

INTELLECTUAL PROPERTY OFFICE¹
(UNITED KINGDOM)
 AS
 DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office: Intellectual Property Office¹ (United Kingdom)

PA: Patents Act 1977 (as amended)

PR: Patents Rules 2007 (as amended)

¹ Intellectual Property Office is an operating name of the Patent Office.

SUMMARY**Designated
(or elected) Office****SUMMARY****GB****INTELLECTUAL PROPERTY OFFICE¹
(UNITED KINGDOM)****GB****(an operating name of the Patent Office)****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into: ²	English
Required contents of the translation for entry into the national phase: ²	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended ³), any text matter of drawings ⁴ Under PCT Article 39(1): Description, claims, any text matter of drawings ⁴ (if any of those parts has been amended, both as originally filed and as amended, including any amendment under PCT Article 19 and also any amendment annexed to the international preliminary examination report ³)
Is a copy of the international application required?	A copy is required only if the applicant expressly requests early commencement of the national phase at a time when the Intellectual Property Office ¹ (United Kingdom) has not been sent a copy of the international application from the International Bureau under PCT Article 20. The copy must then be furnished when making the request for early commencement of the national phase and may be a copy of the international application as published in accordance with the Treaty in a language other than that in which it was originally filed.
National fee:	Currency: Pound sterling (GBP) National fee: ² GBP 30 Search fee: ⁵ — where a search has already been made by an International Searching Authority in accordance with the PCT: GBP 120 ⁶ — in other cases: GBP 150 ⁶ Substantive examination fee: ⁷ GBP 100

[Continued on next page]

¹ Intellectual Property Office is an operating name of the Patent Office.

² Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1), or at the time of any earlier express request by the applicant to proceed earlier with the national phase.

³ Where the translation of an amendment has not been furnished within the applicable time limit (see footnote 1), the amendment will be disregarded. However, where the applicant has furnished a translation either of the amendment or of the international application as originally filed, but not both, the Office will, at the expiry of the applicable time limit, invite the applicant to supply the missing translation.

⁴ Where the applicant expressly requests entry into the national phase earlier than the time limit applicable under PCT Article 22 or 39(1) and the international application has not been communicated to the Office by the International Bureau, the translation must also contain the request part of the international application and the abstract.

⁵ Due within 33 months from the priority date. Where the applicant expressly requests early entry into the national phase, the fee is due within 12 months from the priority date, or two months from the date on which the conditions for early entry are satisfied, whichever is the later.

⁶ This fee is reduced by GBP 20 when search/substantive examination is requested electronically.

⁷ Due within 33 months from the priority date.

SUMMARY**Designated
(or elected) Office****SUMMARY****GB****INTELLECTUAL PROPERTY OFFICE⁸
(UNITED KINGDOM)****GB***[Continued]*

Exemptions, reductions or refunds of the national fee:

Search fee: reduced fee payable where an international search report has been established (see above). GBP 20 reduction in search fee or examination fee where request for search or substantive examination is filed in electronic form using a method of electronic communication accepted by the Office⁹. Refund of whole fee where the application does not proceed to substantive examination and no search has been made in the Intellectual Property Office⁸ (United Kingdom).

Special requirements of the Office (PCT Rule 51*bis*):

Name and address of the inventor if they have not been furnished in the "Request" part of the international application^{10, 11}

No representation by an agent is required but an address for service in the European Economic Area or the Channel Islands is necessary (see further, Address for Service, paragraph GB.04)¹²

Who can act as agent?

Any individual, partnership or body corporate who resides in or has a place of business in the United Kingdom, the Isle of Man or another Member State of the European Economic Area (EEA). A list of registered patent attorneys may be obtained from the following address: The Registrar, c/o The Chartered Institute of Patent Attorneys, 95 Chancery Lane, London WC2A 1DT¹³.

Does the Office accept requests for restoration of the right of priority (PCT Rule 49*ter.2*)?

