

## CHAPTER 15

# Private Applications

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## Introduction

- 15.01 It has long been the standard practice of the Office to provide additional help to applicants who do not have the support of a patent attorney or an agent. Traditionally, this help was provided as a courtesy by the Office. However, the provisions of the Regulatory Reform (Patents) Order (RRO) 2004 placed a statutory obligation on the Office to notify the applicant as soon as is practicable of what must be filed in order to secure a filing date should the basic filing requirements of s.15(1) not have been met. In addition, where the basic filing requirements have been met there is now an obligation to notify the applicant of the filing date and of any requirements which must be complied with and by when if the application is not to be treated as withdrawn.
- 15.02 All applicants are therefore informed of the application filing date and of any requirements which must be complied with and the periods for doing so if the application is not to be treated as withdrawn. The filing receipt containing this information is issued to the applicant(s) within 5 working days of the office receiving their application
- 15.03 A dedicated Private Applicants Unit (PAU) provides a wider range of assistance and advice to applicants and inventors. In addition the unit filters all applications from private applicants that are fee bearing, with the aim of identifying and informing applicants of any patentability problems that might affect the processing of their application at an early stage. In addition the PAU may provide guidance and assistance to the Information Centre and any other areas of the office in dealing with private applicants.

## Who are Private Applicants?

- 15.04 Applicants applying for patents without using a registered patent attorney/agent are referred to as '*Private Applicants*' (or **P.A.s**). They may be individuals, limited partnerships or companies and can be identified by the label 'PRIVATE APPLICANT' on the dossier cover page.

## Who identifies P.A. applications?

- 15.05 PA cases are initially identified by Index and Scanning section staff using the criteria set out in the table at Annex 15E. Index and Scanning section treat private applicant cases in the same manner as all other cases but record the case as a private applicant type on OPTICS. This information is subsequently displayed when the case is accessed using other OPTICS functions such as the CHA CAS. However, the final decision as to

whether any cases is a PA case or otherwise rests with PAU Examiners, Formalities Examiners and their managers.

### **What is the scope of the help provided?**

15.06 Private applicants often do not have the benefit of professional advice and the Office provides assistance in the form of telephone advice, booklets, fact sheets and jargon-free letters. Formalities must always ensure that the recipient clearly understands any information given by writing letters in '*plain English*' and issuing fact sheets as required. Private applicants are **not** entitled to any rebates of fees and are subject to the same rules and filing dates as agent cases.

### **Representatives for P.A.s**

15.07 Applicants may nominate someone to act on their behalf by completing section 4 of the F1. This could be another individual, a solicitor, or a company secretary. They are not registered "*agents/attorneys*" but if the applicant has expressly authorised them to act for them, that person takes responsibility to sign forms or withdraw the application. Since a forwarding or postal address cannot be considered an *agent*, forms or a request for withdrawal must be signed by the sole applicant or by **all** joint applicants (Annex 15E).

15.08 If an applicant writes to or telephones the Office directly, bypassing their agent, Formalities should avoid any detailed conversations or lengthy correspondence and refer the applicant back to their agent. Correspondence and telephone reports relating to the matter are sent via the agent until their authorisation is revoked.

15.09 Joint applicants in dispute with one another or with separate addresses for service must agree for one 'agent' to prosecute the application. The Office duplicates any correspondence to the other applicants' nominated addresses and at early publication the 'A' print carries a footnote explaining the other address(es). Ownership and authority to act must be decided before grant because only one certificate is issued. If the dispute cannot be resolved, the matter should be referred, via the Head of Administration, to Litigation Section for action. (s.10)

15.10 In case a PA should appoint a registered patent attorney, it should be remembered that the Office does not deal with complaints against registered patent attorneys. Refer all enquiries of this nature to the Chartered Institute of Patent Attorneys (CIPA) in London.

## **Private Applications in Formalities**

- 15.11 Private Applications are treated the same as agent cases in Document Reception and Index and Scanning section. There are two main types of private applications – those for which the application fee has been paid and those for which it has not been paid.

### **Basic filing requirements**

- 15.12 The basic filing requirements which must be met in order for a filing date to be accorded are set out in s.15(1) of the Act. They are:
1. An indication that a patent is sought (usually a F1)
  2. The identity of the applicant or a means of contacting the applicant
  3. Something which appears to be a description (may be hand-written or in any language) **or** a reference to an earlier application (by the same applicant or his predecessor/successor in title) including the number and filing date of the earlier application and the country where it was filed.

