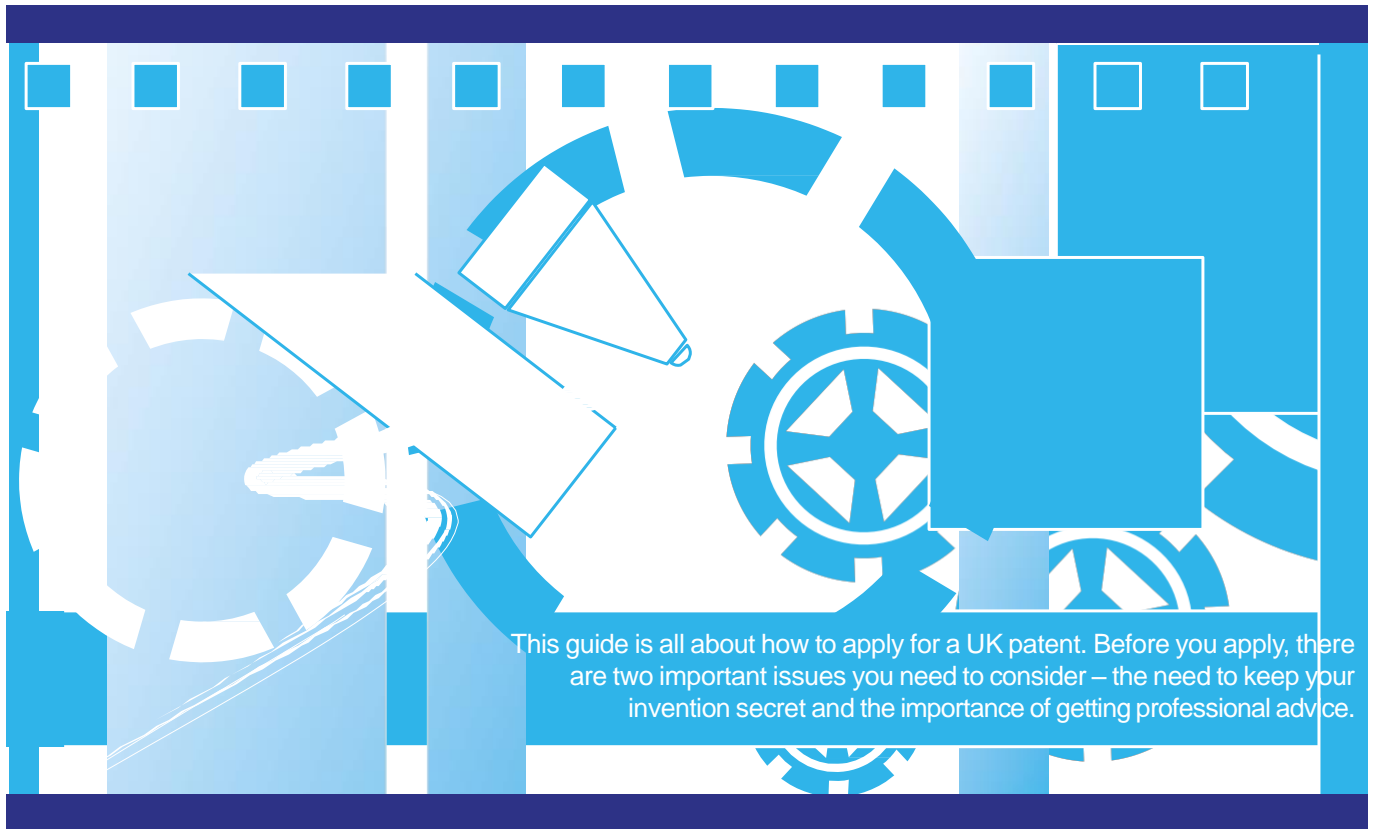




Intellectual
Property
Office

Patents: Application Guide



This guide is all about how to apply for a UK patent. Before you apply, there are two important issues you need to consider – the need to keep your invention secret and the importance of getting professional advice.

All information contained in this document was correct at the time of going to print, and is available in alternative formats on request. For further information please visit our website at:- www.ipo.gov.uk or contact us on:- **0300 300 2000**

>p...We use this symbol when there is more information on the page number shown.

Introduction This guide is all about how to apply for a UK patent. Before you apply, there are two important issues you need to consider – the need to keep your invention secret and the importance of getting professional advice. Other factors that may affect your decision to apply for a patent can be found in our booklet “**Patents: Essential Reading**” which you should read before preparing your application.

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Is your idea a secret?

By far the most common mistake made by people new to the world of patents is to reveal their invention too early.

If you reveal your invention in any way – by word of mouth, demonstration, advertisement, article in a journal or any other way – before you apply for a patent, you are making your invention public. This could mean that you lose the possibility of being granted a patent.

Beware who you talk to

If you feel the need to talk to someone before you apply, such as a potential business partner, you should ask them to sign a confidentiality agreement before you talk to them. This means they have to treat what you tell them in confidence. A solicitor or patent attorney can prepare this type of agreement for you.

Any conversation you have with patent attorneys, solicitors or our staff is confidential, so anything you tell them will not count as revealing your invention early.

Professional advice

The basis of a UK patent is a legal document called a 'specification'. Its content decides not only whether a patent can be granted, but also exactly what the rights of any patent granted cover.

You can prepare a specification and apply for a patent yourself, but if you do not know a lot about patent issues, you should use a chartered patent attorney or other professional adviser with the skills needed to assess whether your idea is appropriate for patent protection, and who can prepare an application for you. Patent attorneys are legally qualified and independently regulated, and some will give you initial advice free of charge. So, make sure you are well prepared before any initial consultation. There are other patent advisers, consultants and inventor-support organisations who may also be able to help or advise you.

We are not allowed to recommend any particular patent attorney or other adviser. However, a list of patent attorneys is available from the Chartered Institute of Patent Attorneys (CIPA) (>p40), and most classified directories list local patent attorneys.

Applying for a UK patent

We process all applications for UK patents.

