

CHAPTER 2

REQUEST FOR GRANT OF A PATENT (FORM 1)

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Introduction

- 2.01 S.14 of the Patents Act 1977 sets out how an application for a patent should be made. S.15A(2) provides that the Formalities Examiner shall determine whether the application complies with those requirements of the Act and Rules which are designated by the rules as formal for the purposes of the Act. The formal requirements are set out in r.25 and include the requirement in r.12(1) which states that: "*A request for a grant of a patent shall be made on Patents Form 1*". Although it is not necessary to submit F1 with the application for a filing date to be accorded, it will be necessary if the application is to proceed.
- 2.02 The F1 (see Annex 2A) comprises twelve parts:
- Part 1 - Your reference
 - Part 2 – Applicant(s) name(s), address and ADP No.
 - Part 3 - Title of invention
 - Part 4 - Name of agent, address for service and ADP No
 - Part 5 - Priority declaration
 - Part 6 - Divisional etc.
 - Part 7 - Inventorship
 - Part 8 - Application fee
 - Part 9 & 10 - Itemised lists of accompanying documents including any reference to an earlier application
 - Part 11 - Signature and date
 - Part 12 - Contact point for the applicant

Part 1 - Reference Number

- 2.03 Part 1 of the F1 provides an opportunity for the applicant or agent to provide a reference number for the application. Although there is no obligation to provide such a reference, it is in the applicant's interest to do so, since until the application is allocated an application number, there is no reliable way of identifying a particular application.
- 2.04 When a reference is provided, it must be used on all official correspondence relating to the application. If the agent uses a new reference number on subsequent correspondence this should be used on official letters.

Part 2 – Applicant(s) Name(s), Address and ADP Number

Filing issues

2.05 S.15(1)(b) requires that the documents forming an application must identify the person applying for the patent or alternatively contain enough information to allow that person to be contacted. If this information is not provided the application will not receive a filing date and the documents will be retained by Document Reception until such time as a filing date can be awarded. Acceptable contact means include: -

- the name and address of the applicant in part 2 of the F1;
- the name and address or other contact details for an agent or an address for service in part 4 of the F1;
- an e-mail address, telephone number or fax number of a contact point for the applicant recorded in part 12 of F1.

Rules 12(2) and (3) further require that if the applicant's name and address are not supplied at filing that they must be provided within 2 months of the date of notification. Failure to provide these details may lead to the application being refused.

2.06 When an application is filed without the applicant, agent or AFS name and address details but a contact phone number, e-mail address or other contact point is provided then Document Reception will attempt to contact the applicant in order to issue the receipt. If this is not possible they will minute the dossier and forward the dossier on in the usual way but with the filing receipt retained. Index and Scanning will also note that the name and address details are absent and will minute this prominently on the dossier which will then be assigned to the relevant Formalities group (via the PAU) who will then attempt to make contact with the applicant so as to issue the filing receipt and any other correspondence.

2.07 Where the applicant's name and address are not supplied but there is an agent appointed or an address for service provided then the case will be processed in the normal way and assigned to Formalities (or the PAU as appropriate) who will action it as follows :-

a) Where an Application Fee **HAS** been paid the name and address details should be requested in the Preliminary Examination Report which will be sent to the agent or address for service provided. The applicant should be requested to supply his/her name and address in writing within a period of two months. The case should then be diarised for a suitable period to await a response.

b) Where an Application Fee **HAS NOT** been paid, name and address details should be requested as soon as possible using the letter at Annex 2C to the agent or address for service. The applicant should be requested to supply his/her name and address in writing within the two month period allowed. The case should then be diarised for 4 months to await a response.

2.08 When the name and address details are provided an e-mail should be sent to Index and Scanning for the creation of an ADP number if there is not already one in existence. I&S will reply to Formalities and the Formalities Examiner should then add the applicant's name and address details using OPTICS function REC ADD. The F1 should be annotated using the enhancer.

Formalities should then perform the Preliminary Examination if an Application Fee has been paid and it has not already been completed.

2.09 The time period for supplying the applicant's name and address is two months from notification. This may be extended under rule 108(1) but subject to the restrictions of rule 108(5) & (7). See 10.13–16 & 10.37 – 41.

If more than 4 months have elapsed a late response may exceptionally be allowed if the reasons show that the applicant's failure to respond was unintentional.