### **Cases with only a contact point on the F1**

- 15.13 Where the application is filed with only a means of contacting the applicant (e.g. a telephone, mobile or fax number) but no applicant details or address for service, Document Reception will attempt to contact the applicant to obtain an address so as to send out the filing receipt. If an address is provided they will send the receipt to this address and produce a minute for scanning into the dossier accordingly. If an address is not provided, or the applicant cannot be contacted, the filing receipt will be produced but not sent to the applicant. A minute will be drafted to indicate that the receipt has not been issued. It should be attached to the filing receipt and the application documents for scanning by Index and Scanning Section.
- 15.14 On receipt of such an application Index and Scanning Section will capture as much information as possible on OPTICS and pass the file to the PAU. The PAU will then make further attempts to contact the applicant and/or to obtain his/her details. Failure to provide a name and address within 2 months of the date of any notification to do so may lead to refusal of the application (r.12(3)). A suitable diary entry should be created so that the PAU Examiner can assess the situation at the end of that period.

## **Cases without a description and without a reference to an earlier application: ‘No Cases’**

- 15.15 Occasionally, an applicant may send in a Form 1 without any description and without including a reference on the application form to any earlier GB or foreign patent application. For instance, the title of the invention may be filled in on the Form 1, but without any pages of description, claims or abstract being provided. Alternatively, pages of text may be provided without any technical information (e.g. just a series of numbers). All such dossiers are reviewed by the PAU, who will rely on their experience and knowledge to decide whether the application should be treated as a ‘no case’.
- 15.16 If the PAU Examiner decides that the application is a ‘no case’, a standard ‘no case’ letter (see Annex 15F) should be sent to the applicant, any fees paid should be refunded, a suitable minute should be drafted and imported into the dossier and a message sent to the Business Systems manager, who will arrange for the Optics record to be deleted and secured. The ‘application’ is then deemed never to have been filed.

## **P.A. Applications without Application Fee**

### **P.A. Applications without F9A, Search Fee and Application Fee**

- 15.17 The filing receipt issued to the applicant(s) on receipt of their application informs the applicant(s) of the application’s filing date and of any requirements which must be complied with and the periods within which they are required if the application is not to be treated as withdrawn.

### **Pre - Application Fee Formalities Checks**

- 15.18 Where the applicant has not filed the application fee, PAU Examiners will perform a brief examination of the application as shown below. All such cases will be filtered by the PAU to identify potential ‘no cases’.
- the Patents Form 1 has been completed,
  - the description (however brief) has been filed, or the applicant has made a reference to an earlier valid application on the Form 1 (see Basic Filing requirements)
  - the application includes at least a means of contacting the applicant
  - Index and Scanning Section have date stamped the application with the date of filing.
- 15.19 In addition, if the application claims a priority from an earlier filing and the r.22 period is close to expiry or the period has expired before the application arrived in the PAU, the applicant should be contacted

immediately. If the period has expired they should be instructed seek an extension of time for filing the necessary Patents Forms etc. (r.108 and see Chapter 10). (N.B. extensions of time for filing claims and/or abstract require the filing of a F52 and the relevant fee).

- 15.20 Once initial checks have been made, the OPTICS processing status should be set to "**Awaiting Form 9**" using **REC PRO**. In addition cases are allocated on the last two digits of the application number.

### **P.A. cases with application fee and/or search fee**

#### **PAU Filter of applications with fees**

- 15.21 PA cases are sent to the PAU for consideration from Index and Scanning (new cases) or Formalities Managers when the application and/or search fee has been filed after the application's filing date.

- 15.22 PAU Examiners using their experience and knowledge will carefully considering the merits of each application to ascertain whether the application falls into one or more of the following categories:

- if there appears to be insufficient description. Strong indicators are if the description consists of merely a drawing with text on it or is less than half a page in length,
- if the title or description mentions the words "perpetual motion", "unlimited energy", "free energy" or similar wording,
- if the application is a board game,
- if the application mentions the operation of a computer or describes itself as being "software",
- if the application is for displaying text, pictures or decoration such as greetings cards, books or similar literature,
- if the application seems to be a method for doing business,
- if the amendments or modifications have been filed since the application was first filed or if a private applicant mentions that they are going to file more information shortly.

- 15.23 Where shortcomings are identified the applicant(s) will be informed of the potential shortcomings and given the opportunity to either:

- i) Withdraw their application,
- ii) To re-file their application in order to address the shortcomings,
- iii) Continue with the application in its current format, with the shortcomings being formally address at the substantive examination stage, should the applicant request the substantive examination.

