

## CHAPTER 26

### PREPARATION OF PATENTS AND DESIGNS JOURNAL ENTRIES

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## **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 entries are submitted 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- The outcome (filed/withdrawn/refused, etc) should be included along with the date of the action.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 claimant party should be included.

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

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

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 entries have been checked and any errors corrected, the 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.

#### Sending Summary Listing to Webmaster

26.08 When the entries in the Journal have been collated and checked, the completed summary listing will be e-mailed to Webmaster by the A3. 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

<b>SECTION OF ACT</b>	<b>SECTION 8 [and 11]</b>	
<b>HEADING</b>	<b>Determination before Grant of UK Entitlement</b>	
<b>INSERT OPTIONS:</b>	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	
<b>INSERT OPTIONS:</b> (Withdrawn/refused/allowed etc)	Reference filed	
<b>PATENT NUMBER/APPLICANT</b>	<b>EP XXXXXXXX</b>	<b>INSERT NAME</b>
<b>TITLE OF INVENTION</b>	<b>INSERT APPROPRIATE DETAILS</b>	
<b>INITIAL ADVERT ENTRY</b>	Reference under Section 8(1)/(5)/11(5) by ....., filed on .....	
<b>FINAL ADVERT ENTRY</b>	Reference under Section 8(1)/(5)/11(5) by ....., filed on ..... (refer to OPTICS entry).	

.....

<b>SECTION OF ACT</b>	<b>SECTION 10</b>	
<b>HEADING</b>	<b>Request by Joint Applicants for Directions</b>	
	<b>Request under Section 10</b>	
<b>INSERT OPTIONS:</b> (Withdrawn/refused/allowed etc)	Request filed	
<b>PATENT NUMBER/APPLICANT</b>	<b>EP XXXXXXXX</b>	<b>INSERT NAME</b>

**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 rule 10(2)
- 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 Rule 10(2)/not to be mentioned as an inventor under Section13(3) by ....., filed on .....

**FINAL ADVERT ENTRY**

Application for a person to be mentioned as inventor under Rule 10(2)/not to be mentioned as an inventor under Section13(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.

**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 four weeks** of the appearance of the advertisement under section 27 or **within two weeks** under section 75, file two copies of Patents Form 15 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  
SURRENDER ADVERT                              Offer to surrender**

Any person may give notice of opposition to the surrender of the undermentioned patent(s) by filing Patents Form 15 within four weeks 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 within four weeks 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**

**Application withdrawn**

**(refused)**

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 within four weeks 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).

.....

<b>SECTION OF ACT</b>	<b>SECTION 71</b>
<b>HEADING</b>	<b>Application for a Declaration of Non-infringement</b>
<b>INSERT OPTIONS:</b>	<b>1) Application filed</b> <b>2) Case decided by the Comptroller</b>
	<b>Application granted/withdrawn</b>

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).

.....

<b>SECTION OF ACT</b>	<b>SECTION 72</b>
<b>HEADING</b>	<b>Application for Revocation</b>
<b>OPTION REVOCATION BEFORE</b>	<b>Case decided by the Comptroller</b>

**COMPTRROLLER**

- 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/APPLICANTEP 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 75(1) 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 15 within four weeks 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 by  
..... filed on .....

FINAL ADVERT ENTRY  
INSERT OPTIONS

Request for correction under Section  
117 filed on ..... allowed on .....

.....