

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.
Nicocigs Limited -and- Fontem Holdings 1 BV -and- Fontem Ventures BV	11-13, 16, 18-19 May 2016	C/072/16
Fujifilm Kyowa Kirin Biologics Company Limited -and- (1) Abbvie Biotechnology Limited (2) Abbvie Limited	21-22 July 2016	C/073/16
Koninklijke Philips NV -and- (1) Asustek Computer Incorporated (2) Asustek (UK) Limited (3) Asus Technology Pte Limited (4) HTC Corporation (5) HTC Europe Co Limited	27-28 July 2016	C/074/16

Directions under section 124A of the Patents Act 1977 varying the Directions given on 5 December 2007 entitled 'Filing Patent Applications by Electronic Means' (ref. PD/EFD/9)

[Ref. PD/EFD/19]

1. The comptroller has given the following directions under section 124A of the Patents Act 1977.
2. These directions come into force on 1 October 2016.
3. These directions vary the directions given on 5 December 2007 entitled; Filing Patent Applications by Electronic Means; ('the 2007 directions').
4. The 2007 directions shall be varied as follows:

(a) in paragraph 22, after the words 'copy of an amendment under the Patent Cooperation Treaty', insert

'voluntary amendments'

(b) in paragraph 23, after the words 'copy of an amendment under the Patent Cooperation Treaty', also insert

'voluntary amendments'

Sean Dennehey
Acting Comptroller-General of Patents, Designs and Trade Marks

1 October 2016

Directions under section 124A of the Patents Act 1977

[Ref. PD/EFD/9]

Filing Patent Applications by Electronic Means (as varied by PD/EFD/19 on 01 October 2016)

Introduction

1. The comptroller has given the following Directions under section 124A of the Patents Act 1977 ("the Act") to direct the form and manner in which patent applications and other documents may be delivered to him in electronic form or using electronic communications.
2. These Directions and any others made under s.124A set out the extent to which such documents may be delivered to the comptroller in electronic form or using electronic communications.
3. These Directions come into force on 17 December 2007.
4. The Directions given on 16 March 2007 are revoked.

Interpretation

5. In these Directions:

"appropriate hardware" means either:

- (a) a smart card reader and a smart card supplied by the Office; or
- (b) a smart card reader and smart card supplied by any other person and which are acceptable to the Office;

"appropriate software" means version 3.20 or above of the UK epoline® software;

"description of the invention" means the description required under section 14(2)(b) of the Act

"digital media" means

- (i) a compact optical disk containing electronic data conforming to ISO 9660;
- (ii) a digital versatile disk (DVD) containing electronic data conforming to ISO 9660 or ISO 13346; or
- (iii) a 3.5" floppy disk;

"electronic application" means:

- (a) an application for a patent under the Act; or
- (b) in relation to an international application for a patent (UK), a request to enter the national phase;

processed using the appropriate software and appropriate hardware or delivered via the web interface;

“the Office” means the Patent Office or, where appropriate, the comptroller;

“online”, in relation to a document being delivered, refers to a document that has been transmitted from one device to another by means of an electronic communications network (within the meaning of section 32 of the Communications Act 2003);

“original format”, in relation to a document, means a document in the file format in which it was originally created before it was converted into a PDF file;

“priority application” has the meaning given by rule 2(1) of the Rules;

“smart-card application” means an electronic application processed using the appropriate software and appropriate hardware;

“the Rules” means the Patents Rules 2007;

“user” means a person using the appropriate software and appropriate hardware, or the web interface, to deliver an electronic application;

“web application” means an electronic application delivered via the web interface;

“web interface” means the Office’s dedicated web page for filing patent applications.

6. In these Directions, “Patents Form” shall be construed as a reference to a document containing the information required by the relevant Patents Form as set out in directions under section 123(2A) of the Act.
7. In these Directions, “delivered” and related expressions, means delivered to the Office and for the purposes of the Act and the Rules a document shall be treated as filed at the time it was delivered.