Where the name and address details for the applicant have been requested as per 2.07 above but no response is received the application should be referred to the Formalities Manager to consider refusal under rule 12(3). A suitably amended FL48 letter may be issued, see 2.63-2.64 below.

Non-filing issues

2.10 S.7 of the Act states that "*Any person may make an application for a patent either alone or jointly with another*". In this case, "*person*" means either an individual or a corporate body but not an unincorporated body. A list of recognised corporate bodies and the type of firms that may apply for a patent in their own name is given in Annex 2B. In addition to the type of firms listed in the Annex consideration should be given to other foreign firms if it is affirmed by the applicant or agent that, under the law of the foreign state in question, such firms can acquire title to property in their own name. Such cases should be referred to the Head of Administration for consideration and advice.

2.11 A partnership is normally unincorporated. However, a Scottish partnership firm is also regarded as a corporate body, though the name of the partnership, entered in this part of the form and any continuation sheet,

should be followed by the names of the personally responsible partners. A limited liability partnership is also a corporate body and can hold property in its own right; it may therefore correctly be described as 'incorporated in the UK'.

- 2.12 Applications may also proceed in the name of a limited partnership organised under the laws of the following US states:

California
Delaware
Michigan
New York
Pennsylvania
Connecticut
Illinois
Missouri
Ohio
Texas
Wyoming

Note:

If an applicant/agent claims that an application by a limited partnership organised in a US state other than one named above should proceed then the matter should be minuted and referred to Litigation Section for advice.

- 2.13 In Canada limited partnerships may be incorporated either federally (i.e. 'in Canada') or provincially. If incorporated provincially, the name of the province (e.g. Quebec, Ontario) should be given as the state of incorporation.

- 2.14 Where the applicant is a partnership (other than a Scottish partnership, a limited liability partnership or a limited partnership organised in the above mentioned US states or Canada) the applicant/agent should be advised that for the application to proceed the name of the partnership will need to be replaced by the names of the individual partners as joint applicants. If, however, the applicant/agent claims that a partnership organised in a state other than one of those listed in 2.12 above should be allowed, the dossier should be minuted and referred to Litigation Section.

- 2.15 The Act prohibits the Comptroller from registering any applicant not capable of owning intellectual property. In general, this ruling applies to applications filed in the name of a "Trust" (s.32(3)). If an application is filed in the name of a Trust, Index & Scanning section will issue a letter (Annex 2E) to the applicant in order to establish that it is capable of holding intellectual property in its own right. NHS Hospital Trusts are corporate bodies and applications from them should not be queried.

If the Trust is not capable of holding intellectual property, the names of not more than four trustees empowered to hold property on behalf of the Trust must be provided. The register will then be amended so that the application proceeds in the name of the nominated trustee(s).

If an application in the name of a Trust is received in Formalities and no letter has been issued the case should be minuted and referred to the manager of the Index and Scanning Unit

- 2.16 The requirement to provide the country and state of incorporation has been removed. The Patents Form 1 no longer requests this information and no objection should be raised if this information is not provided.
- 2.17 Trading styles, for example "*Trading as XYZ Company*" are not required and should not be given. Such information will not be recorded onto OPTICS and will therefore not appear on either the "A" or "B" prints or in the Register. The Formalities Examiner should advise the applicant / agent accordingly.
- 2.18 If the application is made on behalf of a Government department, the applicant should be stated as the Secretary of State or Minister responsible for the department, and not the individual holding such office.
- 2.19 Where the applicant is an individual, the full name should be given in this part of the form. Any additional individual applicants should also be identified in this part of the form and on continuation sheets where appropriate.
- 2.20 The individual's true name should be given though exceptionally a pseudonym may be used if it is well established and is customarily used by the individual for banking and other purposes. The name must be given in full with the surname or family name underlined. See 12.69 to 12.71 for dealing with situations where the applicant may have died. An application may be made by a person aged less than 18 years of age or by his/her parent or guardian.
- 2.21 In all cases the applicant's address should be given in full. This address must be permanent i.e. an address which the office can rely on to communicate with the applicant at all times. When the application is published the applicant's name and address will appear on our website which can be permanently searched using most standard search engines. This has caused difficulties for some applicants who may not want their home address published; therefore a different address where they can be contacted, such as a business address or a PO Box address may be supplied.

