

CHAPTER 26

PREPARATION OF PATENTS AND DESIGNS JOURNAL ENTRIES

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Annex 1 Example of Journal adverts

26 PREPARATION OF PATENTS AND DESIGNS JOURNAL ENTRIES

INTRODUCTION

26.01 Entries for the Journal are compiled by members of Litigation Section. The entries are prepared and saved on the H Drive [Litigation/PDJ Journal]. They are collated and submitted to the Publication Section by e-mail on a weekly basis. The Journal is printed on a weekly basis and entries submitted are for publication three weeks in advance.

LITIGATION SECTION ACTION

26.02 Every Wednesday, all entries on the H drive are checked by one of the A3s for accuracy and are collated in order under the headings relating to the various sections of the Patents Act 1977.

Order of entries

26.03 If there is more than one entry per section, the entries should be placed in the following order:

- 1) GBs, 2) EPs 3) PCTs running from the lowest patent number to the highest within each section.

- 1) initial advert, 2) Notice or full advert 3) final advert.

Heading requirements

26.04 All section headings should be checked against the 'Headnotes' list to ensure that they are in the correct format. Examples of advertisements are included in annex 1. The following in particular should be noted:

- All adverts should be in arial font.
- All section headings and patent application numbers should be in bold type and font size 15.
- The proprietors/applicants name should be in capital letters.
- The title of the patent/application should be shown. (It should be noted that we do not always have the title of section 12 PCT cases but where this is known, it should be entered).
- The outcome (filed/withdrawn/refused, etc) should be included along with the date of the action.
- Where there is an *inter partes* application/reference, the name of the third party should be included.

26.05 Advertisements will be produced as free text entries with the exception of:

- Section 27 initial adverts which are automatically generated via OPTICS
- Section 29 final adverts which are also automatically generated, but which will need to be suppressed because they do not include sufficient details.

Details of amendments filed under S27 and S75 are prepared as a notice for the Journal. The details are also entered on the Summary Listing, located in the S27 and S75 electronic folder.

The amendment under S27 and S75 can be filed in paper format or electronically. This is noted on the Journal notice and on the Summary Listing.

Sending to Publishing Section

- 26.06 When the entries have been collated, they should be checked by another A3.
- 26.07 Once the Journal has been checked and any errors corrected, an electronic version of the Journal should be sent to Publishing Section. The entries will be collated by Publishing Section with entries from other sections of the Office and subsequently sent to the printers

Sending Summary Listing to Webmaster

- 26.08 When the Journal has been collated and checked, the completed summary listing will be e-mailed to Webmaster. If any amendments have been filed electronically, they should be retrieved from the Litigation Amend Site and sent as an attachment to the e-mail. The summary listing will then appear on the Web page on the date the Journal is published. If there are no amendments filed under S27 or S75, an e-mail notifying Webmaster that there are no entries should be sent.

Completion of Journal

- 26.09 Copies of the compiled Journal entries, the e-mail and summary listing sent to Webmaster should be placed in the Journal reference folder. The compiled Journal should then be archived on the H drive in the Journal folder. A new folder for the next Journal is then produced from the Journal template.
- 26.10 The Journal file contains a checklist which should be actioned by the A3 responsible for compiling the Journal.

ANNEX 1

EXAMPLE OF ADVERTS

SECTION OF ACT

SECTION 8 [and 11]

HEADING

Determination before Grant of UK Entitlement

INSERT OPTIONS:

- 1) Reference under Section 8(1)
- 2) Authorisation under Section 8(5) to act following UK Entitlement Reference
- 3) Reference under Section 11(5) concerning a Licence

INSERT OPTIONS:

Reference filed

(Withdrawn/refused/allowed etc)

PATENT NUMBER/APPLICANT

EP XXXXXXXX

INSERT NAME

TITLE OF INVENTION

INSERT APPROPRIATE DETAILS

INITIAL ADVERT ENTRY

Reference under Section
8(1)/(5)/11(5) by, filed on
.....

FINAL ADVERT ENTRY

Reference under Section
8(1)/(5)/11(5) by, filed on
..... (refer to OPTICS entry).

SECTION OF ACT

SECTION 10

HEADING

Request by Joint Applicants for Directions

Request under Section 10

INSERT OPTIONS:

Request filed

(Withdrawn/refused/allowed etc)

PATENT NUMBER/APPLICANT

EP XXXXXXXX

INSERT NAME

TITLE OF INVENTION

INSERT APPROPRIATE DETAILS

INITIAL ADVERT ENTRY

Request under Section 10 by
....., filed on.....