Yes, the Office applies the "unintentional" criterion to such requests.

⁸ See footnote 1.

⁹ See www.gov.uk/government/publications/how-to-file-documents-with-the-intellectual-property-office for further details of the methods of electronic filing accepted by the Office.

¹⁰ Must be furnished within 33 months from the priority date. Where the applicant expressly requests early entry into the national phase, the name and address of the inventor must be furnished within 16 months from the priority date, or two months from the date on which the conditions for early entry are satisfied, whichever is the later (unless already furnished in the "Request").

¹¹ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

¹² If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

¹³ E-mail: mail@cipa.org.uk; Internet: www.cipa.org.uk; telephone: (44-20) 74 05 94 50; facsimile: (44-20) 74 30 04 71.

THE PROCEDURE IN THE NATIONAL PHASE

GB.01 FORM FOR ENTERING THE NATIONAL PHASE. The Office has available a special form, Form NP1, for payment of the national fee and for providing details of an international application entering the national phase. Applicants are strongly recommended to use this form. The form may be filed electronically via the Office's website or EPO online services¹.

PR Rule 105

GB.02 TRANSLATION (CORRECTION). Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003). A request for correction must be made in writing and identify the proposed correction.

GB.03 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex GB.I.

PR Rules 101
103

GB.04 ADDRESS FOR SERVICE. An applicant, whether or not he is a national of or a resident in the United Kingdom, is not required to be represented by an agent, but he is required to have an address for service (of notices and other communications) in the European Economic Area (the European Union, Iceland, Liechtenstein and Norway) or in the Channel Islands for the purpose of his application. Every person (including the applicant for, or proprietor of, a patent), concerned in any contested proceedings to which the Patents Rules 2007 relate, must furnish the Office with an address for service in the European Economic Area (the European Union, Iceland, Liechtenstein and Norway) or in the Channel Islands. If an agent is appointed to represent the applicant for the entry into the national phase, a written authorization is not required, though the agent must be prepared to prove his authority to act if called upon to do so by the Office. If an agent is appointed after the national phase has begun or one agent is substituted for another, written authorization should be filed on Patents Form 51.

PA Sec. 13(2)
89B(1)(c)
PR Rules 68(1)
68(2)

GB.05 DESIGNATION OF THE INVENTOR. Any statement of the name of the inventor under the Treaty is treated as a statement filed under the national law. Otherwise details should be given on Patents Form 7. Legalization is not required. For time limits, see the Summary.

PCT Rule 49ter.2
PA Sec. 5(2B)
PR Rules 7
66(3)

GB.06 RESTORATION OF THE RIGHT OF PRIORITY. Where the international application was filed within two months from the end of the period for claiming priority of an earlier application, a request may be made to the Office in accordance with the national law to make a late declaration of priority (see National Phase, paragraphs 6.006 - 6.011). Such a request will be allowed if the Office is satisfied that the failure to file the application within the 12 month priority period was unintentional. The request must be made on Patents Form 3 and must be supported by evidence of why the international application was not filed before the end of the priority period. The time limit for filing the request is one month from the date of entry into the national phase.

PA Sec. 15A
17(1)
PR Rules 68(1)
68(2)
106

GB.07 PRELIMINARY EXAMINATION AND REQUEST FOR SEARCH. Preliminary examination (as to formal requirements) will be performed shortly after payment of the national fee upon entry into the national phase. Search must be requested on Patents Form 9A together with the payment of the fee for search indicated in Annex GB.I within the time limits stated in the Summary. Where an international search report has been established, a reduced search fee is payable (see the Summary). A further reduction to the search fee is applicable when Patents Form 9A is filed electronically. For the request for substantive examination, see paragraph GB.09.

¹ See www.gov.uk/government/publications/how-to-file-documents-with-the-intellectual-property-office for further details of the Office's online filing services.