15.24 On complex or borderline cases, PAU Examiners will seek the advice of Patent Examiners in the relevant subject matter areas. The discussion will be imported onto the dossier in the form of a minute. All applications are diarised. On maturity of the diary if no response is received from the applicant(s) the application is forwarded for the preliminary examination and search if the application/search fee has been filed.

15.25 Applications with an application and search fee are allocated by the PAU Examiners; cases identified with shortcomings are recorded on PAFS as ABS/ABCSE and should remain ABS/ABCSE if the applicant decides to continue with the application.

15.26 Applications with no shortcomings are sent to the relevant formalities group for the preliminary examination, all applications with a search fee are allocated.

#### **P.A. Applications with F9A and search fee but without application fee and claims**

15.27 The application fee and the search fee may be paid at any time within 12 months of an application's earliest date or within 2 months from the filing date of a new application claiming priority (whichever period expires later). When Private Applicants file F9A and only the search fee they may not be aware of the need to file the application fee, claims and abstract. Uncertainty as to whether claims and abstract have been filed can sometimes be resolved by checking what the applicant has entered in part 9 on the reverse of F1. Even though the search fee has been paid, the dossier cannot be forwarded to the Patent Examiner until the application fee has been paid and the claims filed. Indeed, the Patent Examiner cannot do a search on an application without claims, so the applicant must be warned of the omission. If the claims are not filed and the application fee has not been paid then the Formalities Examiner should perform an abbreviated formal examination before importing a minute into the dossier and sending a message to the Deputy Director. A full Preliminary Examination is deferred until the application fee has been paid. When the Deputy Director has provided instructions a suitable letter covering all outstanding requirements (including deadlines for filing claims and abstract [if missing]) should be produced using PROSE

15.28 When the letter has been issued the Formalities Examiner should:

- set the OPTICS processing status to "**AWAITING AF1**" using **REC PRO** (Record Processing Status). This action is very important since failure to correct the status will cause it to appear on the Formalities Manager's exception list.

- diary the application for one month prior to the date specified in r.22 by which the claims and abstract should be filed, i.e. 12 months from the earliest declared priority date or 2 months from the filing of the new application whichever is later. Since an extension of time in which to file claims and/or abstract requires filing of a Form 52 and fee, diarising cases to consider the issue of a reminder letter prior to the expiry of the period becomes more important.
- import a copy of the letter into the dossier and enter a note in the PECS action log (action type: Fml Comp; action text: Letter issued).

### **P.A. Applications with the application fee paid**

- 15.29 Under the provisions of the RRO, the full preliminary examination of an application is triggered by payment of the application fee. Once a preliminary examination has been performed the application fee cannot be refunded.

### **Application & search fees paid without Claims**

- 15.30 The application fee and the search fee may be paid at any time within 12 months of an application's earliest date or within 2 months from the filing date of a new application claiming priority (whichever period expires later). When Private Applicants file F9A they may not be aware of the need to file claims and abstract. Uncertainty as to whether claims and abstract have been filed can sometimes be resolved by checking what the applicant has entered in part 9 on the reverse of F1. The Patent Examiner cannot do a search on an application without claims, so the applicant must be warned of the omission. If the claims are not filed but the application and search fees have been paid then the Formalities Examiner should perform a full formal examination. (15.39 -56) If the Formalities Examiner or Formalities Manager finds that the application has not passed through the PAU, then the application should be redirected to the PAU prior to any preliminary examination being initiated.

- 15.31 When the letter has been issued the Formalities Examiner should:

- set the OPTICS processing status to "**READY FOR FORMALITIES**" using **REC PRO** (Record Processing Status). This action is very important since failure to correct the status will cause it to appear on the Formalities Manager's exception list.

- diary the application for one month prior to the date specified in r.22 by which the claims and abstract should be filed, i.e. 12 months from the earliest declared priority date *or* 2 months from the filing date of the new application, whichever is later. Since an extension of time in which to file claims and/or abstract requires filing of a Form 52 and fee, diarising cases to consider the issue of a reminder letter prior to the expiry of the period becomes more important.
- import a copy of the letter into the dossier and enter a note in the PECS action log (action type: Prel Ex Comp; action text: Report issued).