- 2.22 Whilst a business address is acceptable, a c/o address is not usually acceptable unless the applicant can provide evidence that it is acceptable as a permanent address, e.g. if it is registered with Companies House as the company's address. Where a c/o address is given, the Formalities Examiner should contact the applicant/agent and ask for evidence (eg from Companies House if a company or in the form of a utility bill or similar in the case of an individual) that the address is a permanent address which the office can depend upon to communicate with the applicant at any given time.. It is in the applicant's best interests to provide the Office with a secure and reliable address.
- 2.23 Since the United Kingdom does not accord diplomatic recognition to Taiwan, the statement "Republic of China" for the address of an applicant located in Taiwan cannot be accepted and should be objected to. A free text entry should be added to the Preliminary Examination report to the effect that Republic of China will be deleted from the Form 1 and will not be referred to in any of our records. The Form 1 should be enhanced to this effect and the Optics record checked to ensure it does not refer to "Taiwan, Republic of China" If the applicant disagrees, he should be advised in response that the onus is on him to ascertain from the Foreign Office what is considered to be an acceptable designation.

Correction of Applicant's Name

- 2.24 Under rule 49 all requests to correct a name must be made on Form 20. This includes alterations to names eg by marriage, deed poll, changes of company name etc. and also corrections under s.117.

All Form 20s will be directed to Register Admin section in the first instance who will forward any s.117 corrections to Formalities to deal with using the message F20 CORRECTION.

If a request to correct a name is received other than on a Form 20 a form should be made up in the office and the applicant/agent should then be advised that any future requests should be made using Form 20.

If the name entered at part 2 of the form was *incorrect* at the time of filing, then a request to correct it to the name that should have been entered on the form should be made on Form 20. Evidence should not be requested as a matter of course but only where a doubt exists as to the accuracy or veracity of the information provided. If there is such a doubt then the applicant must be informed what the doubt is.

- 2.25 All such requests should be referred to the Assistant Head of Administration for processing. The request should be treated as a request

to correct an error in accordance with r.49. If the request is received after grant it should be dealt with by Litigation Section.

Assignment of Application to another Legal Entity

- 2.26 If the name of the applicant entered in part 2 of the form was *correct* at the time of filing but the application has since been assigned to another legal entity, then, if a F7 has not been filed, a request to amend the application should be filed in writing. If, on the other hand, a F7 has been filed, the request should be filed using a F21 and forwarded to Register Admin Section for further action.

Amendment of Applicant's name

- 2.27 If the name entered in part 2 of the form was *correct* at the time of filing but there has since been a change to the applicant's name but not a change in legal entity, then a F20 should be filed and forwarded to Register Admin Section for further action.
- 2.28 Where the applicant is a company, the Form 20 may be accompanied by a Certificate from Companies House. (For the foreign equivalent see the table below) but this should not be routinely requested unless a doubt exists.

COUNTRY	TYPE OF EVIDENCE
USA	State Certificate
Germany	Handelsregister Extract
France & Belgium	Copy of the gazette or Commercial Paper in which the change of name was advertised

- 2.29 Where the applicant is an individual and the name has been changed by deed poll or by marriage, supporting evidence is not routinely required unless some doubt exists as to the accuracy or veracity of what is presented. If evidence is requested the applicant must be informed what the doubt is. Evidence may take the form of a copy of the appropriate certificate, though it is sufficient to give particulars of the gazette or newspaper in which the change has been advertised.

Change of Applicant's Address

- 2.30 If the address of the applicant has been changed then a request to register the change should be made in writing (there is no need to file a form). The request should then be dealt with in accordance with r.49(3).

However, if the request relates to two or more applications the request should be forwarded to Register Admin Section for further action.

- 2.31 When such notification is received, the Formalities Examiner should amend or correct OPTICS as appropriate using REG NAM. There is no need to update the F1 as Optics will contain the correct details. The F1 is only annotated in the TOC “applicants address updated”.
- 2.31a If mail sent to an applicant is returned to the Office by the Royal mail marked as ‘Gone Away’ or ‘Not at this Address’ etc. it may be that the applicant has failed to notify the Office of a change of address. The Formalities Examiner should check the dossier for any unactioned notifications and, if there are none, check any other forms and documents for the applicant’s contact details. A telephone number or e-mail address may be used to make contact with the applicant and establish if their address has changed. The outcome of any attempts made to contact the applicant should be recorded in a minute.
- 2.32 When the Office becomes aware that an applicant has died, the Formalities Examiner should annotate the F1 “deceased” using the enhancer. A register entry should also be inserted below the line to record the fact that the applicant has died. If the rights in the application are subsequently transferred in a will to another legal entity, Register Admin Section will register the transfer in due course. If however the Office is given notice of the appointment of a "personal representative", who effectively acts as the executor or administrator of the deceased applicant's estate, then, provided a probate or Letter of Administration is supplied to confirm the standing of the personal representative, the appointment can be recorded on the register as a below the line entry. The application can then proceed in the name of the personal representative until such time as the application is vested by assent to another legal entity.