PA Sec. 69 89A(6) 89B(3)	GB.08 REQUEST FOR PUBLICATION OF TRANSLATION.	If the international application has not been published by the International Bureau in English, the English translation furnished by the applicant will be published by the Office <i>ex officio</i> . However, if the applicant wants to secure the rights conferred by that publication (see International Phase, Annex B(GB), "Provisional protection after international publication"), he must file a request in writing for publication of the translation or complete Part 6 of Form NP1 and pay the publication fee (see Annex GB.I). That request can be filed at any time after the start of the national phase. However, it is advisable to request publication when entering the national phase.
PA Sec. 18(1) PR Rule 68(1) 68(4)	GB.09 REQUEST FOR SUBSTANTIVE EXAMINATION.	A patent will be granted only after examination as to patentability, which must be requested by the applicant. The request for substantive examination must be made on Patents Form 10. The Office's combined search and examination procedure for applications on which Patents Forms 9A and 10 are filed together does not apply to applications entering the national phase where an international search report has been established. The time limits for requesting substantive examination and the required fee are as stated in the Summary. A reduced examination fee is payable when Patents Form 10 is filed electronically.
PR Rules 108(1) 113(5) 113(6)	GB.10 TRANSLATION OF REFERENCES CITED IN THE INTERNATIONAL SEARCH REPORT OR INTERNATIONAL PRELIMINARY EXAMINATION REPORT.	The Office may request the applicant to furnish a translation into English of any document referred to in the international search report or international preliminary report on patentability or cited in the international preliminary examination report. Such a translation must be filed within two months of the date of the request. There is no form for the furnishing of the translation. This time limit of two months may be extended by the Office if it thinks fit; a request for an extension should be made in writing (there is no form for this purpose) and may be made even when the two-month time limit has already expired.
PCT Art. 28 41	GB.11 AMENDMENT OF THE APPLICATION; TIME LIMITS.	The applicant may make amendments to the application of his own volition under the following conditions, provided that no new matter is introduced in the disclosure of the invention:
PR Rule 66A 31(3)	(i) before the dispatch of the first substantive examination report:	<p>(a) where an international search report was issued during the international phase, the applicant may amend the specification voluntarily from the date of national phase entry until the date the first substantive examination report is issued;</p> <p>(b) where no international search report has been issued by the time the application enters the UK national phase, the period within which the applicant may amend voluntarily starts from the date of issue of the UK search report or the international search report (whichever is issued first) and ends on the date the first substantive examination report is issued.</p>
PR Rule 31(4)	(ii) after the dispatch of the first report referred to in (i), above:	(a) amendments to the application may be made only once; such amendments must be made either at the same time as any amendments made so as to comply with the examiner's report or within two months of the dispatch of the said report when it does not require any amendment;
PR Rule 31(5) 31(6) 31(1)	(b) any further amendment to the application may be made only with the consent of the Office; in this case, the applicant must provide the reasons for the amendment in writing.	Amendments should be effected by filing replacement pages.
PA Sec. 14(10) 117 117A PR Rules 49(2) 105	GB.12 CORRECTION OF ERRORS.	The applicant may request the correction of an error of translation or transcription or a clerical error or mistake in the application or any document filed in connection therewith at any time. The request must be made in writing and identify the proposed correction. A request for correction of a name must be made on Patents Form 20. Erroneous withdrawals may be corrected in this way but the resuscitated application will be subject to third party terms for the period between the withdrawal of the application and the notice of request for correction being published.