FINAL ADVERT ENTRY

Request under Section 10 by
....., filed on..... (refer to
OPTICS entry).

SECTION OF ACT

SECTION 12

HEADING

Determination of Foreign Entitlement

INSERT OPTIONS:

- 1) Reference under Section 12(1)
- 2) Request by Joint Applicants for Directions under Section 12(4)

INSERT OPTIONS:

(Withdrawn/refused/allowed etc)

- 1) Reference filed
- 2) Request filed

PATENT NUMBER/APPLICANT

EP XXXXXXXX

INSERT NAME

TITLE OF INVENTION

INSERT APPROPRIATE DETAILS

INITIAL ADVERT ENTRY

Reference/Request under Section
12/12(4) by, filed
on.....

FINAL ADVERT ENTRY

Reference/Request under Section
12/12(4) by, filed
on..... (refer to OPTICS entry).

SECTION OF ACT

SECTION 13

HEADING

Mention of Inventor

INSERT OPTIONS:

- 1) Application for Inventor to be mentioned under Section 13(1)
- 2) Application under Section 13(3) for a person not to be mentioned as inventor

INSERT OPTIONS:

(Withdrawn/refused/determined)

Application Filed

PATENT NUMBER/APPLICANT

GB XXXXXXX

INSERT NAME

TITLE OF INVENTION

INSERT APPROPRIATE DETAILS

INITIAL ADVERT ENTRY

Application for a person to be mentioned as inventor under Section 13(1)/13(3) by, filed on.....

FINAL ADVERT ENTRY

Application for a person to be mentioned as inventor under Section 13(1)/13(3) by, filed on..... (refer to OPTICS entry).

Application to amend the specification of a patent (under Section 27 and Section 75)

Section 27

Application Filed

The details of the amendments proposed, which may now be inspected at the Office, will be advertised later (unless the application is abandoned); the application will then be open to opposition. The date included in the entry is the date of filing of the application.

GB/EP Patent Number

PROPRIETOR NAME

Title of the patent and date application filed.

(Publishing – please insert any OPTICS generated Section 27 applications filed or delete this section if none for this entry.)

Application to Amend the Specification of a patent now Open to Opposition

Section 27 amendments and Section 75 before the Comptroller

If you intend to oppose the amendments filed under section 27 before the Comptroller, you must **within two months** of the appearance of the advertisement, file two copies of Patents Form 15/77 giving the comptroller notice of opposition to the amendments. You also need to file two copies of a statement setting out fully the facts of your case and the relief that you are seeking.

Section 75 before the Court

If you intend to oppose the amendments, filed under Section 75 before the court, you must **within 14 days** from the appearance of this advertisement, file and serve on all parties and the comptroller a notice opposing the application. This must include the grounds relied on.

SECTION

SECTION 27

Patent Number

Title of patent

International classification

Name of proprietor

For a copy of these amendments, phone Litigation Section (01633 814376).

* These amendments may be viewed on our website. (Delete as applicable)

Section

75 before the Comptroller

Patent Number

Title of patent

International classification

Name of proprietor

For a copy of these amendments, phone Litigation Section (01633 814376).

Section

75 before the Court

Patent Court Action Number

Title of patent

International classification

Name of patent proprietor

Patent proprietor's address for service

For a copy of these amendments, phone Litigation Section (01633 814376).

Application(s) determined

Section 27: Specification amended

The date included in the entry is the effective date of the amendment.

GB/EP Patent Number **PROPRIETOR NAME**

Title of patent and date amendment allowed.

Section 27: Application to amend withdrawn/not proceeded with/refused

GB/EP Patent Number **PROPRIETOR NAME**

Title of patent

Application to amend under section 27 filed on.....withdrawn/not proceeded with/refused on.....

Section 75 before the Comptroller: Specification amended

GB/EP Patent Number **PROPRIETOR NAME**

Title of patent

Specification amended under section 75 filed on.....allowed by decision dated.....

Section 75 before the Comptroller: Application to amend withdrawn/refused

GB/EP Patent Number **PROPRIETOR NAME**

Title of the patent

Application to amend under section 75 filed on.....withdrawn/not proceeded with/refused on.....

Section 75 before the Court: Specification amended

GB/EP Patent Number **PROPRIETOR NAME**

Patent title

Specification amended under Section 75 filed on.....allowed by Court Order dated.....