If a personal representative has not been appointed by the time the application is in order for grant, the patent should be granted in the name of the deceased. However, if by that time, a personal representative has been appointed but the rights in the application have not been vested by assent to another legal entity the patent should be granted in the name of the personal representative.

Part 3 - Title of Invention

- 2.33 The title of the invention must be given at this part of the form. It is this title that is entered in the register (OPTICS) and in the list of new applications advertised in the Patents Journal. The title should be consistent with that given on the first page of the description. Where it is not, the Patent Examiner should be advised of the discrepancy by a

minute. Where no title has been given to the description, no action is necessary other than advising the Patent Examiner of its omission in a minute (see Chapter 4). A request to correct the title on F1 should be forwarded to the Patent Examiner, if it is allowed the new title should be added to the F1 using the enhancer. Optics should also be updated and a Printer's Instruction added using REC FOO.

- 2.34 Where there is no title given on the F1 but there is a title present in the description, the Formalities Examiner should carry out the following actions:
- a) Contact the agent/applicant, if possible by telephone, and confirm that the title present in the description should be used on the F1 (if they do not wish to use that title see 2.33 above).
 - b) Insert the title in part 1 of F1 using the enhancer.
 - c) If telephone contact was made, prepare and issue a confirmatory telephone report sheet and import a copy into the Dossier.
 - d) A minute should be recorded.
- 2.35 If a title is more than 158 characters in length it will not fit into the field on OPTICS. Index & Scanning will insert as much of the title as possible. If this occurs, the Formalities Examiner should use OPTICS function **REG ENT** and select Option 19 **TRUNCATED TITLE** in order to enter the full title below the line following the words:
- “The Application/Grant title has been truncated by the Office. See below for full title.”
- 2.36 Where there is no title given on either the F1 or in the description, or the agent/applicant did not wish to use the title supplied in the description, or if the title on the F1 is in a foreign language the Formalities Examiner should carry out the following actions:
- a) Contact the agent/applicant, if possible by telephone, and request that they provide a title if there is none, or a title in English if the title is in a foreign language, setting a reply period of **FIFTEEN MONTHS** calculated from the earliest declared priority date, or where there is no claim to priority, the filing date of the application.
 - b) If telephone contact was made, prepare and issue a confirmatory telephone report sheet and import a copy of the report into the dossier.

- c) Set a suitable diary date (making allowance for the Patent Examiner's search and the automatic and retrospective two month extension) to monitor the case.
- d) Record a minute.

Part 4 - Name of Agent, Address for Service and ADP No

Agent

- 2.37 If an agent has been appointed in this part of the form and the applicant contacts the Office direct, he must be advised to communicate with the Office via his agent. If however, the applicant contacts the Office after dispensing with the services of his agent he should be advised to notify the Office of the change in writing. Advice as to the current status of the application should be given as appropriate.
- 2.38 If an agent's name has changed but there has not been a change in legal entity then a request to register the new name should be made on Form 20 and forwarded to Register Admin Section for further action.
- 2.39 Where an applicant changes his agent or appoints an agent for the first time, F51 should be filed by the incoming agent. If it is discovered that a change has occurred without the F51 being filed, the incoming agent must be asked to file a F51 within two weeks. On receipt of the form the Formalities Examiner should enter the new agent's name and address, in part 4 of the F1, together with the ADP number if one is supplied, using the enhancer. A copy of the F51 should be sent to the outgoing agent. A printed slip should be stapled to the copy of the F51 that is sent to the outgoing agent informing them that they are no longer acting in respect to the application and giving them an opportunity to dispute the new authorisation. This is the procedure where the change or appointment is received *before* a F9A is filed.