PA Sec. 20 21 PR Rules 30 108	GB.13 PERIOD FOR PUTTING THE APPLICATION IN ORDER. An application will be treated as having been refused unless it complies with all requirements of the Patents Act and Rules within four years and six months from the priority date or one year from the date of the first substantive examination report (whichever is later), with the possibility of two months' extension as of right or a longer extension at the discretion of the Office (see paragraph GB.17). If a third party files observations relevant to patentability and the first substantive examination report based on those observations is sent during the last three months of the period outlined above, the period becomes three months beginning with the date on which the report is sent.
PA Sec. 25(3) 25(4) PR Rule 36-39	GB.14 RENEWAL FEES. After a patent has been granted, a fee must be paid for maintaining the patent in force, starting with the fifth year counted from the international filing date. Payment must be made each year during the period of three full calendar months which ends on the last day of the month in which the filing date falls. Payment can still be made, together with a surcharge, during a further period of six full months. Where a patent is granted in the last three months of the fourth year, or later, the renewal fee may be paid without surcharge by the end of the third calendar month after the date of grant or, with a surcharge, within six months from the end of these three months. The amounts of the renewal fees and of the surcharge are indicated in Annex GB.I. Form 12 must be filed (see also paragraph GB.21).
PCT Art. 25 PCT Rule 51 PA Sec. 89(3) 89(5) 97(1) PR Rule 71	GB.15 REVIEW UNDER ARTICLE 25 OF THE PCT. The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. (The Patents Act also includes a similar procedure for which application may be made at any time by writing to the Office with a statement of the facts relied on and paying any fee indicated in Annex GB.I.) If, upon review under PCT Article 25, the Office finds that the refusal to accord a filing date or declaration that the international application is considered withdrawn was not the result of an error or omission on the part of the receiving Office or the International Bureau, the applicant may ask for a hearing, if he wishes to contest the Office's view; if the hearing (which the applicant is not obliged to attend in person) maintains the Office's view, a reasoned written decision will be issued. An appeal may be lodged against such a decision in the Patents Court within 28 days from the decision; it must be accompanied by the related fee indicated in Annex GB.I. An application to extend the 28 day time limit must be made direct to the Court.
PCT Art. 24(2) 48(2)	GB.16 EXCUSE OF DELAYS IN MEETING TIME LIMITS. Reference is made to paragraphs 6.022 to 6.027 of the National Phase.
PR Rule 108	GB.17 EXTENSION OF TIME LIMITS. The time limits for filing Patents Form NP1 (National processing of an international application for a patent (UK)), Patents Form 9A (Request for search), Patents Form 10 (Request for a substantive examination) and, where necessary, Patents Form 7 (Statement of inventorship and of right to grant of a patent) may be extended as of right by two months on request and subject to the payment of a fee (see Annex GB.I). The request for such an extension may be filed even when the time limit has expired but must be filed before the end of the extension sought using Patents Form 52. Further extensions of two months are possible but only at the discretion of the Office and on filing of Patents Form 52 and fee before the end of the extension sought together with and any evidence required. If an application is terminated owing to a time period not being met then reinstatement may be available (see paragraph GB.20 below).
PR Rule 108	GB.18 The other time limits specifically referred to in the Summary may be extended if the Office thinks fit. There is no special form for such a request.
PA Sec. 117B PR Rule 109	GB.19 Time limits set by the Office (rather than by the Act or Rules) during the national phase may be extended as of right by two months, or if sooner, to the end of the period for putting the application in order (see paragraph GB.13). A request for extension must be made in writing and within two months of the expiry of the relevant period. There is no special form for the request.

PA Sec. 20A
20B
PR Rule 32

GB.20 REINSTATEMENT OF AN APPLICATION. An application that has been terminated because a requirement was not met within a prescribed or specified period may be reinstated on request if the Office is satisfied that the failure to comply with the requirement was unintentional. Reinstatement only applies when no extension of the period is available and may only be requested **within 12 months of termination of the application**. Third party terms will apply to the period between termination of the application and the publication of the request for reinstatement. A request for reinstatement must be made on Patents Form 14.

PA Sec. 28
28A
PR Rule 40

GB.21 RESTORATION OF A LAPSED PATENT. If a patent lapses through non-payment of renewal fees, then an application for restoration may be made. For a lapsed patent to be restored the Office must be satisfied that the failure to pay the renewal fee was unintentional. Third party terms will apply to the period between expiry of the patent and the publication of the request for restoration. A request for restoration must be made on Patents Form 16.

