

## CHAPTER 6

### DECLARATION OF PRIORITY

Introduction	6.01 - 6.08
The right to claim priority	6.09 - 6.12
Late claims to Priority under Rule 6(2)	6.13 – 6.16
Late declarations of Priority under s.5(2B) and Rule 7	6.17 – 6.31
Filing & Checking of foreign priority documents	6.32 - 6.47
Priority documents in electronic format	6.48 – 6.48
Applications claiming priority - transfer of documents	6.49 - 6.51
Translation of foreign priority documents	6.52 - 6.58
Withdrawal of a priority claim by amendment	6.59
Deleting or changing a priority claim by correction	6.60 - 6.61
Pre Publication Cancellation of a priority claim	6.62 - 6.63
Post Publication cancellation of a priority claim	6.64 - 6.66

#### Annexes

List of Convention Countries	Annex 6A
LFL	Annex 6B
LFH	Annex 6C
Rule 6(2) request out of time	Annex 6D(i)
Rule 6(2) request allowed	Annex 6D(ii)
LFH(A)	Annex 6E
Register entry wording following	
Post Publication loss of Priority	Annex 6F
Late Declaration of Priority allowed	Annex 6G

## Introduction

- 6.01 An applicant may seek to establish a "priority date" for an application in accordance with s.5 of the Patents Act 1977. He must normally do this at the time of filing under rule 6(1). If the claim to priority is not made at the date of filing it may be made later under rule 6(2) providing all the conditions of that rule are met. See para.6.13-16
- 6.02 The normal period for claiming priority is the period of 12 months immediately following the date of filing of the earlier application (or earliest if there is more than one). Exceptionally permission may be granted for a late declaration of priority to be made under s.5(2B) in which case the time period is 14 months from the filing of the earlier application. See para.6.17-31
- 6.03 Part 6 of F1 should be completed with the relevant information. The country and date of filing should be given at the date of filing and a period of 16 months is allowed for the earlier application number to be provided under r.8(1) otherwise the priority declaration will be disregarded. This period is extendable by a period of two months under the provisions of r.108(2). A further discretionary extension may be allowed under the provisions of r.108(3).
- 6.04 The declared priority may be in respect of one or more patent applications in one or more convention countries, an application under the EPC, an application under the PCT, or an earlier application made in the UK. (A list of Convention Countries is given at Annex 6A)
- 6.05 When carrying out the preliminary examination (see Chapter 7), the Formalities Examiner should check any declaration to ensure it does not exceed the 12 month period prescribed in s.5(2A). The only exceptions to this rule will be when a rule110 certificate is in force at the time of filing of the later application (see Chapter 12) or when a late declaration under s.5(2B) has been allowed.
- 6.06 If a defective declaration is discovered, the case should be referred to the Formalities Manager for action. The applicant should be notified that the priority date is invalid and that he must provide a corrected and valid date within 2 months of the notification otherwise the priority claim will be disregarded.
- 6.07 A priority claim cannot be based upon an earlier 'Design' registration either in the UK or abroad. Any such claim should be rejected. However, the subject matter of a German "gebrauchsmuster" application, or an application for registration of a "Utility Model", or a French "Certificate of

Utility" may be considered a relevant application for the purposes of s.5(2).

- 6.08 A priority claim based upon a US Provisional application should not be objected to by the Formalities Examiner. Any questions with regard to the validity of such a claim to priority should be referred to the Head of Administration.
- 6.08a Divisional applications may, but need not, make a declaration of priority where one was made on the "parent". It is not possible for a Divisional to make a claim to priority which was not made on the parent application (r.8). If a divisional does not make a claim to priority when one is present on the parent the agent should be contacted to establish if this is intentional or an error. (See also Chapter 14.15)