If we are informed by an agent/AFS that they are no longer acting on an application and we have not been informed of a new AFS it is usual to inform the applicant of this by issuing an amended version of the COA F51 letter telling them that we will use their address as the AFS unless they inform us otherwise and enclosing a copy of the letter /form from the outgoing agent. If there is more than one applicant then we should issue this letter to both or all applicants informing them that we will use the first named applicant (inserting the name of that applicant) as AFS unless they inform us otherwise giving 2 weeks for response and setting a suitable diary entry. They should preferably file a F51 which we should then copy to the other applicant(s) unless it is clearly signed by all applicants.

If a Form 9A has been filed OPTICS should be updated to record the first named applicant as address for service until we are informed otherwise.

- 2.40 When the change or appointment is received *after* a F9A is filed, in addition to the above procedure, the appropriate OPTICS action should be taken.
- 2.41 F51 may be filed to enable an agent to act on a specific procedure, e.g. a request for a certified office copy or an assignment action. In these circumstances there is no change of agent in respect to the application and so the F1 should not be altered. No copies of any documents on any unpublished application may be issued to anyone who is not properly authorised to receive them.
- 2.42 If a F51 is filed containing a schedule of applications to which the change of appointment relates the form should be forwarded to Register Admin for processing.

Address for Service

- 2.43 Every application must include an address for service, which must be in the European Economic Area or the Channel Islands (r.103), in this part of the form. This address will be treated for all purposes as the address of the person making the application or concerned with the proceedings and all communications must be sent to the applicant at or c/o this address.

The European Economic Area consists of:

Austria	Belgium	Bulgaria	Cyprus+
Czech Republic	Denmark	Estonia	Finland
France	Germany	Greece	Hungary
Iceland*	Ireland	Italy	Latvia
Liechtenstein*	Lithuania	Luxembourg	Malta
Netherlands	Norway*	Poland	Portugal
Romania	Slovakia	Slovenia	Spain
Sweden	United Kingdom		

- * These countries are in the EEA but are not members of the EC.
- + Includes both Turkish and Greek administered areas.

Switzerland is NOT a member of the EEA and a Swiss address cannot therefore be accepted as an address for service

2.44 Where the address for service is not in the European Economic Area or the Channel Islands a suitable paragraph requesting compliance with r.103 within 2 months should be added to the first official letter issued.

The letter should also explain that this is a legal requirement under r.103 to avoid giving the impression that we are simply being unhelpful. Any applicant who states they cannot readily supply an acceptable address for service should be advised to consider any relative or friend in the EEA or Channel Islands, or alternatively to contact C.I.P.A. for advice at:

The Chartered Institute of Patent Attorneys
95 Chancery Lane
London
WC2A 1DT
tel: 020 7405 9450
fax: 020 7430 0471
e-mail: mail@cipa.org.uk

If no response is received after the initial 2 months the case should be referred to the Head of Admin who will issue a formal direction under rule 103 warning that failure to supply an address for service in the EEA or the Channel Islands within 2 months will lead to the application being deemed withdrawn under r.104(4)(a). This time period is NOT extendable. Normally no further correspondence (e.g. search or CSE reports) should be sent to the applicant's non EEA address. If search/CSE action is pending the examiner should be advised with a view to setting the case status to ABS until an AFS has been supplied.

2.45 If the office receives correspondence directly from an applicant who has appointed an address for service we should respond to the applicant and copy the reply to the AFS. The applicant should also be reminded that all future correspondence relating to the application should be sent through the AFS.

2.46 If an address for service is changed a request to register the change should be filed in writing (there is no need to file a form) and should be dealt with in accordance with r.103(3). The new address must be entered using the enhancer. This is the procedure to be followed where the change of address for service is received *before* a F9A is filed.

- 2.47 Where the change of address for service is received *after* a F9A is filed, then in addition to the above procedure the necessary OPTICS action should be taken and a suitable entry should be made on a minute.

Private Applicant Cases

- 2.48 If a Private Applicant case is filed where there are two or more named applicants at part 2 of the F1 and no Address for Service has been provided at part 4 of the F1, the Formalities Examiner should address any correspondence to the first named applicant. In these circumstances both applicants must sign the form and any subsequent instructions. Where there are two or more Private Applicants named at part 2 of the F1 and the name of one of the applicants has been entered as the Address for Service at part 4, then that named person may act on behalf of all the applicants. This may include the signing at part 11 of the F1 and the signing of any subsequent letters including any withdrawal letter.

ADP number

- 2.49 The ADP number is the "automatic data processing" number assigned by the Office to individual agents. The number may have been entered in this part of the form by the agent or by Index and Scanning Section section. This allows easier processing in that they do not have to type in the full name and address for each application.

