



For Innovation

Consultation Document

Proposed changes to the Patent Office's business hours for receiving and according dates to applications, forms and other documentation



Consultation on proposed changes to the Patent Office’s business hours for receiving and according dates to applications, forms and other documentation

Contents:	Paragraphs
▪ Summary	1 – 6
▪ Purpose of the consultation	7
▪ Who is being consulted?	8
▪ How and when to respond	9 – 11
▪ Openness	12 – 15
▪ Background and proposal in detail	16 – 30
▪ Benefits of the proposal	31 – 34
▪ Implementation	35 – 36
▪ Annex A	Relevant IP legislation
▪ Annex B	Regulatory Impact Assessment
▪ Annex C	List of organisations and individuals consulted
▪ Annex D	Consultation response form
▪ Annex E	Code of practice on consultation
▪ Annex F	Patent Office’s Consultation Co-ordinator

Consultation on proposed changes to Office hours for receiving and according dates to forms and other documentation

Summary

1. This consultation paper sets out proposals for removing unnecessary and outmoded restrictions on when the Patent Office can receive and accord dates to documents, including applications and forms. The aim is to bring the current provisions in our legislation up-to-date with a world in which applicants are increasingly using electronic communications and private mail and courier services instead of normal postal delivery (Royal Mail) for filing documents.
2. We propose allowing any document to be filed at any time and on any day and to be given a filing date which accords with the day on which it was received. The proposal will apply to documents filed in hard copy, and also by electronic means, subject to any restrictions that may apply to electronic communication with the Office. In addition to documents filed in accordance with UK legislation for Patents, Trade Marks, Registered Designs and Design Right, the proposals will apply to documents filed with the Office as a receiving Office under the Patent Cooperation Treaty, the European Patent Convention, the Madrid Protocol Relating to the Protection of Marks, and the Council Regulations for the Community Trade Mark and Community Designs.
3. The provisions which extend time limits if they expire on certain days (“excluded days”) are to be retained. A separate consultation exercise is being conducted about provisions which allow time limits to be extended due to disruption in the post or items of post to be deemed to have been delivered on certain days.
4. This document refers to the Office according filing dates to documents it receives. It should be understood that these filing dates are not required to be given by law, in contrast to the filing dates which must be accorded to patent applications in compliance with the provisions of the Patents Act 1977. The Office accords a filing date to each document it receives as a matter of practice in case the document is time-critical, and does so by applying relevant law (such as relating to excluded days, postal services) to the facts. This filing date is then recorded on the document.
5. The text of all the relevant provisions in the IP legislation is reproduced at Annex A.
6. Regulatory Impact Assessment is attached at Annex B.

Purpose of the consultation

7. We want to know what you think of this proposal. In particular, we are keen to ensure that it will benefit users by removing what we believe are unnecessary restrictions on the filing of documents and will not introduce difficulties or impose burdens.

Who is being consulted?

8. Everyone is welcome to comment on the proposals including anyone based outside the UK with an interest in filing applications, forms and documents with the Patent Office. Copies of this consultation document have been sent to the organisations listed in Annex C and to a small number of individuals. Further copies, including large print versions, may be obtained from the Patent Office by contacting Emma Thomas, tel. 01633 814551, e-mail emma.thomas@patent.gov.uk or by accessing the Office's website at <http://www.patent.gov.uk/about/consultations/index.htm>

How and when to respond

9. A consultation response form is attached at Annex D which you may wish to use to reply. Responses should be sent by post, e-mail or fax. Please send your responses by 6 January 2006 to:

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10. If you are responding on behalf of a representative group, please give a summary of the people and organisation that you represent.

11. This consultation document has been prepared in accordance with the Government's Code of Practice on Written Consultation. The Code's criteria are set out at Annex E. If you have any comments or complaints about how this consultation process is being handled please tell the Patent Office's Consultation Co-ordinator, whose details are included in Annex F.

Openness

12. Your response may be made public by the DTI. If you do not want all or part of your response or name made public, please state this clearly in the response. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your fax cover sheet will be taken to apply only to information in your response for which confidentiality has been requested.

13. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information

regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

14. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

15. The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Background and proposal in detail

Current arrangements

Hours of business

16. Applications, forms and other documents filed at the Patent Office are currently subject to certain restrictions as to when they can be filed and accorded a date of filing.

17. The Office is deemed to be closed for the filing of applications, forms and other documents relating to patents at the following times:

- at midnight on Monday to Friday;
- on Saturdays, other than for new patent applications, for which no declaration of priority is made, which can be filed up to 1.00 p.m.; and
- on Sundays, Good Friday, Christmas Day and bank holidays.

18. These limitations are prescribed by way of section 120 of the Patents Act 1977, as amended by paragraph 24 of Schedule 2 of the Patents Act 2004, which provides that the Comptroller may give directions specifying the Office's hours of business and "excluded days". Under the transitional provisions in the Patents Act 2004 (Commencement No.1 and Consequential and Transitional Provisions) Order 2004, the Comptroller is deemed to have given directions by specifying the hours and days prescribed in rules 98 and 99 of the Patents Rules 1995 (as those rules were before being revoked by that Order).

19. The same limitations are prescribed in respect of registered designs in rules 74 and 75 of the Registered Designs Rules 1995 while a simplified version of the limitations are prescribed for design rights in rule 20 of the Design Right (Proceedings before Comptroller) Rules 1999. Similar limitations also apply to trade marks, as set out in a Direction issued under section 80 of the Trade Marks Act 1994.

Non-business or "Excluded" days

20. Section 120(2) of the Patents Act 1977 provides that any business done under the Act on any day after the hours specified in the direction as the time when the Patent Office closes or on a day which is an "excluded day" shall be taken to have been done on the next day not being an excluded day. Further, where the time for doing anything under the Act or Rules expires on an excluded day it shall be extended to the next day not being an excluded day. The excluded days (as set out in the now revoked rule 99) are: Sundays, Good Friday, Christmas Day, bank holidays, any Saturday immediately preceded by one of these days and any other Saturday (except for the filing of applications for which no declaration of priority is made). Therefore, if, for example, the period for filing a request on a Patents Form 10/77 for substantive examination expired on a Sunday it shall be deemed to expire on the Monday provided the Monday is not an excluded day.

21. Similar provisions are contained in the Registered Designs Act and Rules (section 39(2) and rule 75), the Design Right (Proceedings before the Comptroller) Rules 1989 (rules

20(2) and 21). The Trade Marks Act 1994, like the Patents Act 1977 (after it was amended by the 2004 Act) permits directions to be issued specifying the hours of business and business days (rule 70 requires such directions to be published and posted). A day which is not a business day under the 1994 Act is very similar to an excluded day under the Patents Act 1977. The present direction was published in the Trade Marks Journal of 2 November 1994.

Proposed changes

22. When the provisions were first introduced the principal means of delivering documents to the Office, other than in person, was by Royal Mail which did not deliver mail on excluded days. However, with the increasing use of private delivery, courier services and electronic communications, it is now possible for documents to be delivered to the Office 24 hours a day seven days a week. Moreover, although the Office is closed for normal business on Saturdays, Sundays, Christmas Day, Good Friday and bank holidays, the custodians at the Office's Newport and London premises (Concept House and Harmsworth House) are already under instructions to accept any letters or parcels delivered by hand at any time on those days. Although they are stamped with the day and time they were actually delivered, the date of filing they are eventually accorded is the date of the next non-excluded day.

23. There are no physical restrictions on the delivery of documents by electronic communications other than unforeseen equipment failure, which might prevent transmission, and the fact that the Office's computer system for processing fee bearing forms is taken out of service for a short period in the middle of the night for routine maintenance. This aside, there are no practical obstacles preventing the Patent Office from accepting applications, forms and other documents filed at any time and on any day, including Saturdays and Sundays and even Good Friday, Christmas Day and bank holidays.