A typical application takes three to four years to complete (see the summary overleaf), although it is possible to speed up certain aspects of the process. If you are applying without the help of a patent attorney, it is important to follow the advice in this guide carefully. Many applications run into problems because they have not been well prepared, so it is worth looking at some examples of published applications before you prepare your own. There is a straightforward example on page 15, and you can find more examples on the espacenet database by going to the website at www.espacenet.com

What are 'invention promotion' companies?

Some invention promotion firms may offer you free information on how to patent and market your invention.

Some unreliable firms promise to evaluate your invention for a fee of a few hundred pounds, then tell you that your invention has great market potential. They may offer to promote your invention to manufacturers if you pay a fee of several thousand pounds up front. Once you have paid up, they may do little or nothing for you.

Reputable companies will carry out the research and provide a genuine market evaluation giving you an honest review of your invention's potential. They don't use bogus research and mass-produced positive reports, or charge large advance fees up front, as some unreliable companies do. They will recommend what research should be carried out to evaluate your invention and, if the outcome is positive, how they would market it. They will give you an estimated breakdown of what the costs will be at each stage of the process and the level of risk involved.

If an invention promotion firm approaches you, take great care and question their claims and assurances that your invention will make money. No-one can guarantee your invention's success.

Entering into a contract with one of these companies is no different to any other major financial arrangement. Make sure your contract contains all the terms you have agreed to and be sure to get independent legal and financial advice.

The Consumer Direct website at www.consumerdirect.gov.uk gives more information. You can also get a step-by-step guide to using invention promotion companies from our Information Centre >p40.

If you have a complaint about one of these companies, you should put it to the Office of Fair Trading at www.oft.gov.uk, or phone them on 08457 22 44 99.

1



步骤 1

准备一份专利申请，包括：文字的发明说明书（说明发明的工作原理以及发明是如何制作的）；附图（用于解释说明书）；权利要求（采用精确法律用语的单句形式，通过区别技术特征来定义发明）；和摘要（包含发明的所有重要的技术内容的描述）。

2



步骤 2

填写并提交表 1 “申请授予专利权”，以及一份发明申请。

（如果您或其他申请人不是发明人，应填写表 7- “发明人和专利权授予权利的声明”，以及写明为何有这权利。该表格可以延至申请日或优先权日（如果有优先权日）后 16 个月提交。）

3



步骤 3

我们回应，通过填写包括申请号和确认申请日的受理通知书。

4



步骤 4

填写并提交表 9A，交纳费用，提出检索请求。这些应在申请日起的 12 个月内规定期限内完成，以避免您的申请被终止。

您应在规定的期限内缴纳申请费。

如果您的申请包括优先权请求，应在申请日起 2 个月或优先权日起的 12 个月内填写表 9A，以较后者为准。

* Forms and documents can be filed by mail, fax, in person, or electronically using our web filing service (<http://www.ipa.gov.uk/p-apply-online>). There is a reduction in fees for filing forms 9A and 10 electronically. A fee reduction is also available to the application fee if it is paid at the same time as the application is filed electronically.

5



步骤 5

一旦您缴纳了申请费，我们将进行初步审查以确认您的申请满足一定的申请要求。

检索请求提交后，审查员将检索已公布的专利或其它文档，用于评估您要求权利的发明是否是新的和有创造性的。我们的目标是在收到您的表 9A 的 6 个月内给您一份检索报告。

6



步骤 6

只要您满足申请的要求，填写表 9A，缴纳费用，并且没有提出撤回请求，我们将在申请日或优先权日（如果有优先权日）后 18 个月公布专利申请。

我们的记录中您申请时填写的详细信息，包括您的姓名和地址等其他信息，只要符合规定，这些内容将出现在您的申请的公布文件中。我们的记录和专利杂志在网站上向公众开放的，可长期被大多数搜索引擎搜索到。一旦您的专利申请被公布，我们的网站和我们之间的通信将对公众审查公开。如果您不希望您的家庭地址被公布，请给我们一个您可以被联系和收取信函的不同的地址或邮政信箱号。

7



步骤 7

您应在公布之日起 6 个月内填写并提交表 10，缴纳费用，提出实质审查请求，以避免您的申请被终止。

8



步骤 8

我们审查您的申请，让您了解需要修正的地方，在这期间，您有回应的时间。

如果您的申请符合专利法（Patents Act 1977）的要求，我们将授予您专利权，公布最终版本的申请，并颁发证书。

Preparing a UK patent application

Preparing a UK patent application: You prepare a ‘patent specification’ – a written description of your invention with drawings and ‘claims’; and an ‘abstract’ summarising your specification.

Preparation

Before applying, you or your patent attorney will need to check the following.

- Does your invention belong to you? If you had your idea while employed by someone else, even if it was in your own time, ask a lawyer to check your employment circumstances carefully as your employer may have some rights to your invention.
- Is your invention new? This is a basic requirement for any successful patent application. If you are applying without the help of a patent attorney, we strongly advise you to carry out an exploratory search to see if your invention is new and inventive and to make an honest assessment of the financial commitment your idea will need – see our booklet “Patents: Essential Reading”. A large percentage of applications fail to be granted because the idea proves not to be new, and many applications are discontinued because there is not enough commercial interest in the idea.

Forms and fees

You can get a list of fees and copies of all forms from our website or from our Information Centre >p40.

At the time of printing this booklet, the main forms and fees for processing a patent application are:

	Paper filing	Electronic filing
Form 1	No Fee	No Fee
Application fee	£30	£20 if paid at the time of filing Form 1
Form 9A	£150	£130
Form 10	£100	£80

Description

Most successful patent applications have detailed descriptions in the specification that are several pages long, describe different versions of the invention and refer to a set of drawings showing these different versions. The exact style and content varies according to the subject matter. For instance, complicated machinery, electronic equipment and chemical processes need many more pages of description and drawings than a straightforward item with few parts.