### **The Right to Claim Priority**

- 6.09 In order to make a claim to priority, the new (later) application should have been made in the same name as the applicant of the earlier application, or by his successor in title (s.5(2)). Where the earlier application has more than one applicant then the later application must be made by all the applicants, or their successors in title. It is not sufficient to have one applicant in common (MPP 5.19). To establish this connection, the Formalities Examiner must compare the applicants' names on both cases.
- 6.09a Where there is no apparent connection, the Formalities Examiner should ensure that there is an explanation of the "new" applicant's right to claim priority on the "open" part of the dossier by creating a minute annotated "New Applicant". The applicant should also be informed that the right to claim priority may be open to challenge.
- 6.10 The derivation of right to obtain a patent statement on F7 may sometimes explain how the "new" applicant derives the right. Alternatively the information may be contained in a letter. Where there is no such indication on the dossier, the Formalities Examiner must write to the applicant to obtain the required information.
- 6.11 A special letter has been prepared for this specific purpose and no other letter should be used. This letter is called LFL (see Annex 6B) and requests the applicant to provide an explanation of how they derive the right to claim priority. It also warns the applicant that the Comptroller may call for evidence to substantiate any statement given. The letter is retrievable via PROSE.

- 6.12 When the applicant's response is received, the case should be referred to the Formalities Manager for consideration of the explanation and either the endorsement of the priority claim, or notice if further information is required.

### **Late Claims to Priority under Rule 6(2)**

- 6.13 A claim to priority may be added after an application has been filed provided that the priority date is within the 12 months prior to the filing date of the later application and the request is made in the prescribed manner and within the time limit.
- 6.14 The request must be made on F3 (plus fee currently £40) and the applicant should complete Part 4(ii). The request must be made within 16 months of the **earliest** priority date claimed. There must not be a request for accelerated publication on the case and if such a request has been made it must be withdrawn before the PPC date.
- 6.15 If the above conditions are met then the request will be allowed, there is no requirement for evidence. This also applies to s.89 cases. If the request is filed outside the time limit the letter at Annex 6D(i) should be issued.
- 6.16 On receipt of a F3 (type ii request) the Formalities Examiner should check the status of the application and ensure it is **not** set to 'Formalities Complied With' before referring it to the Formalities Manager for OPTICS action to record the new priority details using **REC LAT**.

The agent/applicant should be notified of allowance using the letter at Annex 6D (ii). Any time periods which have already been calculated should then be amended and a further Preliminary Examination report issued where necessary. A printer's instruction for Standard Footnote 17 should be entered on Optics. The Patent Examiner should also be alerted to the change when necessary by a minute.

### **Late Declarations of Priority under s.5(2B) and Rule 7(2)**

- 6.17 If an applicant wishes to make a declaration of priority but has filed the later application after the normal 12 month period allowed under s.5(2A)(a) he may request permission to make a late declaration under s.5(2B).
- 6.18 Permission will only be granted if the priority date requested is within the period prescribed in s.5(2A)(b) i.e. it is no more than 14 months before the filing date of the later application. The request must be supported by evidence to show why the later application was not filed within the normal 12 month period.

- 6.19 The request must be made on Form 3 (plus fee currently £150) and the applicant should complete Part 4(i) and Part 5. The F3 must be filed within 14 months of the earliest priority date and should be accompanied by supporting evidence. (see 10.30(b))
- 6.20 There must not be a request for accelerated publication on the case and if such a request has been made it must be withdrawn before the PPC date.
- 6.21 Priority must be declared at the same time as making the request on F3. This may either be done at the time of filing of the later application or within the prescribed period.
- 6.22 On receipt of a F3 (type i request) the Formalities Examiner should refer the request and evidence for consideration by the Head of Administration via the Formalities Manager. A preliminary examination may be carried out whilst the late declaration is being considered but importantly should be based on the application's filing date or any substantiated priority date.
- 6.23 If no evidence has been submitted the Formalities Examiner should contact the applicant/agent and instruct them to file evidence within a specified period (usually two months). The applicant/agent should be reminded that if evidence is not filed the request cannot be considered. If consideration of the late priority declaration is likely to take some time then the Formalities Examiner should enquire whether the applicant wishes any pending action (eg the search) to go ahead or to defer it until the issue of the late priority declaration has been resolved.
- 6.24 If the Head of Administration is satisfied that the evidence shows the failure to file the later application within 12 months of the priority date was unintentional then the late declaration will be allowed. The Head of Administration will record the decision and details of the priority claim on OPTICS using **REC LAT**.
- 6.25 The unintentional failure to file the later application in time should be taken to mean the GB application 'in suit' and **not** any other application which the applicant may have intended to file but failed to do in time – eg a PCT or EP application. (see decisions in *Sirna Therapeutics Inc.* BL O/240/05 and *Abaco Machines (Australasia) Pty* BL 0/309/06 and CH/2006/APP/0827 (Appeal)).
- 6.26 However, if the applicant intended to file an international application (PCT) claiming priority but has failed to do so within the 12 month period he may file his international application within 14 months and request that a late declaration be allowed under the PCT Rules (see also 13.73). International Unit will deal with these requests.