24. Moreover, there are no policy or legal reasons why the date of filing given to an application, form or other document should not be the actual day it was received in the Office. This includes documents filed with the Office as a receiving Office under the Patent Cooperation Treaty, the European Patent Convention, the Madrid Protocol Relating to the International Protection of Marks, and the Council Regulations for the Community Trade Mark and Community Designs.

25. It is proposed therefore to allow applications, forms and other documents to be filed with the Patent Office at any time and on any day and give the date they were received as the filing date. The Office's "fax back" service will continue to be limited to weekdays (except "Excluded" days when the service does not operate or is restricted) between the hours of 9.00 a.m. and 9.00 p.m.

26. We do not propose removing the provision which allows for the automatic extension of a prescribed period if it expires on a day when the Office is not open for normal business ("excluded day"). This is in recognition of the fact that most companies, including intellectual property agencies, do not normally work on those days. Hence, if a time period for filing a document expired on an excluded day and was not automatically extended, those companies would no longer be able to rely on filing the document on the next working day and still meet the filing deadline.

It would also be consistent with the practice followed by the European Patent Office which accords the day a document is received as the date of filing, even if it is received on a day when the Office is not open for normal business, but also allows for the extension of time periods which expire on such a day as provided for under the European Patent Convention. The Community Trade Marks Implementing Regulations also provide for the automatic extension of time periods that expire on a day when the Office for Harmonization in the Internal Market is not open for receipt of documents.

27. Retaining the automatic extension of time periods that expire on an excluded day would also be in line with Article 4(C)(3) of the Paris Convention for the Protection of Industrial Property which reads:

“If the last day of the period is an official holiday, or a day when the Office is not open for the filing of applications in the country where protection is claimed, the period shall be extended until the first following working day.”

28. It is also worth noting that the International Bureau at the World Intellectual Property Organisation will accept an international application filed with it in its capacity as a receiving Office under the Patent Cooperation Treaty on a non working day and accord that date as the international filing date rather than the next working day.

29. The proposals will not affect the provisions in IP legislation relating to the missing of time limits because of disruption in the delivery services. These provisions are the subject of a separate consultation.

30. There are also no plans to change the Office’s “fax back” service for deposit account holders.

Benefits of the proposals

31. The proposals would remove provisions which are outdated in a world where documents are increasingly being delivered by electronic means, such as facsimile and e-mail transmission and where hard copies are delivered by courier and private mail services which can operate round the clock, seven days a week. It would put an end to the paradoxical situation where the Office is deemed to be closed on particular days for the filing of documents but in practice receives and accepts documents on those days, notably documents filed by electronic transmission. It would also eliminate problems that may occur when an applicant wishes to obtain the same filing date for applications filed in different countries for the same invention. Currently, if the application happens to be filed on a day which the Office deems to be an excluded day, the filing date in the UK could be later than that in other countries. Unnecessary complexities, such as what can and cannot be filed on Saturdays, would be replaced with simpler rules which are less open to misinterpretation.

32. The proposals would mean that anyone would be able to file a document with the Office at any time and on any day and be assured of receiving that date as the filing date rather than a later date. This could be crucial where receiving an immediate filing date is vital, for example to avoid another patent application being cited as prior art in accordance with section 2(3) of the Patents Act 1977 or another trade mark application being cited under

the provisions of section 5(1) or (2) of the Trade Marks Act 1994.

33. Applicants and their professional representatives will continue to benefit from the provisions which allow for the automatic extension of a time period that expires on an excluded day and so will not be disadvantaged by the proposal.

34. Details of the benefits and costs of the proposals and other options are set out in the attached Regulatory Impact Assessment.

Implementation

35. In the case of patents, the proposed change could be implemented by the Comptroller issuing a direction under section 120(1) of the Patents Act 1977, as amended by the Patents Act 2004. Similarly in the case of trade marks a direction could be issued under section 80 of the Trade Marks Act 1994.