Description

DOs

- ✓ Do type or print your description in English or Welsh, in black, on one side only of a white A4 size page (21 x 29.7cm), with margins of at least 2cm so we can make good-quality copies.
- ✓ The Office will provide a translation of any material filed in Welsh.
- ✓ Do number each page in order, at the top of each page (but below the margin) in the middle.
- ✓ Do explain your invention fully – this is important as information cannot be added after you file your application.
- ✓ Do make sure your description contains enough information so other people can carry out your invention, otherwise we cannot grant a patent.

DON'Ts

- ✗ Don't include any information that is not relevant to your invention.
- ✗ Don't include the inventor's name, a trade mark, fictitious words or the word 'patent' in the title.
- ✗ Don't give away essential details of your invention in the title because the title is published in the Patents Journal on our website very soon after you apply.

Preparing a UK patent application

The following example uses a very simple invention to show how you could structure your description.

Title

Create a title that describes in general terms the subject of your invention.

Example

Flowerpot stand

Background

Use the background to explain the particular problem your invention solves.

Example

This invention relates to a rotating flowerpot stand.

When plants grow in a pot, they grow in a direction towards the source of light, such as the sun. This can mean that the shape of the plant can be distorted with all the leaves facing in one direction.

Statement of invention

The 'statement of invention' is a summary of your invention and should only include the essential features. It can be used later to form the basis of your first 'claim' >p11.

Example

To overcome this, the present invention proposes a rotating stand to support a flowerpot, the stand being rotated by an electric motor which is powered by solar energy.

Advantages

Describe the advantages of your invention, including any preferable, but not necessarily essential, features.

Example

The rotation of the flowerpot stand will make sure that the plant grows straight and evenly.

Preferably, the stand has a base unit with at least one solar-energy panel.

Preferably, the base unit is fitted with flexible supports to absorb vibration.

"Is your invention new? This is a basic requirement for any successful patent application"



1

Preparing a UK patent application

Introduction to drawings

If you are going to include any drawings, introduce them before you begin any detailed description.

Example

An example of the invention will now be described by referring to the accompanying drawings:

- figure 1 shows a plant affected by light from a single direction; and
- figure 2 shows a rotating stand according to the invention.

Detailed description

The rest of your description can then describe in detail one or more ways in which your invention could be made or carried out.

Important – do include as much detail as possible as new information cannot be added after the date you file your application. The reference numbers refer to features in the drawings.

Example

A rotatable platform 4 is attached to a base unit 6 which is fitted with flexible supports 7 designed to absorb vibration. A number of solar energy receptors 5 are fitted around the surface of the base unit. The base unit contains a low voltage electric motor which drives a series of rotating members which make contact with the internal surface of the rotating platform, causing it to turn very slowly. The motor is driven by electrical energy supplied by the solar panels.

Drawings

Good-quality drawings which reflect your written description always help.

Each drawing page can contain several figures, and each figure should be labelled clearly – ‘Figure 1’, ‘Figure 2’ and so on.

Specific features can be shown in the drawings using reference numbers or letters. These references can then be used in the description to refer to the relevant features. Make sure that your reference numbers or letters are used consistently in the drawings and description. (If you label a feature as 2 in figure 1, this feature should also be 2 if it appears in figure 2.)

Drawings

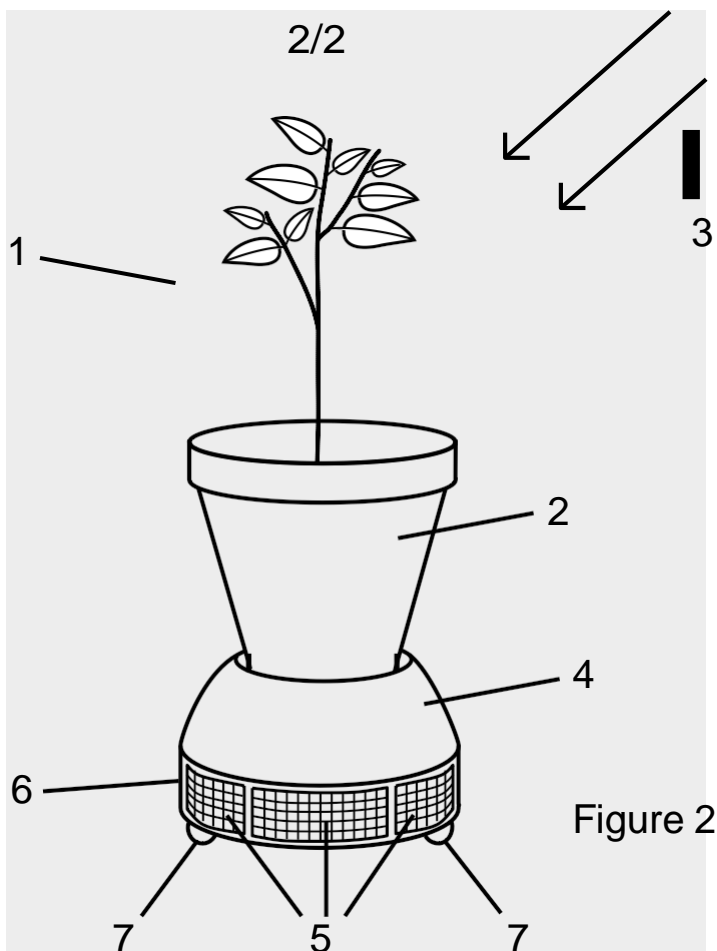
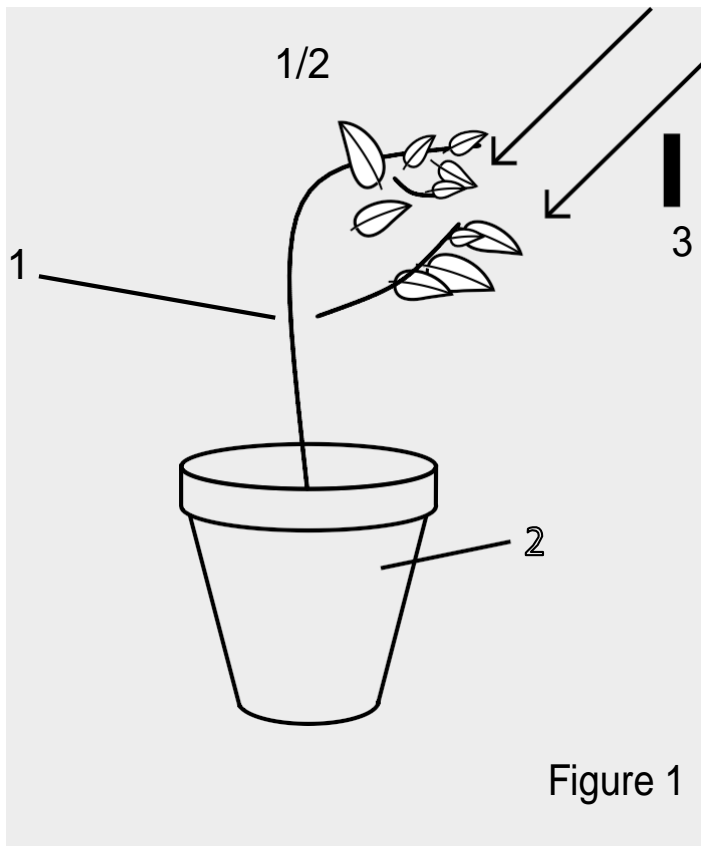
DOs