- 6.27 Alternatively, he may wait until the international application enters the National Phase and make the request using Form 3 within **1 month** of entry r.66(3)(see 13.74). Formalities will deal with these requests in the same way as for a GB application (6.17 – 24). In these cases the international application must have been filed within 14 months of the priority date.
- 6.28 In the case of a new divisional application where a late declaration request was allowed in respect of the parent then no F3 or evidence is required. A request in writing should be made on the date of filing of the divisional application.
- 6.29 On return of the file the Formalities Examiner should check any time periods which may need to be recalculated and issue an amended Preliminary Examination Report if necessary. If no Preliminary Examination report has been issued then an amended filing receipt should be issued.
- 6.30 The agent/applicant should be notified of allowance of the request using the letter at Annex 6G. A printer's instruction for Standard Footnote 16 should be entered on Optics. The Patent Examiner should also be alerted to the change when necessary by a minute.
- 6.31 If the request for a late declaration of priority is refused and the applicant does not withdraw the application it will continue with the earliest date of the filing date or any valid priority claim.

## **Filing and Checking of Foreign Priority Documents**

- 6.32 A period of 16 months is allowed from the earliest declared priority date for an applicant to supply the office with a certified copy of the foreign application (r.8(2)). For applications filed under s.15(9) (see Chapter 14). If more than one priority is claimed, then all the priority documents must be supplied within the 16 month period.
- 6.33 The period for filing the priority document(s) may be extended under the provisions of r.108(2). A further extension may be allowed under the provisions of r.108(3). When the certified priority document is received, two things should be checked:
- (a) that it has been received within time (see 6.32), and,
  - (b) that the details on F1 match those given on the priority document e.g. the filing date.

- 6.34 If the priority document has not been filed within the correct time then action should be taken in accordance with 6.62 - 6.63.
- 6.35 If any of the priority document/F1 information differs, then the Formalities Examiner should contact the agent to determine where the error lies. Where the error lies in the details given on F1, a request in writing may be required to correct F1 (see 6.60- 6.61). Where the error lies in the priority document, either by it being the wrong document or if the details are incorrect, provided the filing period has not expired, a correct copy should be requested. If the filing period has expired, then the application should be referred to the Head of Administration via the Formalities Manager.
- 6.36 When a priority document has been filed, but is illegible or indistinct to the point of being unreadable, the agent should be contacted and asked to provide a fresh copy within a specified period of 4-6 weeks. If the fresh copy is also illegible and the foreign patent office is unable to provide a more suitable copy, the matter should be brought to the Patent Examiner's attention for him/her to decide on what further action should be taken.
- 6.37 PCT applications proceeding in the national phase have priority documents provided by the International Bureau (see Chapter 13).
- 6.38 Both Belgian and Hungarian priority documents show two numbers which could be taken for the application number. The correct application number on a Belgian priority document is the number which is preceded by a serial number and an oblique stroke, "viz 6/", which can be found on what appears to be the application form, normally the third page. The number shown under BREVET D'INVENTION which is the perforated number shown on each page of the specification is the publication number, not the application number, and if shown on F1, a correction will have to be made. (See 6.60)
- 6.39 The correct application number on a Hungarian priority document is the number given at the top left hand side of the Hungarian certificate. The number which appears lower down in the certificate is a registration number for internal use only and may change in the course of the proceedings.
- 6.40 The correct application number and date of filing on Irish priority documents is contained within an oval stamp to be found on the reverse of each page of the Irish Form No.1.
- 6.41 If the agent advises the office that the priority document is incorrect in some respect, such as wrong details, if the prescribed period has not