Section 75 before the Court: Application dismissed

GB/EP Patent Number **PROPRIETOR NAME**

Title of patent

Application to amend under section 75 filed on.....dismissed by Court Order dated.....

Section 75 before the Court: Patent Revoked

GB/EP Patent Number **PROPRIETOR NAME**

Title of patent

Application to amend under Section 75 filed on.....patent revoked by Court Order dated.....

SECTION OF ACT **SECTION 29**

HEADING **Surrender of Patent**

OPTION FOR OFFER TO **Offer to surrender**
SURRENDER ADVERT

Any person may give notice of opposition to the surrender of the undermentioned patent(s) by filing Patents Form No. 15/77 within two months from the date of publication of this Journal.

OPTION SURRENDER **Offer to surrender accepted by the Comptroller**
ACCEPTED

The effective date of surrender of the patent is the date of this Journal.

PATENT NUMBER/APPLICANT **GB XXXXX** **INSERT NAME**

TITLE OF INVENTION **INSERT APPROPRIATE DETAILS**

ENTRY **Application filed on.....**

SECTION OF ACT

SECTION 37 [AND 38]

HEADING

Reference after Grant concerning UK Entitlement

INSERT OPTIONS:

- 1) Reference under Section 37(1)**
- 2) Reference under Section 38(5) concerning a Licence**

INSERT OPTIONS:

Reference filed

(Withdrawn/refused/allowed etc)

PATENT NUMBER/APPLICANT

EP XXXXXXXX

INSERT NAME

TITLE OF INVENTION

INSERT APPROPRIATE DETAILS

INITIAL ADVERT ENTRY

Reference under Section 37/38(5)
by, filed on.....

FINAL ADVERT ENTRY

Reference under Section 37/38(5)
by....., filed on..... (refer
to OPTICS entry).

SECTION OF ACT

SECTION 40

HEADING

Application by Employee for Compensation

INSERT OPTIONS:

Application filed

(Withdrawn/refused/allowed etc)

PATENT NUMBER/APPLICANT

EP XXXXXXXX

INSERT NAME

TITLE OF INVENTION

INSERT APPROPRIATE DETAILS

INITIAL ADVERT ENTRY

Application filed under Section 40 by
....., filed on.....

FINAL ADVERT ENTRY

Application filed under Section 40 by
....., filed on..... (refer to
OPTICS entry).

SECTION OF ACT

SECTION 46

OPTION FOR 46(1)

Licences of Right

INSERT OPTIONS (Withdrawn/refused/allowed)	Application filed	
OPTION FOR 46(3)	Application under Section 46(3) to settle Terms of a Licence of Right	
INSERT OPTIONS (Settled by decision/refused by decision/withdrawn)	Application filed	
PATENT NUMBER/APPLICANT	EP XXXXXXXX	INSERT NAME
TITLE OF INVENTION	INSERT APPROPRIATE DETAILS	
INITIAL ADVERT ENTRY	Application filed under Section 46(1)/(3) on.....	
FINAL ADVERT ENTRY	Application filed under Section 46(1)/(3) filed on..... (refer to OPTICS entry)	
SECTION OF ACT	SECTION 47	
HEADING	Cancellation of Entry on the Register of a Licence of Right	
OPTION INITIAL ADVERT 47(1)	Application under Section 47(1) by a Proprietor to cancel an Entry	
	Any person may give notice of opposition to the undermentioned Application by filing Patents Form 15/77 within two months from the date of publication of this Journal	
OPTION INITIAL ADVERT 47(3)	Application under Section 47(3) by a Third Party to cancel an Entry	
OPTION FOR FINAL ADVERT	Cancellation of Entry	
	Notice is hereby given that the entry on the Register "Licences of Right" upon the undermentioned patent was cancelled on.....	

**INSERT OPTIONS
(refused)**

Application withdrawn

**PATENT NUMBER/APPLICANT
TITLE OF INVENTION**

EP XXXXXXXX

**INSERT NAME
INSERT APPROPRIATE DETAILS**

INITIAL ADVERT ENTRY

Cancellation of Entry on the Register of a Licence of Right filed on.....

**FINAL ADVERT ENTRY IF
CANCELLATION NOT ALLOWED**

Cancellation of Entry on the Register of a Licence of Right filed on..... (refer to OPTICS entry)

SECTION OF ACT

SECTION 48

HEADING

Application concerning Compulsory Licences etc

**INSERT OPTIONS:
(Withdrawn/refused/allowed)**

Application filed

OPTION FOR OPPOSITION ADVERT

Application now open to Opposition

Application has been made by.....for an order for a licence to be granted to them [him/her] in respect of the undermentioned patent. Any person may give notice of opposition to the Application by filing Patents Form No. 15/77 within two months from the date of publication of this Journal.