- Do use black, well-defined lines on one side only of a white A4 size page (21 x 29.7cm), with margins of at least 2.0cm on the left-hand side, 2.0cm on the top, 1.5cm on the right and 1.0cm on the bottom, so we can make good-quality copies.
- Do number your drawing pages in order, at the top of each page (but below the margin) in the middle. For instance, if you have two drawing pages, they should be numbered 1 of 2 and 2 of 2 (ie 1/2 and 2/2).
- Do use reference numbers or letters, which must be at least 0.3cm high, to relate parts of your drawings to parts of your written description.
- Do join any reference numbers or letters to the corresponding feature using a clear, continuous line.
- Do produce extra drawings to show other versions of your invention.

DON'Ts

- Don't use a coloured or lined sheet.
- Don't use coloured ink, pencil or greyscale.
- Don't draw a frame to show the margins.
- Don't put anything in the margins or use borders or frames.
- Don't write descriptive text on the drawings.
- Don't use too much shading.
- Don't fold your drawings.
- Don't create 'engineering-type' drawings showing construction lines, materials or dimensions.

Preparing a UK patent application



Claims

Drafting commercially successful claims is not easy. The following advice should help you write claims that will allow us to carry out a search (step 5). However, if your claims aren't well written or thought out, the results of our search may not be as helpful as they could be. Poorly drafted claims can also lead to problems at step 7 when you ask for a substantive examination. Claims should clearly define the essential technical features of your invention. If a patent is granted, the claims set out exactly what is protected by the patent. If you are in any doubt about the effectiveness of your claims, consult a patent attorney.

Claims

DOs

- Do type or print your claims in English or Welsh, in black, on one side only of a white A4 size page (21 x 29.7cm), with margins of at least 2cm, so we can make good-quality copies.

The Office will provide a translation of any material filed in Welsh.

- Do number each page at the top (but below the margin) in the middle, heading the first page 'Claims'. The page numbers should follow on from the last page of your description – so if the last page of the description is page 4, the first page of claims should be page 5.

- Do number each claim.

- Do use your 'statement of invention' (>p9) as a starting point for writing your claims.

DON'Ts

- Don't include any technical feature which is not essential or too restrictive, especially in your first claim which will be used to define your invention. For instance, if 'flexible supports' were included in claim 1, then all versions of the invention must have flexible supports. By making your first claim as 'broad' as possible, you extend the legal scope of any patent granted. If your first claim is too restrictive, other inventors will simply work around it.

- Don't use a full stop in the middle of any claim as this would make it legally imprecise. Each claim must be a single sentence.

- Don't include any statements in a claim relating to commercial or other non-technical advantages, such as 'I claim that my invention is novel', 'I claim £250 for my rotating flowerpot stand', 'I claim to be the inventor of the rotating flowerpot stand', 'the rotating stand will make flowers grow better' and so on.

1

Preparing a UK patent application

Example of a first claim

1 A rotating stand to support a flowerpot, the stand being rotated by an electric motor which is powered by solar energy.

To help make your claims concise, later claims can refer to earlier claims. These later claims are known as 'dependent claims' and are considered to include all the information in the earlier claim or claims.

Do include preferred features in later claims.

Example of a dependent claim

2 A rotating stand according to claim 1, in which the stand has a base unit with at least one solar-energy panel.

3-A rotating stand according to claim 2, in which the base unit is fitted with flexible supports to absorb vibration.

Abstract

An abstract is a brief summary of your invention. It is not part of your patent specification and is not part of the disclosure of your invention. When an application is published, the abstract appears on the front of the document and is used by us and the public for search purposes. We may edit either your abstract or abstract title or both.

Abstract

DOs

Do type or print your abstract in English or Welsh, in black, on one side only of a white A4 size page (21 x 29.7cm), with margins of at least 2cm so we can make good-quality copies.

The Office will provide a translation of any material filed in Welsh.

Do number the page at the top (but below the margin), in the middle, heading the page 'Abstract'. The page number should follow on from the last page of your claims – so if the last page of your claims is page 5, your abstract should be page 6.

Do include a title - this may match the title of the invention.

Do tell us which of your drawings you think best illustrates the abstract. Your abstract can include reference numbers or letters which refer to this figure.

Do ensure that all the technical features mentioned in the abstract are also in the description as you will not be able to add them to the description later.

DON'Ts

Don't use more than 150 words.

Don't provide a separate drawing for use only with your abstract.

Example

Abstract

Flowerpot stand

A rotating flowerpot stand includes a rotatable platform 4 which is attached to a base unit 6. The base unit contains a low-voltage electric motor which drives the rotatable platform. The base unit may include one or more solar-energy panels 5 which power the electric motor. The base unit may have flexible supports 7 to absorb vibration.