expired, he should be informed urgently, by either letter or telephone that a corrected or correct document must be filed within the prescribed period. If, at the time the agent notifies the office, the prescribed period has expired, the matter should be referred to the Head of Administration via the Formalities Manager.

- 6.42 If a page or drawing is missing from the priority document, the agent should be contacted by telephone to establish if the shortcomings were in the foreign application when originally filed. If so, no further action is required.
- 6.43 Where the priority document does not represent the application as originally filed, if the prescribed period has not expired, a fresh priority document, duly certified, should be requested.
- 6.44 If the prescribed period has expired, the application should be referred to the Head of Administration via the Formalities Manager.
- 6.45 Failure to supply a certified copy of the priority document(s) within the period prescribed by r.8(2) as extended by r.108(2), will result in the loss of the relevant priority date and action will need to be taken in accordance with 6.62-6.63 below. A further extension may be allowed under the provisions of r.108(3).
- 6.46 However, where a copy of the priority document is not available through known delays at another patent office or as a result of a natural disaster, it may be possible to accept a document verified other than by the authority with which it was filed. Such applications should be referred to the Head of Administration via the Formalities Manager for consideration.
- 6.47 Where the priority document is in a language other than English or Welsh a translation will only be required where the Patent Examiner directs and in these cases the Patent Examiner will request the translation. See paragraph 6.52 et seq below.
- 16.47a When the priority document is acceptable any signatures appearing on it should be redacted and the OLFJ annotation applied to the clean copy so that the document will appear on IPSUM.

### **Priority Documents in Electronic Format**

- 6.48 Priority documents supplied electronically or obtained at filing via the Priority Document Access Service (PDAS) will be imported into the dossier by Document Capture & E Filing Security Section and appear as a paper filed document. If an applicant indicates (in writing) after filing that a priority application is available via PDAS then a message “PDAS REQ”

should be sent to the PDAS OSF mailbox. On successfully obtaining the priority document from WIPO, it will be imported into the PECS dossier with the code PDASPD0C-OSF. A message will then be sent to the Formalities mailbox.

See also <http://www.ipo.gov.uk/types/patent/p-os/p-apply-online/p-apply-online-pdas.htm>

## **Applications Claiming Priority - Transfer of Document**

- 6.49 When an earlier priority is claimed and a copy of the priority application is kept at the office, a certified copy is not required from the applicant under r.8(4). In such circumstances the Formalities Examiner should use the Assembler to place a copy of the priority application on the later application.
- 6.50 See chapter 14 for the transferring of priority documents on Divisional applications.
- 6.51 When preparing a priority document, it is important to remember the documents must represent only those documents filed on the date of filing. In addition, a copy of every document filed on the date of filing must always remain on the priority application. In this way, a set of documents is always available for COC purposes.

## **Translation of Foreign Priority Document**

- 6.52 Where the certified copy of the priority application is not in English or Welsh, the Patent Examiner may (under r.9) request the applicant to provide a translation or a declaration to the effect that the new application is a complete translation of the priority document.
- 6.53 The Patent Examiner will only request a translation of the priority document where the validity of the priority claimed from the earlier application is relevant in deciding whether or not the invention involves an inventive step. This will not be until the substantive examination stage.
- 6.54 Where the Patent Examiner decides that a translation/declaration is required he will issue a letter advising that a translation/declaration will need to be filed and specifying a period of time within which it must be filed. This will normally be the same as the time given for replying to the examination report.
- 6.55 A declaration may state that the application in suit is a complete translation of the priority document or it may be qualified by a list

indicating any minor differences. The declaration may be signed by the applicant or agent. An example of an acceptable declaration is:

“I, (name, address, position of person making the declaration) declare that UK patent application (number) filed on (date) in the name of (applicant) entitled (title) is a complete translation into English or Welsh of the (language) priority patent application (number) filed on (date) without differences between the (language) language text and the English/Welsh text”.