36. There are no plans to amend the Registered Designs Act 1949 to allow for the issuing of similar directions. Therefore, it will be necessary to amend rules 74 and 75 of the Registered Designs Rules 1995. Likewise, there are no plans to amend the Copyright, Designs and Patents Act 1988 to allow the Comptroller to issue directions in respect to design rights. Hence, it will be necessary to revise rules 20 and 21 of the Design Right (Proceedings before the Comptroller) Rules 1989.

RELEVANT IP LEGISLATION

Section 120 of the Patents Act 1977 – as amended by the Patents Act 2004

(1) The comptroller may give directions specifying the hour at which the Patent Office shall be taken to be closed on any day for purposes of the transaction by the public of business under this Act or of any class of such business and the directions may specify days as excluded days for any such purposes.

(2) Any business done under this Act on any day after the hour so specified in relation to business of that class, or on a day which is an excluded day in relation to business of that class, shall be taken to have been done on the next following day not being an excluded day; and where the time for doing anything under this Act expires on an excluded day that time shall be extended to the next following day not being an excluded day.

(3) Directions under this section shall be published in the prescribed manner.

Article 6 of the Patents Act 2004 (Commencement No.1 and Consequential and Transitional Provisions) Order 2004

(1) This article applies on the coming into force, in accordance with article 2, of the amendments to section 120 of the 1977 Act (and references to section 120 are to section 120 as so amended).

(2) The comptroller shall be deemed to have given directions under section 120(1) (and to have published them in the prescribed manner) specifying the hours specified in rule 98 of the Rules (immediately before it was revoked by article 5) as the hours at which time the Patent Office is taken to be closed for the purpose of the transaction by the public of the business specified therein.

(3) The comptroller shall be deemed to have given directions under section 120(1) (and to have published them in the prescribed manner) specifying the days specified in rule 99 of the Rules (immediately before it was revoked by article 5) as excluded days for the purposes of the transaction by the public of the business specified therein.

Rule 98 of the Patents Rules 1995 (now repealed)

The Patent Office shall be deemed to be closed at the following hours for the transaction of business of the classes specified-

- (a) on weekdays other than Saturdays, at midnight for the filing of applications, forms and other documents, and at 5 pm for all other business; and
- (b) on Saturdays, at 1 pm for the filing of new applications for patents in respect of which no declaration for the purposes of section 5(2) or 127(4) is made.

Rule 99 of the Patents Rules 1995 (now repealed)

(1) The following shall be excluded days for all purposes under the Act-

- (a) all Sundays;
- (b) Good Friday and Christmas Day;
- (c) any day specified as or proclaimed to be a bank holiday in England in or under section 1 of the Banking and Financial Dealings Act 1971; and
- (d) any Saturday immediately preceded by one of the above.

(2) Saturdays not falling within paragraph 1 above shall be excluded days for all purposes except the filing of applications in respect of which no declaration for the purposes of section 5(2) is made.

(3) Tuesday 4th January 2000 shall be an excluded day for all purposes under the Act.

Relevant provisions in trade mark legislation

Section 80 of the Trade Marks Act 1994

(1) The registrar may give directions specifying the hours of business of the Patent Office for the purpose of the transaction by the public of business under this Act, and the days which are business days for that purpose.

(2) Business done on any day after the specified hours of business, or on a day which is not a business day, shall be deemed to have been done on the next business day; and where the time for doing anything under this Act expires on a day which is not a business day, that time shall be extended to the next business day.

(3) Directions under this section may make different provisions for different classes of business and shall be published in the prescribed manner.

Rule 70 of the Trade Mark Rules 2000

Any directions given by the registrar under section 80 specifying the hours of business of the Office and business days of the Office shall be published and posted in the Office.

Relevant provisions in registered design legislation

Section 39 of the Registered Designs Act 1949

(1) Rules made by the Secretary of state under this Act may specify the hour at which the Patent Office shall be deemed to be closed for purposes of the transaction by the public of business under this Act or of any class of such business and may specify days as excluded days for any such purposes.