Use figure 2.

Preparing a UK patent application

Filing your claims and abstract

Legally, it is possible to file your application without any claims or an abstract in your specification. However, please remember the following.

- If you file your abstract or claims later, you cannot add any information that was not in your original description.

- If you don't file your abstract or claims by the given deadline, we will treat your application as being withdrawn.
- Your application cannot be 'searched' if it has no claims.

For these reasons, it is usually best to draft your claims and abstract at the same time as your description.

"it is usually best to draft your claims and abstract at the same time as your description."



1

Preparing a UK patent application

Example specification

The following pages show an example of a patent specification and filled-in form 1.

The fictional applicant, Ann Other, has thought of a way of improving her child's bicycle stabilisers using various types of shock absorber or cushioning. She can't recall having seen anything similar to her idea in the shops, so she has decided to make a patent application herself before telling anybody else of her invention.

If Ann had carried out a basic patent search herself using the espacenet database (on website www.espacenet.com) before drafting the specification, she would probably have found a number of earlier patent documents which show stabilisers similar to her own invention.

For instance, a United States patent from 1992, US 5100163, shows a stabilising unit with an adjustable suspension strut. This US document, along with other documents showing similar devices, means Ann would not be able to get a patent for the invention defined in her claims because it is not new.

The patent specification is not perfect, but it would provide enough information for us to perform a search if Ann asked for one.

If Ann did decide to ask for a search (>p24), she would receive a search report (>p26) and copies of earlier documents which are relevant to her application. Ann could then decide whether or not to continue with her patent application.

Professional help

If Ann decided to get professional help from a patent attorney, as well as offering advice on the likelihood of achieving a commercially useful patent, they would have been able to help her draft her specification if she did want to continue with it.



"The patent specification is not perfect, but it would provide enough information for us to perform a search if Ann asked for one".

Preparing a UK patent application: Example description

1

Bicycle stabiliser

This invention relates to a device for stabilising a child's bicycle.

When children are learning how to ride a bicycle, an additional pair of stabilising wheels are often fitted either side of the bicycle's rear wheel to prevent toppling of the bicycle.

However, the use of conventional stabilisers can lead to a number of difficulties. If a rigid stabilising unit is fitted to a bicycle, the rider can become reliant on the unit and will not learn how to balance the bicycle using their own body weight. Furthermore, on uneven ground there is a risk that the bicycle will become immobilised if the rear bicycle wheel loses contact with the ground, or that the stabilising unit will cause jolting of the bicycle. To overcome these problems, the present invention proposes a bicycle stabilising unit with attachment means for attaching the unit to a bicycle, a ground-engaging wheel which can freely rotate about an axis, and cushioning means such that the axis of the wheel can be displaced relative to the attachment means.

The cushioning means is preferably provided by a damped suspension strut, although the cushioning means may also be provided by other means, such as a torsion bar or spring.

The cushioning means may be adjustable so that the degree of cushioning can be modified to suit the terrain and the rider's ability.

The stabilising unit may be retractable so that the ground-engaging wheel may be stored in a non-ground-engaging position.

The invention will now be described solely by way of example and with reference to the accompanying drawings in which:

Figure 1 shows a pair of stabilising units, one fitted either side of the rear wheel of a bicycle,

Figure 2 shows a stabilising unit with an alternative cushioning mechanism,

Figure 3 shows a stabilising unit with another cushioning arrangement.

In figure 1, a stabilising unit 1 includes a vertical member 2 which is attached to the side of a bicycle by mounting bolts 3, 4. The lower end of the vertical member is freely hinged to a substantially horizontal member 5 which carries a ground-engaging wheel 6. The wheel may be solid or may have an inflatable tyre. A strut 7 with a sprung shock-absorbing unit 8 is connected between the vertical and horizontal members, and this allows vertical displacement of the ground-engaging wheel in order to cushion impacts from an uneven road surface.

If two stabilising units are fitted, one either side of the bicycle's rear wheel, then the rider will feel supported but will also develop confidence in leaning the bicycle over when negotiating a bend. The degree of cushioning can be varied by adjusting the compression of the shock-absorbing unit, using conventional adjusting means such as a screw-threaded end-stop.

The shock-absorbing strut 7 may be permanently attached to the vertical and horizontal members 2, 5, for instance using welded connections. Alternatively, the shock-absorbing strut may be easily detachable from one or both members, for instance by using a quick-release mechanism, allowing the ground-engaging wheel and the horizontal member to be folded away if the rider is confident enough to travel without the assistance of the stabilising unit.

Figure 2 shows an alternative embodiment in which the vertical and horizontal members 2 and 5 are rigidly attached to each other, for instance by using a rigid strut 9. The cushioning means is provided by mounting the ground-engaging wheel 6 in a sprung housing 10 on the outer end of horizontal member 5. The ground-engaging wheel is therefore vertically displaceable relative to the rest of the stabilising unit.

Figure 3 shows a further alternative embodiment in which the vertical and horizontal members 2 and 5 are connected via a hinge which includes a torsion spring 11. The torsion spring allows the horizontal member to rotate through a limited angle range.

Preparing a UK patent application: Example claims

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Claims

1. A bicycle stabilising unit comprising attachment means for attaching the unit to a bicycle, a ground-engaging wheel which can freely rotate about an axis, and cushioning means such that the axis of the wheel can be displaced relative to the attachment means.
2. A bicycle stabilising unit according to claim 1, in which the cushioning means is provided by a damped suspension strut.
3. A bicycle stabilising unit according to claim 1, in which the cushioning means is provided by a housing which supports the ground-engaging wheel, the housing including at least one slot which allows linear displacement of the wheel, perpendicular to its axis, the housing also having at least one spring which controls the displacement of the wheel.
4. A bicycle stabilising unit according to claim 1, in which the cushioning means is provided by a torsion bar or torsion spring.
5. A bicycle stabilising unit according to any of the preceding claims, in which the cushioning means is adjustable so that the degree of cushioning can be varied.
6. A bicycle stabilising unit according to claim 2, in which the damped suspension strut is detachable so that the ground-engaging wheel is stored in a non-ground-engaging position.

