ***(Electronic filing)***

Where the filing of the application is accompanied by the application fee	£60
Where the filing of the application is not accompanied by the application fee	£75

Table 2 ***(Non-electronic filing)***

Where the filing of the application is accompanied by the application fee	£90

Where the filing of the application is not accompanied by the application fee	£112.50”

7. In Rule 3A, for “£20” substitute “£30”.

8. After rule 3A insert—

“**Excess claims fee**

3B. The fee specified in Schedule 1 in respect of a request for a search under section 17(1) in accordance with rule 27 of the 2007 Rules shall increase by £20 for the 26th and each subsequent claim contained in the application.

Excess pages fee

3C. The fee specified in Schedule 1 in respect of a request for a substantive examination of an application under section 18(1) in accordance with rule 28 of the 2007 Rules shall increase by £10 for the 36th and each subsequent page of the description contained in the application.

Fee for the grant of a patent

3D.—(1) Where rule 30A(1) of the 2007 Rules applies, the fee for the grant of a patent is the sum of the following amounts—

(a) £20 for each qualifying claim, and

(b) £10 for each qualifying page.

(2) For the purposes of this rule—

(a) a “qualifying claim” means any of the 26th or subsequent claims contained in the application which exceed the number of claims contained in the application as at the date when the applicant made a request for a search under section 17(1)(c) as referred to in rule 30A(1)(a)(ii) of the 2007 Rules; and

(b) a “qualifying page” means any of the 36th or subsequent pages of the description contained in the application which exceed the number of pages of the description contained in the application as at the date when the applicant made a request for a substantive examination under section 18(1) as referred to in rule 30A(1)(b)(ii) of the 2007 Rules.”.

9.—(1) Schedule 1 (use of forms) is amended as follows.

(2) In the entry “Patents Form Number 9A”, for “120” substitute “150” and for “150” in each place substitute “180”.

(3) In the entry “Patents Form Number 10”, for “100” substitute “130”.

10. In Part 1 of Schedule 2 (Renewal Fees) omit the entries in the table relating to the “11th” and subsequent anniversaries of the date of filing and substitute the following—

“11th	220
12th	260
13th	300
14th	360