GB.22 FORMS. All forms are available online at:
www.gov.uk/government/publications/patent-forms-and-fees

FEES

(Currency: Pound sterling)

Patents Form No.	Item	Amount
NP1	National fee for processing of an international application for a patent (UK)	30
3	On request for permission to make a late declaration of priority under PA section 5(2B) (PR rules 7(2) and 66(3))	150
9A	On request for search (PA section 17(1)) — for an international application which has been searched in the international phase	120 ¹
	— for any other application	150 ¹
	On request for a further search (PA section 17(6)) or payment for a supplementary search (PA section 17(8))	150 ¹
10	On request for substantive examination (PR rule 28)	100 ¹
12	On payment of renewal fee: ² — for the 5 th year	70
	— for the 6 th year	90
	— for the 7 th year	110
	— for the 8 th year	130
	— for the 9 th year	150
	— for the 10 th year	170
	— for the 11 th year	190
	— for the 12 th year	210
	— for the 13 th year	250
	— for the 14 th year	290
	— for the 15 th year	350
	— for the 16 th year	410
	— for the 17 th year	460
	— for the 18 th year	510
	— for the 19 th year	560
	— for the 20 th year	600
	On extension of the period for payment of a renewal fee: — not exceeding one month	—
	— for each succeeding month (but not exceeding six months)	24
14	On request for reinstatement of a patent application under PA section 20A (PR rule 32)	150
16	On request for restoration of a patent under PA section 28 (PR rule 40)	135
—	On request for publication of translation under PA section 89A(3) or (5)	12
—	On application to the Comptroller for an international application to be treated as an application under the Act (PCT Article 25; PA section 89(3) and 89(5))	—

¹ This fee is reduced when this form is filed electronically.

² Only half of the renewal fee is payable if an entry is made in the register to the effect that licences under the patent are to be available as of right.

52	On request for extension of a period of time under PR rule 108(2)	135
	On request for extension of a period of time under PR rule 108(3)	135
—	On appeal (see paragraph GB.15)	235

How can payment of fees be effected?

The payment of fees must be effected in pounds sterling. All payments must be made together with the filing of the form related to the fee to be paid, and indicate the application number (national, if already known; international, if the national application number is not yet known), the name of the applicant and the type of the fee being paid.

Fees may be paid by any of the following means: by certain types of credit/debit card; by cheque drawn on a UK clearing bank; by debit to a client deposit account held by the Office; by direct bank-to-bank transfer to Barclays Bank Plc., 121 Queen Street, Cardiff, CF10 2XU (Sort Code 20-18-15; SWIFT Code BARCGB22; IBAN GB31 BARC 2018 1580 5317 66, for the credit of the Intellectual Property Office³ (United Kingdom) account 80531766; in cash at the Office. Fees paid by a cheque expressed in pounds sterling are regarded as being paid on the day of receipt of the cheque in the Office. Where cheques expressed in other currencies are received, there will be a delay while realisation into pounds sterling takes place (also, owing to currency fluctuations, an underpayment could result); it is therefore recommended that pound sterling cheques only should be paid. Cheques should be made payable to “UK Intellectual Property Office.” Fees paid by bank-to-bank transfer are regarded as being received at the date on which the bank credits the money to the Intellectual Property Office³ (United Kingdom) account 80531766; however, bank-to-bank transfers are likely to incur bank charges which may result in underpayment of fees. These must be met by the applicant and therefore should be covered in the applicant's instruction to the bank. The application/renewal documents relating to the payment of fees should be supported by a Fee Sheet or equivalent form listing individual fees. A reference (e.g., patent or deposit account number) should be quoted to link payment with any forms sent separately; this is essential when a bank-to-bank transfer is made.

³ Intellectual Property Office is an operating name of the Patent Office.
(4 April 2013)