(2) Any business done under this Act on any day after the hour specified as aforesaid in relation to business of that class, or on a day which is an excluded day in relation to business of that class, shall be deemed to have been done on the next following day not being an

excluded day; and where the time for doing anything under this Act expires on an excluded day, that time shall be extended to the next following day not being an excluded day.

Rule 74 of the Registered Designs Rules 1995

The Patent Office shall be deemed to be closed at the following hours for the transaction of business of the classes specified-

- (a) on weekdays other than Saturdays, at midnight for the filing of applications, forms and other documents, and at four pm for all other business,
- (b) on Saturdays, at one p.m. for the filing of new applications for the registration of designs which are not convention applications

Rule 75 of the Registered Designs Rules 1995

(1) The following shall be excluded days for all purposes under the Act-

- (a) all Sundays;
- (b) Good Friday and Christmas Day;
- (c) any day specified as or proclaimed to be a bank holiday in England in or under section 1 of the Banking and Financial Dealings Act 1971;
- (d) any Saturday immediately preceded a day falling within sub-paragraphs (b) or (c) above.

(2) Saturdays not falling within paragraph (1) above shall be excluded days for all purposes except the filing of new applications for the registration of designs which are not convention applications.

Relevant provisions in design right legislation

Section 250(1) of the Copyright, Designs and Patents Act 1988

(1) The Secretary of State may make rules for regulating the procedure to be followed in connection with any proceeding before the comptroller under this Part.

(2) Rules may, in particular, make provision

- (f) prescribing time limits for doing anything required to be done (and providing for the alteration of any such limit)

Rule 20(2) of the Design Right (Proceedings before Comptroller) Rules 1989

(2) Where the last day of the doing of any act falls on a day on which the Patent Office is closed and by reason thereof the act cannot be done on that day, it may be done on the next day on which the Office is open.

Rule 21 of the Design Right (Proceedings before the Comptroller) Rules 1989 – as

amended by the Design Right (Proceedings before Comptroller) (Amendment) Rules 1999

For the purpose of these Rules the Patent Office shall be open Monday to Friday-

- (a) between 9.00 a.m. and midnight, for the filing of applications, forms and other documents, and
- (b) between 9.00 a.m. and 5.00 p.m. for all other purposes,

excluding Good Friday, Christmas Day, Tuesday 4th January 2000 and any day specified or proclaimed to be a bank holiday under section 1 of the Banking and Financial Dealings Act 1971.

Annex B

INITIAL REGULATORY IMPACT ASSESSMENT

1. INTRODUCTION

This Regulatory Impact Assessment (RIA) supports and is being issued with the consultation paper on the proposed changes to the Patent Office's hours of business for receiving and according dates to applications, forms and other documentation. The RIA is produced in accordance with Cabinet Office RIA Guidelines. Interested parties are asked to comment on the proposals and on the alternative options identified. The consultation paper, including the RIA, is available in paper form by contacting:

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2. PURPOSE AND INTENDED EFFECT

Objective

2.1 With the increasing use of electronic communication and private mail services and the fact that it is now possible for the Patent Office to receive documents at any time and on any day it is proposed to remove unnecessary and outmoded rules or directions which prescribe times and days on which documents may not be filed at the Office and accorded a filing date.

2.2 The intended effect is that anyone who sends a document to the Office will be assured that the date of filing given to that document will be the actual date on which it was received at the Office. This could be crucial where receiving an immediate filing date is vital, for example to avoid another patent application being cited as prior art in accordance with section 2(3) of the Patents Act 1977. The proposal would avoid problems that may occur when an applicant wishes to obtain the same filing date for applications filed in different countries for the same invention. It would also remove unnecessary complexities, such as what can and cannot be filed on Saturdays, by introducing rules and directions which are simpler and less open to misinterpretation.