Delivery of smart-card applications

8. A smart-card application may be delivered either online or on digital media, except that no smart-card application may be submitted by a person who has not registered with the Office.
9. A smart-card application may only be sent from a computer that uses a version of Microsoft Windows® supported by the Office.

Online filing

10. An electronic application can be sent online at any time, except between 01.00 and 02.30 hours UK time.
11. A user may only deliver a web application if he also submits his email address.
12. A user may only deliver a smart-card application online if he has:
 - (a) an account with the Office;
 - (b) registered with the Office; and
 - (c) registered for PKI certification.
13. A smart-card application delivered online shall be submitted using the appropriate software.
14. A smart-card application shall be sent online to the electronic address (URL address) provided to the user for that purpose by the Office.

Filing a smart-card application using digital media

15. A smart-card application delivered on digital media must be accompanied by a paper document identifying:
 - (a) that the digital media contains an application for a patent;
 - (b) the person applying for a patent or contain information sufficient to enable that person to be contacted by the Office;
 - (c) a list of the Patents Forms and documents making up the application (or which can be delivered at the same time as the application (as listed in paragraph 21, 22 or 23)) which are stored on the digital media.

Formal requirements

16. Where an electronic application includes a description of the invention, rule 12(4) of the Rules shall apply to the extent that the description shall be preceded by the title of the invention.
17. The following provisions of the Rules shall apply to electronic applications and shall be formal requirements: Schedule 2 Part 1 paragraph 3, Schedule 2 Part 2 paragraphs 4-7, 9 and 10 and Schedule 2 Part 3 paragraphs 11, 12 and 14-20.

Illegible or incomplete documents and infected files

18. Where part or all of a document delivered under these Directions is illegible or incomplete, the whole document shall be treated as not complying with these Directions.

19. Where a document delivered under these Directions is reported as having a virus (or other malicious software) by the Office's virus checking software, the document shall be treated as not complying with these Directions.
20. Where a document is treated as not complying with these Directions under paragraph 18 or 19, provided the user can be identified, he shall be notified of this fact by the Office.

Other documents

21. In relation to an application for a patent under the Act, the following documents may be delivered at the same time as the electronic application:

- Patents Form 3
- Patents Form 7
- Patents Form 9A
- Patents Form 10
- Patents Form 23
- copy of a priority application where that application was filed with the United States Patent and Trademark Office
- translations of priority applications
- evidence to support a request for a late declaration of priority made on Patents Form 3
- covering letter;

and if it is a smart-card application the following document may also be delivered, using the appropriate software, at the same time as the application:

- Patents Form 8A.

22. In relation to a request for an application for an international patent (UK) to enter the national phase, the following documents may be delivered at the same time as a smart-card application:

- Patents Form 3
- Patents Form 7
- Patents Form 9A
- Patents Form 10
- Patents Form 52
- translation of the international application
- translation of information relating to the deposit of a micro-organism
- translation of amendment under the Patent Cooperation Treaty
- translations of priority applications
- copy of the application under the Patent Cooperation Treaty
- copy of an amendment under the Patent Cooperation Treaty
- voluntary amendments
- evidence to support a request for a late declaration of priority made on Patents Form 3

evidence to support a request for a further extension made on Patents Form 52 covering letter.

23. In relation to a request for an application for an international patent (UK) to enter the national phase, the following documents may be delivered via the web interface at the same time as a web application:

Patents Form 3
Patents Form 7
Patents Form 9A
Patents Form 10
Patents Form 52
translation of the international application
translation of information relating to the deposit of a micro-organism
translation of amendment under the Patent Cooperation Treaty
translations of priority applications
copy of the application under the Patent Cooperation Treaty
copy of an amendment under the Patent Cooperation Treaty
voluntary amendments
evidence to support a request for a late declaration of priority made on Patents Form 3
evidence to support a request for a further extension made on Patents Form 52 covering letter;

Delivery of documents in their original format

24. The user may deliver documents related to a smart-card application in their original format. These documents shall be submitted using the appropriate software at the same time as the smart-card application.
25. The documents mentioned in paragraph 24 shall not be part of the application. They shall only be used in the subsequent processing of the smart-card application for verification of its contents at the time it was delivered.

