Directions under section 123(2A) of the Patents Act 1977

Patents Form 1

1. The comptroller has made these Directions under section 123(2A) of the Patents Act 1977.

2. These Directions set out some changes to the forms whose use is required by rules.

3. These Directions come into force on 1 April 2014.

4 The following Patents Forms as set out in the Schedule to these Directions are the forms the use of which is required by the Patents Rules 2007 (SI 2007/3291):

- **Patents Form SP1** (Application for grant of a supplementary protection certificate)

- **Patents Form SP3** (Application for declaration of lapse or validity, or to revoke an extension of the duration of a supplementary protection certificate)

5. Patents Forms SP1 and SP3 as so set out, replace the corresponding forms in the Schedule to the Directions made on 5 December 2007 (which came into force on 17 December 2007). The Directions made on 5 December 2007 are, to that extent, revoked.

John Alty
Comptroller-General of Patents, Designs and Trade Marks

13 February 2014

For background and additional information refer to guidance and notes on the Directions.

Guidance and notes on the Directions given under section 123(2A)

Patents Forms SP1 and SP3

(a) These notes are not part of the Directions. They are intended to provide background and additional information.

(b) The Interpretation Act 1978 applies to these Directions. Therefore, all the definitions set out in that Act apply to these Directions. Further, amongst other things, generally any words importing the masculine gender include the feminine and words in the singular include the plural and words in the plural include the singular.

(c) Section 123(2A) of the Patents Act allows the comptroller to give directions specifying any forms the use of which is required by the Patents Rules.

(d) Patent Form SP1 has been amended in line with the decision in BL O/418/13 (Genzyme Corporation). The form now requests the date of notification and copy of the Official Journal of the European Union be provided when the earliest authorisation is a European Marketing Authorisation granted through the centralised system under Regulation (EC) No 726/2004.

(e) Patent Forms SP1 and SP3 have also both been amended to refer to the codified Council Regulation concerning the supplementary protection certificates for medicinal products ((EC) No 469/2009).

(e) All of the UK patents forms (and information about associated fees) are available on our website.

(f) Any queries about these Directions should be addressed to Patents Legal Section:

Intellectual Property Office
Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ
United Kingdom
Tel: +44 (0)1633 813822

Intellectual Property Office

Patents Form SP1
Patents Act 1977 *(Rules 116(1))*

Application for grant of a Supplementary Protection Certificate
(See the notes on the back of this form. You can also get an explanatory booklet from the Office to help you fill in this form)

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

1. Your reference

2. Certificate application number
(The Office will fill in this part)

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

ADP number *(if you know it)*

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

"Address for service" in the European Economic Area or Channel Islands to which all correspondence should be sent *(including the postcode) (see note (d))*

ADP number *(if you know it)*

5. Are you applying for a certificate under
(a) the EC Regulation for medicinal products (No. 469/2009)?
(b) the EC Regulation for plant protection products (No. 1610/96)?
(Answer by writing (a) or (b))

6. What is the product that you want to protect?

(Identify the active ingredient(s) or active substance(s). If possible use chemical or generic names)

7 Number, title and expiry date of the basic patent (GB or EP(UK)). If the patent was granted after the date of authorisation at 8 below, give the patent grant date also.

Number

Title

(The expiry date is the day before the 20th anniversary of the filing date)

Expiry Date *(day/month/year)*

Grant Date *(day/month/year)*

8. Number and date of the first authorisation to place the product on the market in the UK *(Articles 3 and 8(1)(b) of the EC Regulations see note (f) below)*	Number	Date *(day/month/year)*
9. Where the authorisation at 8 is not the first authorisation to place the product in the market in the Community, give the information requested about the first such authorisation *(Article 8(1)(c) of the EC Regulations; see also note (e) below)*	State and Number Identity of the product authorized Legal provision under which the authorisation took place	Date *(day/month/year)*
10. If you are filing any of the following documents, state which *(Answer by writing (a) - (f) as appropriate)* (a) Copy of a UK authorisation at 8 above *(Article 8(1)(b) of the EC Regulations)* (b) Notice publishing authorisation at 9 above *(Article 8(1)(c) of the EC Regulations)* (c) Verified translation of (b) if not in English (d) Information showing that the product is protected by the basic patent (e) excerpt from the OJEU showing the notification date of a centralised authorisation granted under Regulation (EC) No 726/2004 (see note (f) below) (f) Other *(please specify)*		
11. I/We request the grant of a certificate on the basis of this application.	Signature	Date
12. Name, e-mail address, telephone, fax and/or mobile number, if any, of a contact point for the applicant		

Reminder

Documents relating to an application for a certificate will normally be open to public inspection. If you want us to keep copies of any documents such as marketing authorisations (or parts of them) confidential, you must ask for this when filing or sending the document. You must give reasons for your request.

Notes

a) If you need help to fill in this form or you have any questions, please contact the Office on 0300 300 2000.

b) Write your answers in capital letters using black ink or you may type them.

c) If there is not enough space for all the relevant details on any part of this form, please continue on a separate sheet of paper and write "see continuation sheet" in the relevant part(s). Any continuation sheet should be attached to this form.