Background

2.3 Currently the Office is deemed to be closed for the filing of applications, forms and other documents relating to patents, trade marks and designs at certain times and on certain

days. These are prescribed either in secondary legislation or in directions issued in accordance with primary legislation. An example is that, in accordance with section 120 of the Patents Act 1977, as amended by the Patents Act 2004, the Office is deemed to be closed for the filing of documents, including applications and forms, at the following times:

- at midnight on Monday to Friday;
- on Saturdays, other than for new patent applications, for which no declaration of priority is made, which can be filed up to 1.00 p.m.; and
- on Sundays, Good Friday, Christmas Day and bank holidays.

2.4 These existing provisions, which prescribe when the Office is open to receive documents and the dates that can be accorded takes account of the fact that the Office is closed for business on certain days, such as Sundays and bank holidays. Moreover, at one time the only means of delivering documents to the Office, other than in person, was by Royal Mail which did not operate on certain days. However, documents can and sometimes are delivered and accepted by the Office on days other than normal working days. Also, applicants now have a range of options for delivering documents to the Office, such as electronic means or use of private courier services. Therefore there are no longer any practical obstacles to the Office accepting documents at any time and on any day. Nor are there any policy or legal grounds why this should not be so. It follows that there is no reason why the Office should not accord as the filing date the date a document is actually delivered to the Office.

Risk assessment

2.5 The current provisions allow a time period, which expires on a day when the Patent Office is not open for normal business (an “excluded day”), to be extended to the next business day. However, it could be vital for state of the art purposes (section 2 of the Patents Act 1977) for a patent application to be accorded the date of the excluded day rather than the next business day. Moreover, problems could occur if the date accorded to a patent application filed in the UK was different to the date given to an application for the same invention which was filed by the applicant in another country. The proposal would remove these risks.

2.6 Retaining the provisions which allow a time period to be automatically extended (if it expires on an excluded day) will ensure that applicants will not be disadvantaged bearing in mind that most companies and their professional representatives do not normally work on such days. Hence, if the time period for filing a document expires on an excluded day, they could continue to rely on filing the document with the Office the next working day (non excluded day) without missing the deadline.

3. COSTS AND BENEFITS

Options

3.1 The options and associated costs and benefits are set out below.

Options	Risks	Benefits
<p>A. Allow documents to be filed at any time and on any day and accord the date they are received as the filing date</p>	<p>No risks have been identified with this proposal.</p>	<p>Avoids risk of other patent application being cited as prior art. Removes problems if filing date is not the same as applications filed in other countries for same invention. Brings provisions into line with actual practice, i.e. fact that Office will accept documents delivered outside of normal working hours. Reflects fact that documents can be filed at any time by electronic communications. Increases customer choice as to when a document can be filed and be accorded a filing date. Simplifies rules and directions with less chance of misinterpretation. Brings the Office into line with the practice followed by the European Patent Office and the World Intellectual Property Organisation.</p>
<p>B. In addition to A, repeal the provision which allows periods to be extended if they expire on an “excluded day”</p>	<p>Would remove an existing benefit for applicants and their professional representative who would no longer be able to rely on filing a document the next working day if the period for filing it expired on an “excluded day”. This could require them to attend work on what would otherwise be a non working day which in turn could result in additional cost to the applicant. Would increase the risk of a document not being filed in time and impose a cost burden on applicants if they had to apply for an extension or if the IP rights were lost as a consequence.</p>	<p>The only benefit of this additional change is that it would simplify the provisions by providing that a prescribed period will always expire on the last day of that period.</p>
<p>C. Leave unchanged</p>	<p>Risk that prior art may be cited against an application if it is not accorded a filing date on the day the applicant wished to file it, notably on an “excluded day”.</p>	<p>No obvious benefit compared with A above</p>

	<p>Can disadvantage an applicant if he wants the application to be accorded the same filing date as applications he files for the same invention in other countries.</p> <p>Out of step with actual practice, notably fact that the Office will accept documents filed outside of normal working hours.</p>	
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Business sectors affected

3.2 Organisations and individuals in all business sectors are likely to be affected by the proposed changes.

Costs

3.3 No compliance costs have been identified for the proposal.

4. SMALL FIRMS' IMPACT TEST

4.1 We have not considered it necessary to take initial soundings from small businesses as the proposals will have no adverse impact on such businesses or any business. To the contrary, businesses stand to benefit from the removal of unnecessary and outmoded restrictions and will have greater choice as to when documents can be filed at the Office and be accorded a filing date. The Department's Small Business Service has been consulted and agrees that a Small Firms' Impact Test is not necessary.