**Application & search fees paid without description (earlier reference provided)**

- 15.32 An applicant may file the application and search fees but may only have referred to an earlier application rather than filing a copy of the description. Such cases should be identified and held within Security Section. Where a copy of the earlier reference is available, a copy of the reference should be imported onto the dossier by Security Section staff. If a copy of the reference is unavailable Security Section staff will issue a suitable letter requesting a copy of the description. (See 4.32 to 4.45).
- 15.33 It is the applicant's responsibility to file a copy of the description to replace the reference. If the applicant subsequently files the description, a further preliminary examination and report detailing any objections to the description may be required.

**F 9A and search and application fees, Claims (and Abstract) filed**

- 15.34 When F9A, the application and search fees, claims and abstract have been filed the Formalities Examiner should perform a full preliminary examination (15.39 -15.56). If the Formalities Examiner/Formalities Manager finds that the application has not passed through the PAU, then the application should be redirected to the PAU prior to any preliminary examination being initiated.

**Preparation for Preliminary Examination of PA cases**

- 15.35 The Formalities Examiner must ensure that the claims and abstract have been filed within the r.22 period. If they are filed after the set date, Formalities must instruct the applicant to file a F52 and the relevant fee within 2 months of the date on which the period expired (see Chapter 10 - Extensions of Time).

- 15.36 If the applicant files any further pages of the description and the Formalities Examiner believes they are meant as a statement of claims, they should be referred to the Heading Examiner for confirmation. The processing status should not be changed until the pages are confirmed as claims. Further additional pages of description or drawings should not be incorporated into the working specification at this stage. If the application continues, these are usually considered by the Patent Examiner at the substantive examination stage.
- 15.37 However, if the Formalities diary date matures and the claims have still not been filed the application is *technically withdrawn*. A suitable minute should be imported into the dossier and a message sent to the Formalities Manager to issue a WR4 letter.
- 15.38 If no response is received to the WR4 letter the search fee only should be refunded since the preliminary examination will have been performed and the application fee spent. If fees are refunded, the corresponding form **must** also be deleted on OPTICS, using **CHA CAS** - option 9 *Forms logged against case*. The OPTICS Processing Status should also be set back to *Awaiting Form 9*. The Formalities Manager should then terminate the application on OPTICS.

### **Preliminary Examination of Private Applications**

- 15.39 Statutory Fees must be paid in full before an application can be examined. If the fees have not been paid in full or the filing date is in doubt, a minute should be imported into the dossier and a message sent to the Cashiers/Document Reception manager to instruct the applicant.
- 15.40 The Form 1 may not be completed correctly. Formalities should pay particular attention to the following sections:
- Sect.2 Applicants will usually give their name(s) and address(es). Foreign names and addresses are easily mistaken. Care should be taken when addressing correspondence. If the surname is not underlined, and is not obvious, the name should be copied as it appears on the F1 and added to the LFEPa report.  
Another common error occurs where an individual's address is also his business and they are recorded as joint applicants: e.g. *Mr John Applicant and J. Applicant & Sons Ltd*. If in doubt, it should be queried in the LFEPa report. In addition, applicants' addresses must be permanent and provide a reliable means of contact.
  - Sect. 4 Every application must have an address for service in the European Economic Area.

- Sect 5 & 6 Applicants are often uncertain of the differing requirements of these sections. Formalities must ensure either request relates to a valid earlier application and that the application was filed within the relevant periods allowed.
- 15.41 On some PA cases an applicant may state in a covering letter that they wish to claim priority but fail to quote the necessary details in part 5 of F1. In such cases the Formalities Examiner should clarify the intentions of the applicant as quickly as possible.
- 15.42 If an applicant claims priority from an application filed more than twelve months ago but not more than 14 months prior to the new application, Formalities must advise the applicant of all the requirements which must be met if such a priority claim is to be considered for allowance (see 6.17 - 31). If an applicant claims a priority date from an application filed more than fourteen months prior to the new application, Formalities must advise the applicant, in writing, that the date is not acceptable and will be deleted. The applicant has two months from such a warning to advise the Office in writing of a valid priority date or lose the priority date. (r.24).
- 15.43 Pages of description. Where pages do not satisfy Schedule 2, the applicant should be given the opportunity to overcome any deficiency. In the event that the applicant does not comply with an initial request (or supplies altered pages) and providing there are no other outstanding requirements, Formalities *may* arrange for the description to be typed in-Office. The description should be re-typed 'as filed' i.e. including any obvious spelling or other errors occurring in the original. Once the typed pages have been prepared, they can be sent to Index and Scanning Section for scanning into the dossier or imported using the Madras Manual Import function. Care should be taken to ensure that these pages and not the original pages are marked in the dossier for publication.
- 15.44 A hand-printed description in block capitals satisfies Schedule 2 but in the spirit of continuity these pages should also be retyped in-Office. Having said this it is dangerous to assume that an apparently well drafted description means that the applicant knows what they are doing - they frequently employ attorneys just to draft the document then proceed themselves.
- 15.45 Text and drawings within the margins may be accidentally obliterated by Document Reception perforating the receipt date into pages and sheets. Formalities staff must take care that for fresh copies (or replacements prepared in-office) that the new pages/sheets are the same as the originals.
- 15.46 The applicant **must** be advised, in a letter (Annex 15C) which includes the re-typed copies, if the description has been retyped and be given a period