- 6.56 When the translation/declaration is filed it should be referred to the Patent Examiner. The translation does not need to be verified. If the Patent Examiner has doubts about the accuracy of the translation when it is filed he may request evidence of its accuracy under rule 115.
- 6.57 If the translation/declaration is not filed within the specified time the priority claim will be disregarded. See paragraph 6.64.
- 6.58 If a translation was requested under the Patent Rules which were in force prior to 1<sup>st</sup> January 2005 then the request is still valid and the translation must be filed before the application is granted. If such an application becomes in order for grant and the translation is outstanding the Formalities Examiner should contact the agent/applicant and specify a period of 2 months for it to be filed. Any such specified period will be extendable under r.109.

### **Withdrawal of a Priority Claim by Amendment**

- 6.59 A declaration of priority in an application may be withdrawn at any time before grant. Such a request should be made in writing. If the change is being made by amendment i.e. it was correct at the time of filing but something has changed, then a reason must be given for the change. Very occasionally, an applicant may wish to amend an application by cancelling the declaration of priority in response to an official objection made by the Patent Examiner during substantive examination. This is most likely to occur on Divisional applications and a request should be made in writing.

### **Deleting or Changing a Priority Claim by Correction**

- 6.60 A priority claim can be deleted or corrected after the date of filing upon receipt in writing of such a request provided that it can be shown that the original inclusion or mistake in its details was due to a clerical error or mistake under s.117. However, if only the priority document file number is to be corrected then a request in writing will be sufficient to correct it.

- 6.61 Any such request should be referred to the Assistant Head of Administration via the Formalities Manager for consideration. If a request to correct or delete a claim to priority is allowed, the Assistant Head of Administration will annotate the F1 accordingly and send it to Index and Scanning. Directions will be given as to the necessary OPTICS action.

### **Pre Publication Cancellation of a Priority Claim**

- 6.62 Where a priority claim is to be cancelled through failure to supply the priority document within the prescribed period (see 6.32 above), or is to be withdrawn following a request to amend the application (see 6.59 above), the following action should be taken:

- (a) Refer the application to the Assistant Head of Administration (written request) or the Formalities Manager (failure to supply the priority document) for authorisation of the action and annotation of F1;
- (b) After authorisation, the Formalities Examiner should inform the applicant/agent of the cancellation action through the issue of the standard LFH letter (see Annex 6C);
- (c) The priority document(s) and any relevant translation(s) should not be moved to the closed part of the dossier.
- (d) OPTICS action should be carried out as directed;
- (e) In the case of a written request, complete the Printers Instruction on Optics.
- (f) A minute indicating the new earliest date should be sent to the Patent Examiner. Where more than one claim to priority was made, this would be the next so declared date. Where no other claims to priority were made, this will be the date of filing of the application in suit.

- 6.63 **It should be noted that a change to a declaration of priority before ‘A’ Publication will result in all time periods being recalculated from the new earliest date except those time periods which have already expired.**

## Post Publication Cancellation of a Priority Claim

- 6.64 Where a priority claim is to be cancelled through failure to supply either a translation of the priority document or an appropriate declaration (see 6.57 above), or is to be withdrawn following a request to amend the application (see 6.59 above), the following action should be taken:
- (a) Refer the application to the Assistant Head of Administration (written request) or the Formalities Manager (failure to supply the translation) for authorisation of the action and annotation of F1 etc;
  - (b) When a reply PECS message is sent to the Formalities Examiner, they should inform the applicant/agent of the cancellation action through the issue of the standard LFH(A) letter (see Annex 6E);
  - (c) OPTICS action should be carried out as directed, including deletion of the priority details and a register entry (see Annex 6F for an example of a suitable entry);
  - (d) A minute should be sent to the Patent Examiner indicating that the claim to priority has been lost.
  - (e) Annotate the front cover of the Dossier.
- 6.65 **It should be noted that a change to a declaration of priority after ‘A’ Publication will not result in a change to the time periods for the application.**
- 6.66 The **validity** of the priority claim will be considered by the Patent Examiner only if it affects whether a document can be cited or not. If the Examiner considers that the priority claim is not valid this will make no difference to the declared priority date, and the application will retain the earliest declared priority date for publication and all other purposes. It should not be deleted under these circumstances.