PATENT NUMBER/APPLICANT

EP XXXXXXXX

INSERT NAME

TITLE OF INVENTION

INSERT APPROPRIATE DETAILS

INITIAL ADVERT ENTRY

Application filed under Section 48 by, filed on.....

FINAL ADVERT ENTRY

Application filed under Section 48 by, filed on..... (refer to OPTICS entry).

SECTION OF ACT

SECTION 71

HEADING

Application for a Declaration of Non-infringement

INSERT OPTIONS:

- 1) Application filed**
- 2) Case decided by the Comptroller**

Application granted/withdrawn

PATENT NUMBER/APPLICANT

EP XXXXXXXX

INSERT NAME

TITLE OF INVENTION

INSERT APPROPRIATE DETAILS

INITIAL ADVERT ENTRY

Application filed under Section 71 by
....., filed on.....

FINAL ADVERT ENTRY

Application filed under Section 71 by
....., filed on..... (refer to
OPTICS entry).

SECTION OF ACT

SECTION 72

HEADING

Application for Revocation

**OPTION REVOCATION BEFORE
COMPTROLLER**

Case decided by the Comptroller

- 1) Patent revoked**
- 2) Application refused [;no Order for Revocation made]**
- 3) Application withdrawn [;no Order for Revocation made]**

**OPTION REVOCATION BEFORE
THE COURT**

Case decided by the Court

Patents Court/Patents County Court (*deleted as appropriate*)

PATENT NUMBER/APPLICANT

EP XXXXXXXX

INSERT NAME

TITLE OF INVENTION

INSERT APPROPRIATE DETAILS

INITIAL ADVERT ENTRY

Application filed under Section 72 by
....., filed on.....

FINAL ADVERT ENTRY

Application filed under Section 72 by
....., filed on..... (refer to
OPTICS entry).

FINAL ADVERT FOR COURT ORDER

Refer to OPTICS entry

SECTION OF ACT

SECTION 73

HEADING

Revocation on the Comptroller's Initiative

INSERT OPTIONS:

- 1) Specification amended under Section 73(1)/73(2)**
- 2) Revocation under Section 73(1)/73(2) not proceeded with**
- 3) Patent revoked under Section 73(1)/73(2)**

PATENT NUMBER/APPLICANT

EP XXXXXXXX

INSERT NAME

TITLE OF INVENTION

INSERT APPROPRIATE DETAILS

FINAL ADVERT ENTRY OPTIONS:

- 1) Specification amended under Section 73(1)/73(2) on.....**
- 2) Revocation under Section 73(1)/73(2) not proceeded with from.....**
- 3) Patent revoked under Section 73(1)/73(2) on.....**

SECTION OF ACT

SECTION 117

HEADING

Correction of Errors in Patents and Applications

OPTION FOR INITIAL ADVERT

Request made for Correction of Error

In the event that the Comptroller requires notice of the proposed correction to be advertised in accordance with Rule 91(3) then details of the proposed correction will be advertised later.

OPTION FOR OPPOSITION ADVERT Request now open to Opposition

Any person may give notice of opposition to (any of) the undermentioned request(s) by filing Patents Form No. 15/77 within two months from the date of publication of this Journal. If no notice of opposition is received, the correction will be allowed by the Comptroller in the present advertised form.

NB. The paging referred to is that of the printed specification.

OPTION FOR OPPOSITION FILED Opposition filed

INSERT OPTIONS FOR FINAL ADVERT 1) Case decided by the Comptroller

Correction allowed

The date included in the entry is the effective date of the correction

2) Request withdrawn

3) Correction refused

PATENT NUMBER/APPLICANT EPXXXXXX INSERT NAME

TITLE OF INVENTION INSERT APPROPRIATE DETAILS

INITIAL ADVERT ENTRY Request for correction under Section 117 filed on.....

FULL ADVERT ENTRY (INVITING OPPOSITION) INSERT APPROPRIATE CORRECTIONS

OPPOSITION FILED ADVERT ENTRY Opposition under Section 117 byfiled on

FINAL ADVERT ENTRY INSERT OPTIONS Request for correction under Section 117 filed on allowed on.....