of one month to object. If Formalities originally raised an objection, an applicant may have anticipated refusal and must be warned that the objection is to be waived in this manner. When one or more pages are prepared from an unsuitable original, an appropriate footnote for publication should be added in OPTICS using **REC FOO** - Printer's Instruction (P.I.)15.

- 15.47 If the Abstract [r.15] has been filed and the description has not, Formalities may ask the Patent Examiner if the 'as-filed' abstract could be copied and incorporated in place of description. This action should not be undertaken until the Patent Examiner has given their approval.
- 15.48 Drawings (Schedule 2) filed to replace informal copies should be checked to ensure they are exact copies of the originals. If they contain figures not previously filed but would otherwise satisfy Schedule 2, Formalities should prepare copies with the additions blanked-out.
- 15.49 The additional drawings may be considered at the substantive examination stage. If pages of drawings or text have been copied or retyped to improve their quality, the applicant must be informed in case they specifically wished the pages to be treated as informal to prevent the case being automatically published.
- 15.50 Patents Form 9A - Late-filed F9A can occasionally be meant for later applications, claiming a priority from a current application. Applicants are apt to file the form with the earlier number that will then be separated from the new application by Document Reception. Formalities should take care that any forms filed in this manner are included in the correct dossier.
- 15.51 The checklist provided in the PECS dossier should be completed by placing a tick in the box next to any matter which has been complied with.
- 15.52 When the preliminary examination is completed and Formalities are not complied with, the LFEPa should be prepared from PROSE, issued to the applicant and a copy imported into the dossier. (Annex 15A) Like the *agent FLI* letter, it details any formal objections raised. However, the LFEPa invites the private applicant to telephone the Formalities Examiner directly with any questions. This letter should be issued with a copy of any appropriate fact sheets. Further booklets are available from CEU at the applicant's request.
- 15.53 A suitable diary entry for review of the dossier may be created at this stage in case the applicant does not respond to the objections raised in the report. If this is not done at this stage, it will be vitally important to create

a diary entry for any outstanding objections during the check which is carried out after the search report has issued.

- 15.54 When the preliminary examination is complete, the OPTICS processing status must be set to "**READY FOR SEARCH**", using **ADD F1**. The Formalities Examiner keys in:
- The date on which the F9A was filed,
  - "**Y**" if the applicant is also the inventor,
  - If the first (or sole) applicant is **also** the address for service the entry is changed to "**Y**". If not, the "**N**" remains unchanged and the ADP number for the address for service is entered.
  - Key "Action".
- 15.55 If the application fee has been recorded separately on OPTICS under Form AF1, the AF1 must be delogged using REC PRE before the ADD F1 function will be accepted.
- 15.56 A note should be added to the PECS action log that the preliminary examination has been carried out (action type: Prel Ex Comp; action text: Report Issued).

#### **No deficiencies found at Preliminary Examination**

- 15.57 If the Formalities Examiner, having completed the Preliminary Examination, finds that an application has no deficiencies and will not be issuing an LFEPA to the applicant, he/she should prepare and issue the standard 'No Objections' letter (see Annex 15G) and import a copy of the letter into the dossier. A note should be added to the PECS action log that the preliminary examination has been carried out (action type: Prel Ex Comp; action text: No objections). The checklist provided in the PECS dossier should be completed by placing a tick in the box next to any matter which has been complied with.