**LIST OF CONVENTION COUNTRIES UNDER THE PATENTS  
(CONVENTION COUNTRIES) ORDER 2007 (SI 276 2007)**

This list includes all Paris Convention countries plus others (in bold) which have not acceded to the Paris convention but from whom the UK accepts priority claims under the above order.

Albania	Djibouti	<i>Democratic</i>	Nigeria	<b>Thailand</b>
Algeria	Dominica	<i>People's</i>	Norway	Togo
Andorra	Dominican	<i>Republic of</i>	Oman	Tonga
<b>Angola</b>	Republic	<b>Kuwait</b>	Pakistan	Trinidad and
Antigua and	Ecuador	Kyrgyzstan	Panama	Tobago
Barbuda	Egypt	Lao People's	Papua New	Tunisia
Argentina	El Salvador	Democratic	Guinea	Turkey
Armenia	Equatorial	Republic	Paraguay	Turkmenistan
Australia	Guinea	Latvia	Peru	Uganda
Austria	Estonia	Lebanon	Philippines	Ukraine
Azerbaijan	<b>Faeroe Islands</b>	Lesotho	Poland	United Arab
Bahamas	<b>Fiji</b>	Liberia	Portugal	Emirates
Bahrain	Finland	Libyan Arab	Qatar	U.S.A.
Bangladesh	France,	Jamahiriya	Romania	<i>including all</i>
Barbados	<i>including all</i>	Liechtenstein	Russian	<i>Territories and</i>
Belarus	<i>Overseas</i>	Lithuania	Federation	<i>Possessions,</i>
Belgium	<i>Departments</i>	Luxembourg	Rwanda	<i>including</i>
Belize	<i>and Territories</i>	<b>Macao</b>	Saint Kitts and	<i>Puerto Rico.</i>
Benin	Gabon	Macedonia,	Nevis	Uruguay
Bhutan	Gambia	<i>the former</i>	Saint Lucia	Uzbekistan
Bolivia	Georgia	<i>Yugoslav</i>	Saint Vincent	Venezuela
Bosnia and	Germany	<i>Republic of</i>	and the	Vietnam
Herzegovina	Ghana	Madagascar	Grenadines	Yemen
Botswana	Greece	Malawi	San Marino	Zambia
Brazil	Grenada	Malaysia	Sao Tome and	Zimbabwe
<b>Brunei</b>	Guatemala	<b>Maldives</b>	Principe	
<b>Darussalam</b>	Guinea	Mali	Saudi Arabia	
Bulgaria	Guinea-Bissau	Malta	Senegal	
Burkina Faso	Guyana	Mauritania	Serbia	
Burundi	Haiti	Mauritius	Seychelles	
Cambodia	Holy See	Mexico	Sierra Leone	
Cameroon	Honduras	Moldova,	Singapore	
Canada	<b>Hong Kong</b>	Republic of	Slovakia	
Central African	Hungary	Monaco	Slovenia	
Republic	Iceland	Mongolia	<b>Solomon</b>	
Chad	India	Montenegro	<b>Islands</b>	
Chile	Indonesia	Morocco	South Africa	
China	Iran, <i>Islamic</i>	Mozambique	Spain	
Colombia	<i>Republic of</i>	<b>Myanmar</b>	Sri Lanka	
Comoros	Iraq	Namibia	Sudan	
Congo	Ireland	Nepal	Suriname	
Congo,	Israel	Netherlands	Swaziland	
<i>Democratic</i>	Italy	<b>Netherlands</b>	Sweden	
<i>Republic of the</i>	Jamaica	<b>Antilles and</b>	Switzerland	
Costa Rica	Japan	<b>Aruba</b>	Syrian Arab	
Côte d'Ivoire	Jordan	New Zealand,	Republic	
Croatia	Kazakhstan	<i>including the</i>	<b>Taiwan</b>	
Cuba	Kenya	<i>Cook Islands,</i>	Tajikistan	
Cyprus	Korea,	<i>Niue &amp; Tokelau</i>	Tanzania,	
Czech Republic	<i>Republic of</i>	Nicaragua	<i>United</i>	
Denmark	Korea,	Niger	<i>Republic of</i>	