5. ENFORCEMENT AND MONITORING

5.1 . There is no obligation on anyone to apply for the grant of a patent or the registration of a trade mark or design. Therefore there is nothing to be enforced in respect to the filing of such documents at the Office. However, to be granted a patent or to register a trade mark or design an applicant has to perform certain actions within prescribed periods of time, such as filing certain documents with the Office or respond to an examination report. If an applicant fails to meet a time period they may be deprived of the opportunity of obtaining the IP protection they seek. Retaining the provision to automatically extend such periods will ensure that applicants and others are not disadvantaged. The number of applications made, published, and terminated, and the number of patents granted, ceased and expired will continue to be monitored and published in the Patent Office's Annual report.

6. CONSULTATION

6.1 The Small Business Service has been consulted about the proposal including this RIA. A list of those organisations to which the consultation document has been sent is at

Annex C. The documents have also been copied to a number of individuals.

Annex C

CONSULTEES

Copies of this consultation document have been sent the following organisations. Copies have also been sent to a number of individuals.

Member organisations of the former Standing Advisory Committee on Industrial Property (SACIP):

The Law Society
 The Law Society of Scotland
 The Bar Council
 The Institute of Patentees and Inventors
 Trade Marks, Patents and Designs Federation
 Confederation of British Industry
 University of London, Queen Mary and Westfield College
 British Retail Consortium
 Incorporated Society of British Advertisers
 Chartered Society of Designers
 Chartered Institute of Patent Agents
 Institute of Trade Mark Attorneys
 Association of British Chambers of Commerce
 Consumer's Association
 National Consumers Council
 Federation of Small Businesses
 Licensing Executives Society

Organisations which formerly received SACIP papers:

International Federation of Industrial Property Attorneys
 International Chambers of Commerce
 Association of the British Pharmaceutical Industry
 Intellectual Property Institute
 London Chamber of Commerce and Industry
 Institute of Practitioners in Advertising
 Anti-Counterfeiting Group
 Intellectual Property Lawyers Association
 British Brands Group
 Patent and Trade Mark Group, Institute of Information Scientists
 The Patent Judges
 The Intellectual Property Sub-Committee of the City of London Law Society
 British Pharma Group
 The British Agrochemicals Association Limited
 British Generics Manufacturers Association

Organisation	Organisation
ABPI	Gallafent & Co
ACID	Gill Jennings & Every
Agricultural Engineers Association	Greenpeace

Allvoice	Harbottle & Lewis
Arnander Irvine & Zietman	HM Treasury
Ashurst Morris Crisp	Home Office
Association Of British Insurers	Intellectual Property Advisory Committee members
AURIL	Intellectual Property and Innovation Directorate
Babcock International Ltd	Inventorslink Inc
Baker & Mckenzie	Linklaters & Paines
Berwin Leighton	Linux User Magazine
Bharat Electronics Ltd	Litigation Focus Group members
Bioindustry Association	Lovells
Biotechnology And BSRC	Magister Ltd
BLWA	Marketforce Communications
Boult Wade Tennant	Marks & Clerk
Boult Wade Tennant	Meat Livestock Commission
British Association Representing Breeders	Medical Research Council Technology
British Generics Manufacturers Association Ltd	Mewburn Ellis
British Library	Ministry Of Defence
British Potato Council	Motorcycle Action Group
British Poultry & Meat Federation	NASPM
Cardiff Law School	National Federation Of Women's Institutes
Chemical Industries Association	NI Court Service
CIMMYT	Norton Rose
Compassion In World Farming	Olswang
Conde Ltd	Pfizer Limited
Council on Tribunals	Pilkington Technology Centre
Crafts Council	
Cranfield University	Preventative Medicines Tech Inc.
Crop Protection Association	Processors & Growers Research Association
Cruikshank & Fairweather	RWS Group
DEFRA	Scottish Executive Justice Dept
Department for Constitutional Affairs	Sentencing and Offences Unit (Home Office)
Department for Culture, Media and Sport	SIBLE University Of Sheffield
DTI (BRCII1)	Simmons & Simmons
DTI (BRCII2)	Society of Motor Manufacturers and Traders
DTI (BRCII5)	Society Of Numismatic Artists & Designers
DTI (BRCII7)	Software Focus Group members
DTI (CCP4)	State Patent Bureau Of The Republic Of Lithuania
DTI (Consumer Goods Unit)	The British Motorcyclists Federation
DTI (EWT)	The British Society Of Plant Breeders