#### **USE AND CONTENT OF NON-STANDARD AND FREE TEXT LETTERS**

- 15.58 These non standard letters will be issued by PAU Examiners, with potential input from heading examiners to inform applicant(s) of potential shortcomings in their applications. Two common clauses that are used by the PAU Examiners are:

### ***Does your application contain enough information?***

*A patent application cannot be granted unless it describes an invention fully enough and clearly enough for someone else to be able to carry it out. At first sight, your application appears not to do this. If we still think this after giving you application a full examination, which we will do later if you request it, your application will be refused.*

*Patent law does not allow you to add fresh information to your application now that it has been filed. If you decide your application should contain more information about your invention, you cannot just add it. One option you have is to file a new application containing all the information in the present application plus the fresh information you wish to add. Whether or not you decide to file a new application, you should carefully consider whether it is worthwhile continuing with your current application.*

### ***Is your invention new ?***

*A patent may be granted only for an invention which is new, This means that the invention must never have been made public, anywhere in the world before the filing date (or priority date)of the application. Although we have not carried out a full search for relevant documents, you should consider the following document(s) << USER TO ENTER RELEVANT DETAILS HERE>> which seem to show that your invention is not new.*

*If we still think this after giving your application a full examination at a later stage, your application will be refused. You should carefully consider whether it is worthwhile continuing with this application.*

## **Outstanding Formal Requirements**

- 15.59 If a private applicant fails to file the requested documents or information Formalities issues a further reminder letter before deciding to refuse the application. Since there are no longer physical files or stores it is vitally important that suitable diary entries have been created in respect of the objections raised at preliminary examination, either when the LFEPA was issued or when the dossier is checked after the search report has issued. If a diary matures and an objection has not been complied with, a suitable letter must be issued and imported into the dossier. FL48 letters (Annex 15B) are issued when replacement drawings, retyped-pages or omitted

information has not been filed (appropriate patents fact sheets should also be included).

- 15.60 The dossier is diarised for one month to await a response. The applicant must also give the reason(s) why they are being filed late.
- 15.61 If they are filed without a reason, the applicant has not satisfied the formal requirements of the FL48 letter and should be advised again to file a written explanation for the application to continue.
- 15.62 A decision is prepared and issued in the same manner as for an agent case, by referring to the Assistant Head of Administration via the Formalities Manager, for authorisation.
- 15.63 When requesting replacement or outstanding forms, Formalities should enclose a blank form to be completed and returned, i.e. F7 with the WR4 letter and F10 (and fee sheet) with the F10R letter. In the case of unsigned F1, F7, F9A and F10 the replacement form is to be completed entirely and signed by the applicant(s).

### **Change of Address for Service**

- 15.64 When the applicant's address for service changes, Formalities must immediately update the F1 and the OPTICS Register, using the **REG NAM** screen (*Register Name/Address Case Change - see Chapter 2*).
- 15.65 If an applicant tells the Office in writing that they have dispensed with an agent, the Formalities Examiner should contact the agent and inform them as applicants sometimes fail to do this.

## Appendix

### **Table 1**

Documents which might be requested in a LFEPA and PAU non standard letters

<i>Document required</i>	<i>Period allowed</i>
Application Fee	1
F9A and search fee	1
Description to replace a reference to an earlier application	1
Certified copy of an earlier application referred to, together with translation or declaration if required	4
Claims	1
Abstract	1
Patents Form 7	3
Name & address of applicant(s)	2
Address for service in the European Economic Area	2
Certified copy of non-GB priority document	3
Application number of earlier priority application (GB & non-GB)	3

Key to period allowed:

- 1 12 months from earliest date or 2 months from date of filing of new application claiming priority, whichever is later.
- 2 2 months from current date (date of notification)
- 3 16 months from earliest date
- 4 4 months from filing date

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  
Report under Section 15A**

Thank you for your patent application filed on DD/MM/YYYY and for which a priority date of DD/MM/YYYY has been declared. It has been given the number GB \*\*\*\*\*.\*. Please quote this number whenever you contact the office.

A preliminary examination of your application has been carried out. Your application does not meet the requirements of the Patents Rules and a summary of the objections is given in the table below:

Document required	Must be filed no later than
Replacement Drawings	DD/MM/YYYY
Statement of Inventorship (Patents Form 7)	DD/MM/YYYY*

The attached report explains what you need to do to overcome the objections. Please write to me or telephone me on 01633 81\*\*\*\* if you have any questions about the report.

If you decide to continue with your application you must ensure that all the requirements are met by the dates given. Any date marked with an asterisk (\*) can be extended by two months, and you will have to pay an extra fee of £135. Further extensions of time may be possible, but only if the decides there is good reason for it.

September 2011

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

If you do not meet all the requirements set out in my report or make observations on them by the dates given, your application may be terminated.

### **No further disclosure allowed**

You are not allowed to add technical information to your application once it has been filed. You should avoid giving any technical information about your invention, such as a modification, in any letter that you send to the Office. If you do send us additional technical information then there is a risk that you will not be able to obtain patent protection for this new information.