A. N. Other  
Any Street  
Any Town  
Any Place  
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

**Patents Act 1977: Patent Rules 2007**  
**Right to claim priority under Section 5(2)**

With your patent application you have made a declaration of priority from application number US \*\*\*/\*\* filed in the USA on DD/MM/YYYY in the name of A. N. Body.

As the earlier application was not filed in your name you must provide a statement by **DD/MM/YYYY** which informs the Office how your right to claim priority was obtained.

The Office might ask you to provide evidence to support your statement if at a later stage there is any question of your right to claim priority.

Yours sincerely

Formalities Examiner

September 2011

---

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

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

**Patents Act 1977: Patent Rules 2007**  
**Loss of declared priority date under Rule 8**

You have not filed a certified copy of application number US\*\*\*/\*\*\* within the prescribed period. As a result, that application has been cancelled from the declaration of priority which accompanied your application.

Cancellation takes effect prior to publication of your application, which will proceed with a filing date of DD/MM/YYYY.

Yours faithfully

Formalities Examiner

September 2011

---

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

**Annex 6D (i)**

A. N. Other  
% An Agent  
Any Street  
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 Sirs

**Patents Act 1977: Patent Rules 2007**

**Request to make a late claim to priority under Rule 6(2)**

Thank you for your request to make a late claim to priority filed on DD/MM/YYYY.

I regret to inform you that your request cannot be allowed as it has not been filed in time.

A request under Rule 6(2) must be filed within 16 months of your earliest priority date - that is by DD/MM/YYYY. Please note that the fee you have paid on Patents Form 3 will be refunded in due course.

Any comments you wish to make about this should be sent to this office by DD/MM/YYYY.

Yours faithfully

Formalities Examiner

September 2011

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

**Annex 6D (ii)**

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

**Patents Act 1977: Patent Rules 2007**  
**Request to make a late claim to priority under Rule 6(2)**

You recently filed a Patents Form 3 to make a late claim to priority.

I am pleased to inform you that your request has been allowed and your application will now proceed with a priority date of DD/MM/YYYY.

The preliminary examination report issued on DD/MM/YYYY will be re-issued to take account of this priority date.

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  
Any Street  
Any Town  
Any Place  
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 Sirs

**Patents Act 1977: Patent Rules 2007  
Loss of declared priority date under Rule 9**

You have not filed a translation of application number JP \*\*\*/\*\*\* within the prescribed period. As a result, that application has been cancelled from the declaration of priority which accompanied your application.

Your application will now proceed but without the declaration of priority.

Yours faithfully

Formalities Examiner

September 2011

**REGISTER ENTRY FOLLOWING POST PUBLICATION LOSS OF PRIORITY**

**“Declaration of priority from application number \*\*\*\*\* filed in \*\*\*\*\* (country) on \*\*/\*\*/\*\*\*\* (date) has been cancelled subsequent to publication of the application in suit”**

**Annex 6G**

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

**Patents Act 1977: Patent Rules 2007**

**Request to make a declaration of priority under Section 5(2B)**

You recently filed a Patents Form 3 to request that a declaration of priority be allowed under Section 5(2B).

I am pleased to inform you that your request has been allowed and your application will now proceed with a priority date of DD/MM/YYYY.

The preliminary examination report issued on DD/MM/YYYY will be re-issued to take account of this priority date.

Yours faithfully

Formalities Examiner

September 2011

---

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