	Limited
EC Laws Committee - LES Britain & Ireland	The Centre of Research for Intellectual Property and Technology (SCRIPT)
Enforcement Focus Group members	UKASTA (Scottish Council)
Eureka Manufacturing Co. Ltd	UKASTA Ltd
Farmers' World Network	UKREP – Foreign and Commonwealth Office
Federation Of The Electronics Industry	University Of Alicante
For Lord Justice May	University Of Cambridge
For the Master of the Rolls	University Of Oxford
For the Vice-Chancellor	University Of Strathclyde
Frank B Dehn	Vereenigde
Freshfields	Visteon Global Technologies

Annex D

**PROPOSED CHANGES TO THE
PATENT OFFICE BUSINESS HOURS
FOR FILING APPLICATIONS, FORMS
AND OTHER DOCUMENTS**

Your response may be made public by the Patent Office. If you do not want all or part of your response or name made public, please state this clearly in the response. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your fax cover sheet will be taken to apply only to information in

your response for which confidentiality has been requested.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential

Reasons why you want us to keep your response confidential

Name

Organisation (if applicable)

Address

If you are responding on behalf of a representative group, please give a summary of the people and organisations that you represent.

Please return completed forms by 6 January 2006 to:

Ben Micklewright
Patents Directorate
Room 3Y56
The Patent Office
Concept House
Cardiff Road
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Fax: +44 (0)1633 814491

Tel: +44 (0)1633 813744

E-mail: benjamin.micklewright@patent.gov.uk

Please tick one box from the list of options that best describes you as a respondent. This enables views to be presented by group type.

<input type="checkbox"/>	Sole applicant or proprietor
<input type="checkbox"/>	Small to Medium Enterprise
<input type="checkbox"/>	Big Business
<input type="checkbox"/>	Trade Union
<input type="checkbox"/>	Interest Group
<input type="checkbox"/>	Representative Organisation
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Central Government
<input type="checkbox"/>	Other (please describe):

Question 1

Please give your views on the main proposal to allow applications, forms and other documents to be filed at the Patent Office at any time and on any day and to be accorded the day they are received as the filing date (paragraphs 22 to 30).

Comments:

Question 2

On a scale of 1 to 5, 5 being the highest level of approval, please grade your overall approval of the proposals.

- Right problems identified
- Range of options wide enough
- Preferred options well chosen

5	4	3	2	1

Comments:

Do you have any other comments that might aid the consultation process as a whole?

Comments:

Thank you for taking the time to let us have your views.

The Patent Office consults interested parties on a range of topics related to intellectual property. As your views are valuable to us, would it be alright if we were to include you in our list of people or organisations we regularly consult?

Yes No

CODE OF PRACTICE ON CONSULTATION

This consultation is being conducted according to the Code of Practice on Written Consultation issued by the Cabinet Office. This recommends the following criteria.

- Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
- Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
- Ensure that your consultation is clear, concise and widely accessible.
- Give feedback regarding the responses received and how the consultation process influenced the policy.
- Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
- Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

CONSULTATION CO-ORDINATOR

If you have any comments or complaints about how this consultation process is being handled, please tell the Patent Office's Consultation Co-ordinator who is:

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Revised: October 05



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