Signatures

26. Where a document requiring a signature is delivered online or on digital media, it shall only be treated as signed where the signature takes the form of a facsimile signature, a text string signature or an enhanced electronic signature.

27. In paragraph 26:

“facsimile signature” means a TIFF or JPEG image of the signatory’s signature;

“text string signature” means a string of characters, preceded and followed by a forward slash (/), selected by the signatory to provide evidence of his identity and of his intent to sign the document in question;

“enhanced electronic signature” means a signature created using an electronic PKI-based certificate recognised by the Office.

Acknowledgment and time of delivery

28. Where an electronic application has been delivered online an acknowledgement (“the receipt”) will be issued to the user electronically.
29. Where no receipt is issued in accordance with paragraph 28, the electronic application will be treated as not complying with these Directions.
30. The receipt will specify:
 - (a) the date and time of delivery at the Office;
 - (b) the application number allocated to the electronic application; and
 - (c) a list of the Patents Forms and documents delivered at the same time as the electronic application.
31. The receipt for an electronic application delivered on digital media will include the information referred to in paragraph 30, but will be sent to the user by post.

Payment of fees

- 32 Where a Patents Form or other document is required by the Patents (Fees) Rules 2007 to be accompanied by a fee, that Patents Form or document shall be treated as not complying with these Directions until the fee has been paid.
- 33 Where such a form is filed with a web application, the fee shall be paid via the web interface at the time of making the application.
- 34 Fees payable with a web application may be paid using a deposit account held with the Office or by credit-card or debit-card.
- 35 Fees may be paid on a smart-card application from a deposit account held with the Office or by a credit-card or debit-card registered with the Office for that purpose.

Ian Fletcher
Comptroller-General of Patents, Designs and Trade Marks

December 2007

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

Patents Forms 14, 20, 21 and 51

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 October 2016.
4. The following Patents Forms as set out in the Schedule to these Directions are the forms which are required by the Patents Rules 2007 (SI 2007/3291), as amended:

Patents Form 14 (Request to reinstate a patent application)

Patents Form 20 (Request to correct or update a name or address held by us)

Patents Form 21 (Application to record a change of ownership or give notice of rights acquired in a patent or patent application)

Patents Form 51 (Appointment or change of agent)

5. Patents Forms 14 and 51, as so set out, replace the corresponding forms in the Schedule to the Directions made on 05 December 2007 (which came into force on 17 December 2007). The Directions made on 05 December 2007 are, to that extent, revoked.
6. Patents Form 20, as so set out, replaces the corresponding form in the Schedule to the Directions made on 18 April 2008 (which came into force on 1 May 2008). The directions made on 18 April 2008 are, to that extent, revoked.
7. Patents Form 21, as so set out, replaces the corresponding form in the Schedule to the Directions made on 30 March 2009 (which came into force on 06 April 2009). The directions made on 30 March 2009 are, to that extent, revoked.

SEAN DENNEHEY

Acting Comptroller-General of Patents, Designs and Trade Marks

1 October 2016

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

Patents Forms 14, 20, 21 and 51

(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 the Patents 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) Patents Form 14, Patents Form 20, Patents Form 21 and Patents Form 51 have been revised as set out below.

Patents Form 14 (Request to reinstate a patent application)

(e) Part 4 of the form has been revised to make it clearer to applicants what their accompanying evidence needs to contain.

Patents Form 20 (Request to correct or update a name or address held by us)

(f) Patents Form 20 has been revised to reflect that the form may also be used to update a name or address held by the Office following a change in circumstances such as a house move or change of name. Tick boxes have been added to Part 4 of the form so the applicant can inform the Office whether they are requesting an update following a change in circumstances or a correction of an error.