Part 5 - Priority declaration

- 2.50 If the applicant wishes to claim priority from an earlier application under s.5 of the Act, this part of the form should be completed.
- 2.51 If the applicant wishes to claim priority from an earlier application he should normally do so at the time of filing and the country and date of filing of the earlier application should be entered in this section. However, a late claim to priority may be made up to 16 months after the earliest date by filing a F3 – see Chapter 6 for full details.
- 2.52 The file number of the earlier application should be given at filing if known but may be provided within 16 months of the earliest declared priority date.
- 2.53 If the priority date claimed is more than 12 months old then rule 24 may apply. Alternatively a request may have been filed for permission to make a late declaration using Form 3 or in writing on a Divisional application. See Chapter 6 for full details.

If no Form 3 or written request relating to a late declaration of priority is present then the applicant must be notified that the declared priority date is invalid. A period of 2 months is allowed for a corrected valid date to be provided otherwise the priority claim will be disregarded.

Part 6 - Divisionals etc.

- 2.54 When the applicant wishes to claim an earlier date under s.15(9), s.8(3), s.12(6) or s.37(4), this part of F1 should be completed. As well as indicating under which section the claim is made, the number of the earlier application and its filing date must be given. In the case of a claim under s.15(9) (a Divisional application), the claim must be made at the time of filing the application in suit.

Part 7 - Inventorship

- 2.55 The F1 states that inventors must be individuals not companies. If any of the applicants given in part 2 of the form are corporate bodies a F7 is required.
- 2.56 There are two questions in part 7 of the F1. The first asks “Are all the applicants named above also inventors?” If the answer to this question is NO a F7 is required. If the answer is YES a F7 may still be required. The second question asks “Is there any inventor who has not been named as an applicant?” If the answer to this question is YES a F7 will be required.
- 2.57 Where all the applicants in part 2 are individuals and not corporate bodies and the two questions in part 7 of the F1 have been answered YES and NO in that order then a F7 will not be required. In all other circumstances a F7 should be requested. Where a F7 is required this should be requested in the Preliminary Examination Report (see Chapter 7). If part 7 has not been completed the Formalities examiner should contact the applicant to confirm the inventorship details.

Part 8 - Application fee

- 2.58 The Application Fee may be filed when the application is filed. When this occurs the fee will be recorded in the top right corner of the F1 by Finance Section. (If the application is e-filed no fee is present on the form and the official receipt should be checked). The payment of the Application Fee will trigger the Preliminary Examination (see chapter 7). All applications must be checked to see if the Application Fee has been paid.

Part 9 & 10 - Itemised Lists of Accompanying Documents (incl. any reference to an earlier application)

- 2.59 The checklist in this part of the form should be completed to indicate what comprised the application as filed. This information will be checked and initialled by the staff of Document Reception. Any discrepancies will be brought to the attention of the Formalities Examiner in a minute or a file note. Some discrepancies may already have been raised with the agent/applicant by Document Reception. In cases where a reference to an earlier application has been supplied instead of a description see Chapter 4.

Part 11 - Signature and Date

- 2.60 The request for the grant of a patent on F1 must be signed in this part of the form. It must be signed by the applicant, or if there is more than one applicant, by each applicant, or by the authorised agent. Where the F1 has not been signed as appropriate the Formalities Examiner should raise an objection (see Chapter 7). If the F1 has been filed by fax the signature on the fax is acceptable. Where the application has been filed electronically (either online or on CD-R) the application may be signed with a facsimile signature (a representation of a real signature) a text string signature (e.g. /name surname/) or with an enhanced electronic signature e.g.

Subject: An Other, An Agent, User Number

Issuer: European Patent Office, European Patent Office CA.

All of these types of signatures are acceptable.

Part 12 - Contact point for the applicant

- 2.61 This part of the form allows the applicant to enter an e-mail address, or telephone, mobile or fax number through which they can be contacted. In most applications this will just provide a useful contact point by which we can get in touch with the applicant or his/her agent. Where the name and address of the applicant is not given in part 2 of the F1 any details given here may be the only way to contact the applicant until the name and address details have been provided. See 2.05 – 2.09 above.

