



Patent Factsheets: Accelerated Processing

The normal way of obtaining a patent is set out in Patent Facts: filling in form 1. However, it is possible to speed up certain steps in this process.

This factsheet may be of help if you decide that you require accelerated processing at any stage.

ACCELERATED PROCESSING: PROS AND CONS

Type	Your Action	Advantages	Disadvantages
Early search	File fee and form 9A before 12 months	Early indication of previous publications. Can help you decide whether to withdraw/ proceed/file abroad.	Have to draft one or more claims – see Patent Factsheet: Claims.
Combined search and examination	File forms 9A and 10 and fees at the same time	Early indication of objections to be overcome for grant of patent. Can be used to show potential financial backer what likely rights will exist.	You must pay for both search and examination at the same time. You have to opt for substantive examination without the benefit of seeing the search report. Citable patent applications filed earlier than yours may not have yet been published.
Accelerated search	File form 9A and fee and written request with adequate reason	Not usually necessary since search is normally carried out within six months of request.	As early search.
Accelerated publication	Request for publication earlier than normal 18 months	Gives early indication to the public of the monopoly sought. Can assist in interesting manufacturers/licensees.	Details of invention are available to competitors. Examination fee, due within 6 months of publication, must be paid earlier.
Accelerated substantive examination	File form 10 and fee and written request with adequate reason	Can result in earlier grant of patent.	You may not be able to process equivalent foreign applications at the same time.
Early reply to examination report(s)	Offer response to your examination report before the due date	Can result in earlier grant of patent.	As accelerated substantive examination.

SEE OVERLEAF FOR SUPPLEMENTARY NOTES ON THE ABOVE

SUPPLEMENTARY NOTES ON ACCELERATED PROCESSING

When asking for any of the accelerated procedures overleaf, the following points should be borne in mind:

- a. One or more claims must be filed – see Claims Factsheet – and the appropriate fees paid.
- b. Accelerated publication is not available before the search report has issued nor before the necessary formal requirements have been met.
- c. If you ask for accelerated publication the application will enter the publication cycle as soon as the search report has issued and formal requirements are met. It is then unlikely that there will be time before publication for you to:
 - i. consider the search report;
 - ii. to file new or amended claims, or
 - iii. withdraw the application in order to prevent it being published.
- d. If you request accelerated publication you must make sure that any foreign applications for the same invention are made within 12 months of your filing date.
- e. The normal process of search, publication after 18 months and followed by later examination allows time for patents published after your filing date but with earlier priority dates to enter the search files and be considered and cited (if relevant) when the substantive examination is carried out. Early examination and grant may result in your patent later being found invalid if such citable patents are published later than the date on which your application is sent for grant.
- f. You must tell us, in writing, why you are requesting accelerated search or accelerated examination.
- g. Applications are not normally sent for grant until at least three months after initial publication of the application in case other people wish to file observations on your application.
- h. Requests for accelerated publication should be prominently marked “REQUEST FOR ACCELERATED PUBLICATION”.
- i. Requests for accelerated examination should be prominently marked “REQUEST FOR ACCELERATED EXAMINATION”. If the request for accelerated examination is made before publication it must be made clear if accelerated publication is also required.
- j. Further information about combined search and examination is available from the Intellectual Property Office – please ask for Patent factsheet: combined search and examination.

Enquiries: You can contact the Intellectual Property Office on: 0300 300 2000 (local call rate). Alternatively visit our website at www.gov.uk/ipo

We are keen to help all our customers as much as possible, but regret that we cannot assist with the commercial exploitation of your invention. This factsheet is not intended to be a comprehensive guide and necessarily omits details which may be relevant in particular circumstances.