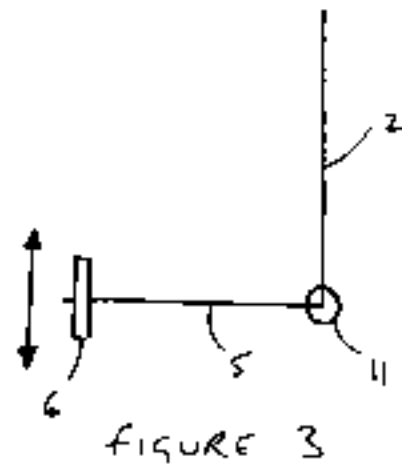
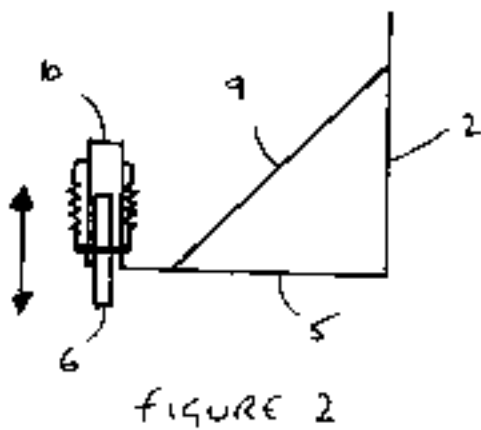
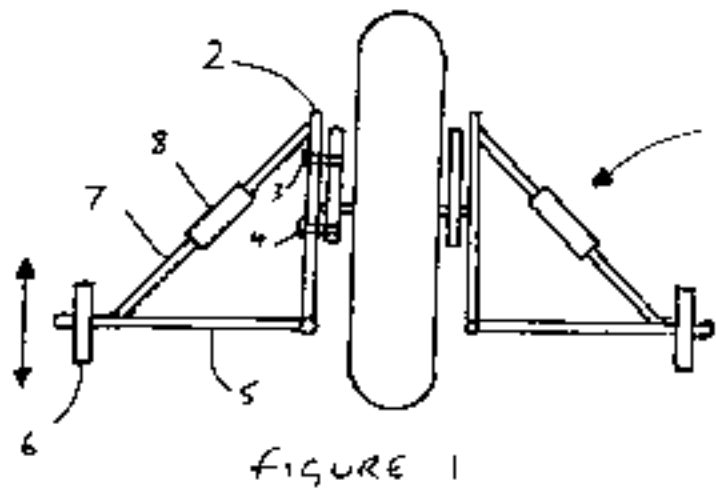
Abstract

Bicycle stabilising unit

A bicycle stabilising unit 1, includes attachment means 3,4 for attaching the unit to a bicycle, a ground-engaging wheel 6 which can freely rotate about an axis, and cushioning means 8 such that the axis of the wheel can be displaced relative to the attachment means.

Figure 1 to accompany abstract

Preparing a UK patent application: Example drawings



Preparing a UK patent application: Example completed form 1



Intellectual
Property
Office

Patents Form 1

Patents Act 1977 (*Rule 12*)

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

Request for grant of a patent

(An explanatory leaflet on how to fill in this form is available from the office)

Application number GB

1	Your reference: <i>(optional)</i>	BS1		
2	Full name, address and postcode of the applicant or of each applicant (<i>underline all surnames</i>): The name(s) and address(es) provided here will be published as part of the application process (see warning note below) Patents ADP number (<i>if you know it</i>):	ANN OTHER 1 ANY STREET ANYTOWN AN1 1AA		
3	Title of the invention:	BICYCLE STABILISER		
4	Name of your agent (<i>if you have one</i>): "Address for service" to which all correspondence should be sent (<i>including postcode</i>). This may be in the European Economic area or Channel Islands: (see warning note below) Patents ADP number (<i>if you know it</i>):	AS ABOVE		
5	Priority declaration: Are you claiming priority from one or more earlier-filed patent applications? If so, please give details of the application(s):	Country	Application number <i>(if you know it)</i>	Date of filing <i>(day / month / year)</i>
6	Divisionals etc: Is this application a divisional application, or being made following resolution of an entitlement dispute about an earlier application? If so, please give the application number and filing date of the earlier application:	Number of earlier UK application	Date of filing <i>(day / month / year)</i>	
7	Inventorship: (Inventors must be individuals not companies) Are all the applicants named above also inventors? If yes, are there any other inventors?	(Please tick the appropriate boxes)		
		YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
8	Are you paying the application fee with this form?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	

Preparing a UK patent application: Example completed form 1

Patents Form 1

9 Accompanying documents:
please enter the number of pages of
each item accompanying this form:

Continuation sheets of this form: 0
Description: 2
Claim(s): 1
Abstract: 1
Drawing(s): 1

If you are not filing a description, please
give details of the previous application
you are going to rely upon:

Country Application number Date of filing
(day / month / year)

10 If you are also filing any of the following,
state how many against each item.

Priority documents:

Statement of inventorship and right
to grant of a patent (*Patents Form 7*):

Request for search (*Patents Form 9A*):

Request for substantive examination
(*Patents Form 10*):

Any other documents:(please specify)

11 I/We request the grant of a patent on the basis of this application.

Signature(s): **A. Other**

Date: **20.01.11**

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

ANN OTHER

01231 345 678
another@email.com

Warning

After an application for a patent has been filed, the Comptroller will consider whether publication or communication of the invention should be prohibited or restricted under section 22 of the Patents Act 1977. You will be informed if it is necessary to prohibit or restrict your invention in this way. Furthermore, if you are resident in the United Kingdom and your application contains information which relates to military technology, or would be prejudicial to national security or the safety of the public, section 23 of the Patents Act 1977 prohibits you from applying for a patent abroad without first getting written permission from the Office unless an application has been filed at least 6 weeks beforehand in the United Kingdom for a patent for the same invention and either no direction prohibiting publication or communication has been given, or any such direction has been revoked. Until such time or until the revocation of any direction, for any such application the address for service referred to at part 4 above must be in the United Kingdom.