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

e) In some cases, an authorisation in a state which is not an EU Member State, but is a party to the European Economic Area Agreement, may constitute the first authorisation in the Community. Please refer to the Office's explanatory booklet Supplementary Protection Certificates Guide For Applicants for further information. This explains the effect of a first authorisation in Switzerland in relation to Liechtenstein.

f) In cases where the earliest marketing authorisation is a European Marketing Authorisation granted through the centralised system under Regulation (EC) No 726/2004, the date of the first authorisation in the Community is the date of notification to the applicant of the grant of this authorisation, because this is the date that such an authorisation takes effect (for further information please refer to the Office's explanatory booklet Supplementary Protection Certificates Guide For Applicants)

g) Once you have filled in the form remember to sign and date it.

h) For details of the fee and ways to pay please contact the Office.

Intellectual Property Office

Patents Form SP3
Patents Act 1977 *(Rule 76(3))*

Application for declaration of lapse or invalidity, or to revoke an extension of the duration of a supplementary protection certificate
(See the notes on the back of this form)

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

1. Your reference:

2. Certificate number:

3. Full name of the or of each certificate holder

4. Your full name, address and postcode

   ADP number *(If you know it)*

5. Is this application for:
   (a) A declaration of lapse under Article 14(d) of the EC Regulation for medicinal products (No. 469/2009)?
   (b) A declaration of invalidity under Article 15 of the EC Regulation for medicinal products (No. 469/2009)?
   (c) Revocation of an extension of the duration of a supplementary protection certificate under Article 15a of the EC Regulation for medicinal products (No. 469/2009)?
   (d) A declaration of lapse under Article 14(d) of the EC Regulation for plant protection products (No. 1610/96)?
   (e) A declaration of invalidity under Article 15 of the EC Regulation for plant protection products (No. 1610/96)?
   (answer by writing (a), (b), (c), (d) or (e))

6. Name of your agent *(If you have one)*

   "Address for service" (including postcode) in the European Economic Area or Channel Islands to which all correspondence should be sent. (see note f)

   ADP number *(If you know it)*

7. Signature Date

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

Notes

a) *If you need help to fill in this form or you have any questions, please contact the Office on 0300 300 2000*

b) *Write your answers in capital letters using black ink or you may type them.*

c) *If there is not enough space for all the relevant details on any part of this form, please continue on a separate sheet of paper and write "see continuation sheet" in the relevant part(s) of the form. Any continuation sheets should be attached to this form.*

d) *You must file this form in duplicate.*

e) *You must also file two copies of a statement in which you should set out*

- *the facts and grounds which you rely on*
- *what you want the Office to decide*

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

g) *Once you have filled in the form remember to sign and date it.*

h) *For details of the fee and ways to pay, please contact the Office.*

Patents Practice Change

Practice change: Ceasing to issue Patents Form 10 reminder letter

We have changed our practice so that, as of 1 July 2014, if you have not requested substantive examination (by filing Patents Form 10) we will no longer send you any reminders. More information on this change in practice can be found at www.ipo.gov.uk/p-pn-form10.

How to request substantive examination

You may request and pay for substantive examination online by using our web filing service at www.ipo.gov.uk/p-apply-online-sfdchecklist.

Alternatively Patents Form 10 may be downloaded at www.ipo.gov.uk/p-formsfees.

More information on requesting substantive examination can be found on our website at www.ipo.gov.uk/p-subexam.

The British Library - Recent Additions to the Library

The following transcripts of High Court Decisions have been received at the British Library.

Plaintiff(s) & Defendants(s)	Date Of Hearing	SRIS code No.
Jack Wills Ltd -and- House of Fraser		C/172/13
(1) British Sky Broadcasting Group Plc (2) British Sky Broadcasting Ltd (3) Sky Subscribers Services Ltd -and- (1) Christopher John Duarte (trading as Crispin Inn) (2) Elizabeth Mary Polding (trading as Eccleston Arms) (3) Gloria J. Allen (trading as Lettered Board) (4) Royston Paul Kift (trading as Plough and Harrow Inn)		C/010/14
HTC Corporation -and- Nokia Corporation		C/011/14
Smith & Nephew Plc -and- Convatec Technologies Inc. And (1) T.J.Smith & Nephew Ltd (2) Smith & Nephew Medical Ltd	17 January 2014	C/012/14
(1) Elsworth Ethanol Company Limited (2) Neil Bookless -and- (1) Brian Selby Hartley (2) Namdar Baghaei-Yazdi (3) Muhammad Javed (4) Bioconversion Technologies Limited (5) Ensus Limited	18 and 19 December 2013	C/013/14

Andrew Cooke -and- Watermist Limited	23 January 2014	C/014/14
Jack Wills Limited -and- House of Fraser (Stores) Limited	20-21 January 2014	C/015/14
(1) Zee Entertainment Enterprises Limited (a company incorated under the laws of india) (2) Asia TV Limited (3) Zee Multimedia Worldwide (Mauritius) Limited -and- Zeebox Limited		C/016/14
Hospira UK Limited -and- Genentech, Inc.		C/017/14