Applications Filed in a Foreign Language

- 2.62 A patent application may be filed in any language and still be accorded a filing date. However, if the description has been filed in a language other than English or Welsh the applicant must provide an English translation

within two months (see 4.53 - 4.56). This will be requested and monitored by Security Section. If an application has been released from Security but part of the specification is not in English or Welsh the dossier should be referred to the Head of Administration for advice on further action.

Refusal

- 2.63 The filing of a properly completed and signed F1 (r.12(1)) constitutes a formal requirement as defined by r.25.
- 2.64 S.15A(7) provides for the refusal of an application if a formal requirement has not been met. Where the only outstanding formal requirement relates to the F1 and a request to meet that requirement has issued at least once, the Formalities Examiner should issue a suitably revised FL48 (see Annex 2D). An amended FL48 letter should also issue when the name and address of the applicant have not been provided within 2 months of the date of notification (r.12(2)&(3)), see 2.09.



Patents Form 1

Patents Act 1977 (*Rule 12*)

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

Request for grant of a patent

(An explanatory leaflet on how to fill in this form is available from the office)

Application number GB

1 Your reference:
(*optional*)

2 Full name, address and postcode of the applicant
or of each applicant (*underline all surnames*):

**The name(s) and address(es) provided here
will be published as part of the application
process (see warning note below)**

Patents ADP number (*if you know it*):

3 Title of the invention:

4 Name of your agent (*if you have one*):

“Address for service” to which all correspondence
should be sent (*including postcode*). This may be in
the European Economic area or Channel Islands:
(see warning note below)

Patents ADP number (*if you know it*):

5	Priority declaration: Are you claiming priority from one or more earlier-filed patent applications? If so, please give details of the application(s):	Country	Application number (<i>if you know it</i>)	Date of filing (<i>day / month / year</i>)
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6	Divisionals etc: Is this application a divisional application, or being made following resolution of an entitlement dispute about an earlier application? If so, please give the application number and filing date of the earlier application:	Number of earlier UK application	Date of filing (<i>day / month / year</i>)
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7	Inventorship: (Inventors must be individuals not companies)	(Please tick the appropriate boxes)	
	Are all the applicants named above also inventors?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	If yes, are there any other inventors?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

8	Are you paying the application fee with this form?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
---	--	------------------------------	-----------------------------

Patents Form 1

- 9 Accompanying documents:
please enter the number of pages of
each item accompanying this form:

Continuation sheets of this form:

Description:

Claim(s):

Abstract:

Drawing(s):

If you are not filing a description, please
give details of the previous application
you are going to rely upon:

Country

Application number

Date of filing
(day / month / year)

-
- 10 If you are also filing any of the following,
state how many against each item.

Priority documents:

Statement of inventorship and right
to grant of a patent (*Patents Form 7*):

Request for search (*Patents Form 9A*):

Request for substantive examination
(*Patents Form 10*):

Any other documents:(please specify)

-
- 11 I/We request the grant of a patent on the basis of this application.

Signature(s):

Date:

-
- 12 Name, e-mail address, telephone,
fax and/or mobile number, if any,
of a contact point for the applicant:

Warning

After an application for a patent has been filed, the Comptroller will consider whether publication or communication of the invention should be prohibited or restricted under section 22 of the Patents Act 1977. You will be informed if it is necessary to prohibit or restrict your invention in this way. Furthermore, if you are resident in the United Kingdom and your application contains information which relates to military technology, or would be prejudicial to national security or the safety of the public, section 23 of the Patents Act 1977 prohibits you from applying for a patent abroad without first getting written permission from the Office unless an application has been filed at least 6 weeks beforehand in the United Kingdom for a patent for the same invention and either no direction prohibiting publication or communication has been given, or any such direction has been revoked. Until such time or until the revocation of any direction, for any such application the address for service referred to at part 4 above must be in the United Kingdom.

In all other cases, the name of the applicant will be published shortly after filing, together with the title of the invention. Later, when the whole application is published, most information and documents filed in relation to the application will become publicly available. **The name and address of the applicant will be published on our website and may appear in external search engine results.** You should provide a business or PO Box address if you do not want your home address published.

Although you may have an address for service in the Channel Islands, any agent instructed to act for you must reside or have a place of business in the European Economic Area or Isle of Man.

Notes

A leaflet on how to fill in this form is available from the Office. If you would like a copy of the leaflet it is available on our website at <http://www.ipo.gov.uk/fact01.pdf> or alternatively you could telephone 0300 300 2000 or send an email to information@ipo.gov.uk to request a copy.