In all other cases, the name of the applicant will be published shortly after filing, together with the title of the invention. Later, when the whole application is published, most information and documents filed in relation to the application will become publicly available. **The name and address of the applicant will be published on our website and may appear in external search engine results.** You should provide a business or PO Box address if you do not want your home address published.

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

Notes

A leaflet on how to fill in this form is available from the Office. If you would like a copy of the leaflet it is available on our website at <http://www.ipo.gov.uk/fact01.pdf> or alternatively you could telephone 0300 300 2000 or send an email to information@ipo.gov.uk to request a copy.

2

Request for grant of a patent

Request for grant of a patent: You fill in and file form 1, 'Request for grant of a patent', with us, together with your patent specification and abstract.

You file form 1, your patent specification and abstract

To begin the application process you need to fill in form 1 and send this to us along with one copy of your specification and abstract. For our address >p40.

If you are not the inventor, you will need to fill in form 7, 'Statement of inventorship and of right to grant of a patent'.

We have included a copy of form 1 for you to use at the back of this booklet. If you need more copies or a copy of form 7, you can get them from our website or from our Information Centre.

You can complete form 1 online and file it electronically along with the pages of your specification and your abstract using our web filing service. The documents making up the application need to be in PDF format if you are filing electronically. The application fee is reduced if you pay it at the same time as filing your application electronically. Form 7 can also be completed online using the web filing service.

DOs

- ❑ Do check that your patent application includes a detailed description, drawings (if appropriate), claims and an abstract as described on pages 8 to 13 of this guide.
- ❑ Do make sure you have answered all the questions that apply to you and have signed the form (this is not necessary for electronically filed applications). For instructions on how to fill in form 1 >p34.
- ❑ Do remember to keep copies of everything you send to us for your own reference.



"To begin the application process you need to fill in form 1 in English and send this to us along with your specification".

Request for grant of a patent

Request for grant of a patent: We respond by issuing a filing receipt which includes an application number and confirms the ‘filing date’ of your application.

Our response

We will acknowledge we have received your application by sending you a filing receipt which includes:

- an application number; and
- a ‘filing date’ – confirming the date we received your application.

Your options

Once you file an application, you have a limited period of time to make some important decisions, such as whether you want to apply for similar patent protection in any other countries – see “Patents: Essential Reading” – and whether you need to improve your original application >p32. It may be in your best interests to get professional advice from a patent attorney before making these decisions.



“Once you file an application, you have a limited period of time to make some important decisions”

3

Request for a search

Request for a search: You fill in and file form 9A with us, together with the appropriate fees, asking for ‘a search’.

You file form 9A

To continue with your patent application you need to fill in form 9A, a request for a search, and send it to us with the appropriate fees (including the application fee if you haven't already paid it). If you haven't received form 9A you can get a copy from our website or from our Information Centre.

You can complete form 9A online and file it electronically using our web filing service. There is a reduction of £20 if you file form 9A electronically

If you do not file form 9A or pay the appropriate fees by the date we gave you when we received form 1, we will treat your application as if it has been withdrawn.

Warning: if your application includes a declaration of priority, the deadline for filing form 9A is the later of 2 months from your filing date or 12 months from your priority date >p32.

You can file form 9A and form 10 (step 7) at the same time >p31.

DOs

- Do make sure you have answered all the questions on the form and signed it (this is not necessary for electronically filed forms). You can get instructions on how to fill in form 9A from our website or from our Information Centre.
- Do contact us for the correct fees and ways to pay.
- Do remember to keep copies of everything you send to us for your own reference.



"When a search is performed, an examiner looks for documents that will help us to decide whether your invention is new and inventive".

Request for search: Preliminary Examination and Search

Request for a search: Once you have paid the application fee we carry out a preliminary examination to make sure your application meets certain formal requirements.

After a search has been requested an examiner will search through published patents and other documents for material against which we can assess whether or not the invention you have claimed is new and inventive.

Preliminary examination

We aim to perform the preliminary examination and issue a report, if necessary, within one month of receiving the application fee. The preliminary examination checks to make sure your application meets the formal legal requirements of the Patents Act 1977 and Patents Rules 2007. Our report will identify any problems with your application and will provide guidance on how to proceed.

Search

We usually carry out a 'search' within six months of receiving form 9A and the accompanying fee, although this may take a little longer in some areas of technology.

When a search is performed, an examiner looks for documents that will help us to decide whether your invention is new and inventive. These documents may have been published anywhere in the world and may include published patent applications and technical journals.

The examiner is looking to see if the technical features set out in your claims are already known. In some cases, we may search only some of the claims, especially if the claims define more than one invention. And in a few cases, we may not be able to perform a search at all. We will write to explain why a search of a particular claim is not possible.

Search report

If we find any relevant documents, we will list these in our search report, which also identifies any particularly relevant passages in those documents

– an example of a search report is shown on the following page. We will send a copy of this report to you or your attorney, together with a covering letter which gives more information about the search. If requested we will also send a copy of each of the relevant patent documents cited in the report. If you are not using a patent attorney, we will also send you a factsheet which will help you understand and respond to the report.

You can ask for more copies of the documents we find on form 9A. There is a fee for each extra set you ask for. We will categorise all the relevant documents found using internationally recognised codes as follows – X, Y or A.

- Category X – in general, used for documents that include all the main features of your invention, showing that your idea is not new.
- Category Y – shows that a combination of features from two or more existing documents suggest that your idea is not inventive.
- Category A – used for documents that show what has been done previously in the technical area of your invention. We have included these documents for your reference.

Your options

When you receive the search report, you should study the report and the relevant documents carefully before deciding how to proceed.

If your invention seems to have been described in any documents that were published before your application's filing date or priority date, you may decide that it is not worth continuing with your application. On the other hand, you may decide that what you have invented is not the same as what has been described in the relevant documents and that you want to continue with your application.