Patents Form 21 (Application to record a change of ownership or give notice of rights acquired in a patent or patent application)

(g) Patents Form 21 has been revised to allow the appointment of a new agent where the form is filed in relation to a transfer of ownership. A fuller declaration in relation to the payment of stamp duty when the patent or application has been transferred has been included on the form. Tick boxes have been added to identify more clearly who is requesting the change to the Patents Register.

Patents Form 51 (Appointment or change of agent)

(h) The notes on the reverse of Patents Form 51 have been revised to reflect that agents need no longer file a duplicate copy of the form.

(i) All of the UK [Patents Forms](#) (and information about associated fees) are available from our website.

(j) 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 814332



Patents Form 14
Patents Act 1977 (*Rule 32*)

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

Request to reinstate a patent application
(*See the notes on the back of this form*)

1. Your reference

2. Patent application number

3. Full name of the applicant or of
each applicant

Patents ADP number
(*if you know it*)

4. The patent application was terminated because
you failed to meet a legal requirement by the
given deadline.

Why did you fail to meet this requirement?
(*Continue on a separate sheet if necessary*)
(*See note c*)

5 I/We request the above application be reinstated

Signature

Date

6. 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) *You should provide supporting evidence with this form. If you do not, the Office will set a deadline for submitting the evidence.*
- d) *Once you have filled in this form remember to sign and date it.*
- e) *For details of the fee and ways to pay, please contact the Office.*



Patents Form 20

Patents Act 1977 (*Rule 49*)

Request to correct or update a name or address held by us

(*See the notes on the back of this form*)

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

1 Your reference

2 Patent application or patent number(s)

(*see notes (d) & (e)*)

3 Full name and address of the or of each patent applicant or proprietor

(*as currently on the register or application(s)*)

Patents ADP number (*if you know it*)

4 Tick the appropriate box. I wish to:

i) Correct an error in a name or address; or

ii) Update a name or address
(*see note (c)*)

5 Name and/or address to be corrected or updated

(i.e. as it currently looks in our records)

Patents ADP number (*if you know it*)

6 Corrected or new name and/or address

(i.e. as you want it to look)

Patents ADP number (*if you know it*)

7 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 postcode*) (*see note (g)*)

Patents ADP number (*if you know it*)

9 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) *You can use this form to request:*
- (i) A correction under s.117 of an error in a name or address (such as a typographical error); or*
 - (ii) An update to a name or address (such as a change in the applicant's name or when the applicant has moved addresses).*
- You can correct or update a name and/or address held in the register, or as found in any document filed at the Office.*
- You should use a separate form for each category if you are making more than one request.*
- d) *You may use this form for more than one application or patent if the same request is involved.*
- e) *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.*
- f) *Once you have filled in this form remember to sign and date it.*
- g) *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.*



Patents Form 51

Patents Act 1977 (*Rule 101*)

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

Appointment or change of agent

(*See the notes on the back of this form*)

1 Your reference

2 Patent application or patent number(s)
(*see note(d)*)

3 Full name, address and postcode of the or of
each person who you are authorised to act for

Patents ADP number (*if you know it*)

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

Patents ADP number (*if you know it*)

5 Have you been authorised to act in all matters
relating to the above application(s) or patent(s)?

If 'no' please give details of the extent of your
appointment

6 I/We declare that I/we have been appointed by the
person(s) named in part 3 above to act as agent as
stated in part 5 above

Signature

Date

7 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) *This form is for use only where a person who is already involved in proceedings before the Comptroller appoints an agent for the first time or appoints a new agent in place of another.*
- d) *The form may be used for more than one application or patent if the same authorisation has been given. In this situation, if there is not enough room for all the details at part 2 write "see attached list" and give the details on a separate sheet of paper.*
- e) *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.*
- f) *This form must be completed by the newly appointed agent.*
- g) *Once you have filled in the form remember to sign and date it.*



Patents Form 21

Patents Act 1977 (*Rule 47*)

Application to record a change of ownership or give notice of rights
acquired in a patent or patent application

(*See the notes on the back of this form*)

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

1 Your reference:

2 Patent application or patent number(s)
(*see notes (c) & (f)*)

3 Full name and address of the patent owner(s)
or applicant(s) (currently recorded on
the register)

Patents ADP number (*if you know it*)

4 Full name and address of the new patent owner(s) or
applicant(s), or of each person who is acquiring the
rights in the patent or application

Patents ADP number (if you know it)

5 Details of the transaction, instrument or event.

Please provide the following:

Name of the new owner(s) of the patent(s) or patent
application(s), or the new holder(s) of the rights acquired.