### **Filing abroad**

A granted UK Patent can stop others making, selling or using your invention in the UK, but has no influence on manufacture or sale elsewhere. If you are considering the option of filing patent applications in other countries, please note that the period allowed for making a declaration of priority from this application may have expired on DD/MM/YYYY. For further information about making patent applications in other countries please consult the booklet *Patents: Essential Reading*.

### **Business Advice**

If you are planning to exploit your invention commercially and would like to discuss your plans in confidence with someone in your local area who can provide you with practical help and advice please contact \*\*\*\*\* by phoning \*\*\*\*\* or emailing \*\*\*\*\*@\*\*\*\*, quoting the reference 'PAU'

### **Seeking professional advice**

If you are in any doubt about how best to protect your invention, you should consider seeking professional advice from a patent agent. Most classified telephone directories will include a list of patent agents. You can also obtain a list of patent agents from the Chartered Institute of Patent Attorneys (website: [www.cipa.org.uk](http://www.cipa.org.uk) or telephone: 020 7405 9450).

### **Further information**

The Office has produced two explanatory booklets (*Patents: Essential Reading* and *Patents: Application Guide*) which provide important information about the patent system. If you do not have these booklets already, please contact our Central Enquiry Unit on 08459 500505 to request a copy of these booklets.

Yours sincerely

Formalities Examiner

September 2011

PRELIMINARY EXAMINATION REPORT UNDER SECTION 15A  
APPLICATION NUMBER GB \*\*\*\*\*.\*

**Your application does not meet with the requirements of the Patents Rules in the following matters. Please meet the requirements by the date or dates specified.**

**REPLACEMENT DRAWINGS**

You must file all your drawings with black, well defined lines so that they can be reproduced.

In order to comply with the requirements of the Patents Rules replacement drawings must be filed by DD/MM/YYYY.

**STATEMENT OF INVENTORSHIP (FORM 7)**

You must file a Patents Form 7 by DD/MM/YYYY.\*

**PLEASE NOTE NO FURTHER REMINDERS WILL BE ISSUED**  
End of report

**Annex 15B**

A. N. Other  
Any Street  
Any Town  
Any Place  
Any Where

**UK 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  
Request for formal drawings**

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

Your patent application will be refused unless by DD/MM/YYYY:

- 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 Office.

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

Yours sincerely

Formalities Examiner

September 2011

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Annex 15C

A. N. Other  
Any Street  
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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  
Presentation of description**

The Office has prepared a typed version of your description, as filed, which will be used as the published version of your application. Any previous objections issued regarding the quality of the pages of your application have now been waived.

Enclosed is a copy of the typed application which you should refer to if you intend to file any amended pages at a later date.

Any comments concerning the above action should be made in writing by DD/MM/YYYY.

Yours sincerely

Formalities Examiner

September 2011

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**PATENTS ACT 1977**

APPLICANT

A. N. Other

ISSUE

Refusal of application GB\*\*\*\*\*.\* under  
section 15A(7)

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1. Patent application number GB\*\*\*\*\*.\* was filed on DD/MM/YYYY. On DD/MM/YYYY, a letter under section 15A(1) was issued stating that the application did not comply with the formal requirements of the Act in that the drawings were not in accordance with the requirements of the Patents Rules 2007. A period was specified to make observations or amend the application to comply with these requirements, or the application may be refused.
2. As no reply was received within the period specified, a further letter was issued on DD/MM/YYYY. This letter stated that the application would be refused under section 15A(7) unless, within a period of 14 days, the outstanding requirement was complied with, observations were submitted, or a hearing was requested.
3. As the formal requirements have not been complied with, observations submitted, or a hearing requested, I refuse the application under section 15A(7).

**Appeal**

4. Under the Practice Direction to part 52 of the Civil Procedure Rules, any appeal against this decision must be lodged within 28 days.

Acting for the Comptroller

On this    day of            20

<b>P A C A S E S</b>	Sole applicant	Total Responsibility
	Joint applicants	Duty of care exists between the applicants. Each has the authority to act on behalf of the other(s)
	Postal Address for service only	Little or no responsibility for prosecuting the application
	Individual acting on behalf of the applicant	Agents responsible to the applicant(s)
	Officer of a company (or Secretary)	
	Solicitors	
	Organisations with some patent knowledge/experience (eg Innovation centres)	
<b>N O N  P A</b>	“Tame” Patent Agent	
	Registered Patent Attorney	

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

**Your reference:**

**Our reference:**

Date

Dear

**Patents Act 1977: Patent Rules 2007  
Your application for a patent**

**Title:**

Thank you for your letter dated DD/MM/YYYY which we received on DD/MM/YYYY. Unfortunately, we cannot treat your letter as a patent application because there is no description of your invention.