The following are regarded as corporate bodies:-

British companies limited by guarantee;
Cooperative Societies (Home and Foreign);
Euratom and similar international organisations;
Foreign States;
Limited liability partnerships (LLP) in the UK;
Ministers and other Heads of Government Departments (Home and Foreign);
NHS Hospital Trusts
Trade Associations (on evidence of incorporation);
Universities

The following are examples of foreign companies regarded as corporate bodies by which applications may be made:-

Akciova spolecnost
Aktiebolag, Aktiebolaget
Aktiengesellschaft (A.G.)
Aktieselskab, Aktieselskabet, Aktieselskapet
Arbeitsgemeinschaft
Besloten Vennootschap met beperkte aansprakelijkheid (B.V)
Eingetragene Genossenschaft
Eingetragenen Verein
Gesellschaft mit beschränkter Haftung (G.m.b.H)
Gewerkschaft
Handelsbolag
Handelsvennootschap
Kabushika Kaisha
Kollektivgesellschaft
Kommanditbolag
Kommanditgesellschaft auf Aktien
Naamlooze Vennootschap (N.V.)
Reszveny-tarsasag
Sociedad anonima
Sociedad Limitada
Societa Anonima
Societa per Azioni (S.p.A.)
Societe Anonyme
Societe a responsibilite limitee
Societe en commandite par actions
Societe en commandite simple
Societe en nom collectif
Versicherungsverein auf Gegenseitigkeit.

An application by a German or Austrian "Kommanditgesellschaft", "offene Handelsgesellschaft" or a Swiss "Societe Commandite" may be made in the names of the responsible partners. An application made in the names of one of these bodies is also allowed to proceed, but such a course is at the risk of the applicants should their representations thereafter be found to be false.

A.N. Other
% An agent
Any place
Any town
Any where

**Intellectual Property Office
Patents Directorate**

Concept House
Cardiff Road, Newport
South Wales
NP10 8QQ
United Kingdom

Direct line: 01633 81****
†E-mail: *****@ipo.gov.uk
Switchboard: 01633 814000
Minicom: 08459 222250
Fax: 01633 814444
DX 722540/41 Cleppa Park 3
<http://www.ipo.gov.uk>

Your reference: xxx
Application number: GB *****

Date

Dear Sir(s)

**Patents Act 1977: Patent Rules 2007
Request for further details**

Thank you for your patent application filed on DD/MM/YYYY. It has been given the number GB *****.*. Please quote this number whenever you contact the office.

Please provide us with the following information by the required dates so that your application may proceed:

The applicants' full names and addresses by DD/MM/YYYY.

Please note that there may well be other outstanding formal requirements which will be reported on when you file the application fee and preliminary examination has been performed.

Yours faithfully

Formalities Examiner

September 2011

A. N. Other
% An Agent
Any Street
Any Town
Any Place

Patents Directorate
Concept House
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Switchboard: 01633 814000
Minicom: 08459 222250
Fax: 01633 814444
DX 722540/41 Cleppa Park 3
<http://www.ipo.gov.uk>

Your reference: ABC
Application number: GB ***.***
Date

Dear Sir(s)

Patents Act 1977: Patent Rules 2007
Request for formal drawings

The formal drawings required by DD/MM/YYYY have not been filed.

Your patent application will be refused on DD/MM/YYYY.

However, refusal may be avoided if, **by the above date:**

- i) you file the requested formal drawings with a full explanation of why they were not filed on time; or
- ii) you make observations relating to the above requirement; or
- iii) you request the opportunity to present your case, in person if you choose, to a senior official at the Intellectual Property Office.

If your application is refused, it will not proceed any further and no patent will be granted on it.

Yours faithfully

Formalities Examiner

September 2011

†Use of E-mail: Please note that e-mail should be used for correspondence only.

A.N. Other
% An agent
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Any where

**Intellectual Property Office
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DX 722540/41 Cleppa Park 3
<http://www.ipo.gov.uk>

Your reference: xxx
Application number: GB *****

Date

Dear Sir(s)

Patents Act 1977: Patent Rules 2007

I have to inform you that under Section 32(3) of the Act the Comptroller is prohibited from registering any notice of trusts.

Would you please provide the following information in writing:-

Does the Trust hold property in its own right?

If it does not, can you supply the office with the names of the Trustees or the name of a nominated Trustee?

Please respond to this letter within one month.

Thank you for your help in this case.

Yours faithfully

September 2011