Date of transfer of ownership or other rights
(*see note (d)*)

6 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 (*see note (g)*)
(*including postcode*)

Patents ADP number (*if you know it*)

FOR TRANSFERS OF OWNERSHIP ONLY

7 Agent or address for service

Do you wish our records to show the above agent or address for service as being authorised to act in ALL matters concerning the patent(s) or application(s) in the future?

 YES

Our records will show the details given in part 6 as the agent or address for service and we will use this for all future correspondence.

 NO

We will use the address given in part 4 as the address for service to which all correspondence will be sent unless you notify us of a new agent or address for service.

FOR TRANSFERS OF OWNERSHIP ONLY

8 Stamp duty declaration

Please confirm that any necessary stamp duty has been paid, or that it is not payable with reference to the underlying documentation transferring the rights which relate to this application. We may ask you for further evidence to support your declaration before we record the change of ownership. (Tick applicable box)

*"IP" means intellectual property and includes patents, trade marks, designs and copyright.

Note: If you need advice on stamp duty visit Her Majesty's Revenue and Customs (HMRC) website at <http://www.hmrc.gov.uk/sd/index.htm> or call their helpline 0845 6030135

 No stamp duty is payable.

The most common reason for this will be that the transfer was made:

- (i) In respect of IP* only, or IP and related goodwill only, and
- (ii) on or after 28 March 2000.

 Stamp duty has been paid in respect of the transfer documentation to HMRC.

Stamp duty may be payable to HMRC if the transfer was made in respect of:

- IP* only and prior to 28 March 2000
- IP* and related goodwill only, and prior to 28 March 2000
- IP* and unrelated goodwill only, prior to 23 April 2002
- IP* and other transferable property, at any time

9 Authorisation to change the register

Note: if this form is not signed by the old owner or their agent (in the case of a transfer of ownership), or signed by the current owner (for all other acquired rights), then supporting documentary evidence must be provided.

Signature(s) and date**Name(s) (block capitals)****Interest in patent(s)**

Please tick the applicable box to confirm your interest in the patent(s)

Transfers of ownership

- Old owner Old owner's recorded agent
- New owner New owner's agent

Licences or mortgages

- Current owner Current owner's recorded agent
- Licensee or grantee (security holder)
- Agent for the licensee or grantee (security holder)
- Other (please specify)

10 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) *You may use this form for more than one application or patent if the same transaction, instrument or event is involved. If you need more space, please attach a continuation sheet.*
- d) *Section 33 (3) of the Patents Act 1977 specifies the relevant transactions, instruments and events (which include assignments, licences and mortgages). You can also use this form to request that the comptroller enters in the Register an equitable interest in a patent or application (e.g. an agreement to assign)*
- e) *Part 9 should be signed and dated. Documentary evidence sufficient to establish the transaction should accompany this form if:*
- *in the case of an assignment, it is **not** signed by or on behalf of the parties assigning the rights, or*
 - *in the case of a mortgage or the grant of a licence or security, it is **not** signed by or on behalf of the mortgagor or grantor of the licence or security.*

Original documents are not required – photocopies are sufficient. Any documents provided will be scanned and stored in our electronic file management systems, and we will destroy the paper copies in due course.

- f) *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.*
- g) *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. You can appoint an agent or address for service by filing a Patents Form 51 or a letter giving the appropriate details.*
- h) *For details of the fee and ways to pay, please contact the Office.*