**Description of your invention**

A patent application must contain at least a small amount of technical description to be given a valid filing date. For a patent to be granted, the application must contain a description that describes the invention in a manner which is clear enough and complete enough for the invention to be performed by a person skilled in the art.

**Filing a valid application**

If you wish to gain protection for your invention you should complete the enclosed Patents Form 1 and send it to us together with at least one page of description.

I have enclosed factsheets 1 to 4 which provide information about the preparation of a description, drawings, claims and an abstract. It is worth reading these factsheets carefully before attempting to prepare your application.

September 2011

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

When your new application is received, we will send you a filing receipt and application number.

### **Further information**

The Office has produced two explanatory booklets (***Patents:Essential Reading*** and ***Patents: Application Guide***) which provide important information about the patent system. If you do not have these booklets already please contact our Central Enquiry Unit on 08459 500505 to request a copy of these booklets.

### **Seeking professional advice**

If you are in any doubt about how best to protect your invention, you should consider seeking professional advice from a patent agent. Most classified telephone directories will include a list of patent agents. You can also obtain a list of patent agents from the Chartered Institute of Patent Attorneys (website: [www.cipa.org.uk](http://www.cipa.org.uk) or telephone: 020 7405 9450).

If you have any questions about any of the information in this letter, please contact me on 01633 81\*\*\*\*.

Yours sincerely

Formalities Examiner

Enclosures: Blank Patent Form 1  
Factsheets 1 - 4

September 2011

### Important information for patent applicants

#### **The content of a patent application**

The effectiveness of a patent application depends on how well it is drafted. You are likely to encounter difficulties at later stages in the application process if your application is not well drafted. If you are in any doubt about whether your patent application is likely to be effective, you should consider consulting a chartered patent agent or patent attorney. A patent application should normally contain the following:

**A full description** - this is a written description of your invention, which usually sets out the background of the invention, explains the particular problem that your invention solves, how your invention is made and/or used, and includes references to any drawings.

**Drawings** - drawings are intended to help a person understand your invention. References to features in the drawings should be included in the description.

**One or more claims** - a claim is a precise legal statement which should clearly define the technical features of the invention that you wish to protect. The wording of your claims is **extremely important** and will determine the effectiveness of your application.

**Abstract** - an abstract is a brief summary of the invention, which may be edited by the Office.

Further information on how to draft a patent application is given in our **Patents: Application Guide** booklet which is available from our Central Enquiry Unit on 08459 500505. The booklet also explains some of the later stages in the application process:

#### **Preliminary Examination**

We can only carry out a preliminary examination of your application if you have filed the application fee, which can be paid at the same time as the search fee using form 9A. The application fee can also be paid before the search fee – please contact me on 01633 81\*\*\*\* for details of how to do this. If a Statement of Inventorship (form 7) is required, you will receive a reminder at the preliminary examination stage.

#### **Search**

We can only process a search request if the application fee and search fee have been paid and your application has at least one claim. You should normally expect to receive the results of the search within 6 months of making your search request.

#### **Publication**

The publication of your application is an important stage in the process, and you will need to decide whether the publication of the technical information in your application is in your best interests.

#### **Substantive Examination**

Substantive examination of your application will be carried out if you file a form 10. You will be sent a copy of form 10 if and when your application is published. If you need a form 10 before then, please contact our Central Enquiry Unit on 08459 500505.

#### **Renewals**

If your application is granted, you will need to pay renewal fees to keep it in force.

#### **Time Limits**

In certain circumstances you may be able to request the extension of a particular time limit, for instance by paying a late fee. If you are having difficulty meeting a particular deadline, please contact me on 01633 81\*\*\*\*.

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

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

**Title: XXXXXXXXXXXX**

Date

Dear

**Patents Act 1977: Patent Rules 2007  
Report under Section 15A**

Thank you for your patent application which has been given the filing date of DD/MM/YYYY. It has been given the number GB \*\*\*\*\*.\*. Please quote this number whenever you contact us about this application.

**Search of your application**

A prior art search of your application will be carried out shortly. You should expect to receive your search results within 4 months of filing the request. Due to the heavy demand for searches in some subject matter areas, the results of the search may be sent to you after this date.

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Yours sincerely

Formalities Examiner