Another possibility worth considering is filing a new application with more information. This may be advisable if you realise that your first application did not contain enough detailed information. You can either file a new application within 12 months, claiming priority from your original application (>p32), or, as long as your application has not been published, you can withdraw your application (>p28) and make a new one.

If you decide to continue with your original application, the next step is publication.

Request for a search

Request for a search: Example of a search report

The example below relates to the bicycle stabiliser application shown on pages 15 to 21. The examiner has listed six documents which are considered to be relevant to the 'claimed' invention. Five of them are listed as X documents, which means they include information that show the invention is not new or is obvious. Two are listed as Y documents, which means that the information in these two documents could be combined to show that the invention defined in claim 6 is obvious.

Claims searched: 1-6

Date of search: 6 May 2003

6 March 2007

Patents Act 1977 : Search Report under Section 17

Documents considered to be relevant:

Category	Relevant to claims	Identity of document and passage or figure of particular relevance
X, Y	X:1,2,5 Y:6	US 5352403 (EGLEY) see figs 1-5
X	1,2,5	US 5160163 (EGLEY et al) see figs 1 and 2
X	3,3	EP 1083121 A1 (BENOIT et al) see figs 2 and 3
X	3,4	US 5707069 (PLANA) see fig 1
X	1	WO 95/09759 A1 (WALKER) see figs 1 and 3, and page 5 lines 6-10
Y	6	US 3877727 (JOHANNSEN) see figs 5-8

Categories:

X Document indicating lack of novelty or inventive step	A Document indicating technological background and/or state of the art
Y Document indicating lack of inventive step if combined with one or more other documents of same category.	B Document published on or after the declared priority date but before the filing date of this invention.
& Member of the same patent family	3 Patent documents published on or after, but with priority date earlier than, the filing date of this application.

Field of Search:

Search of GB, EP, WO & US patent documents classified in the following areas of the UKC¹:

B7J

8

Worldwide search of patent documents classified in the following areas of the IPC²:

B62H

The following online and ~~www~~ databases have been used in the preparation of this search report:

1) UKC: www.patent.gov.uk

Publication

Publication: We publish your patent application shortly after 18 months from your filing date (or priority date if there is one), as long as you have met the formal requirements, filed form 9A together with the appropriate fee and not withdrawn your application.

We publish your application

There are certain formal requirements that you must meet before your application can be published.

If there are any formal objections set out in our preliminary examination report (see step 5 – our response), you must overcome these objections before your application can be published. If you do not overcome the formal objections, we cannot publish your application and it may be refused.

If there are no outstanding formal requirements, your application will be published shortly after 18 months from the filing date. Along with our search report, your application will be published exactly as you filed it, together with the latest version of any new claims you have filed since then.

All correspondence between us will be open to public inspection, including on our website, after the publication date, unless you have asked us to treat it in confidence. If you do ask us not to reveal any information you provide, we will need a valid reason, such as that it contains commercially sensitive information. If you have any information that you would rather not be made public (especially technical developments to your invention that were not included in your patent specification) do not include it in any correspondence to us. It could be made public and this may prevent you getting patent protection for those developments.

You can choose not to have your application published by withdrawing it (>p28), but we would advise you to speak to a patent attorney before doing this.

When we publish your application, we will:

- publish an electronic version that anyone can view on our website, or at the British Library; and
- place a notice in the Patents Journal on our website to say that your application has been published.

You can get more detailed information about publication from our Information Centre or from our website >p40.

Your application details, including your name and address, will appear on our records. They will also appear in the publication of your application, once all formal requirements are met. Both our records and the Patents Journal are open to the public on our website, which can be permanently searched using most standard search engines. If you do not want your home address published, please give us a different permanent address or a PO Box number where you can be contacted and where you can receive correspondence.

Your options

Publication is an important landmark for many reasons. Even if there are no outstanding formal requirements to prevent publication, you should decide, before publication, if you want to withdraw your application or not >p28.



"When we publish your application, we will print and publish paper copies that anyone can buy or see at the office, or at the British Library"

4

Publication

Withdrawing your application

Common reasons for an application to be withdrawn are:

- the invention is not new;
- there is not enough commercial interest; or
- the idea needs further development.

If you ask to withdraw your application, you cannot have it reinstated later. So, it may be in your best interests to get professional advice from a patent attorney before making any decisions.

Withdrawing your application to prevent publication

If you decide to do more development work, you may not want anyone else to know what you have done or how far you have got, so publication may not be a good idea.

If you decide to withdraw your application before publication, we must receive your written instruction before we complete our preparations for publication.

You can email your withdrawal instruction to withdraw@ipo.gov.uk or you can send us your written withdrawal by post or fax.

Withdrawing your application after publication

If your application is published before you withdraw it, publication can be used to prevent others being granted a patent for a similar invention, but beware, this also applies to any similar applications you make later yourself. It will also mean you have no rights or control over who can use your invention in the UK or in any other country where you do not have patent protection.

Continuing with your application after publication

As a result of publication:

- anyone can find out about your invention; and
- anyone can send us comments on whether the invention should be patented or not. We will send you a copy of any comments we receive and take account of them when we examine your application.

If your patent is granted, your published application may put off someone from making a similar product or using a similar process. It is possible to claim damages for infringing actions which happen between publication and grant, depending on how close the claims published at step 8 are to those published at step 6.

Important

Shortly after your application is published, you may be approached by invention promotion companies. Before you respond or agree to any discussions, please read the advice on page 5.



"Shortly after your application is published, you may be approached by invention promotion companies"

Request for a substantive examination

Request for a substantive examination: You fill in and file form 10 with us, together with the appropriate fee, asking for ‘a substantive examination’ no later than six months after publication, to avoid your application being terminated.



“If you decide that you want to continue with your application, you will need to fill in form 10 to have your application ‘examined’”.

You file form 10

If you decide that you want to continue with your application, you will need to fill in form 10 to have your application ‘examined’.

You should send us your filled-in form 10 and the appropriate fee no later than six months from the date your application was published. If you haven’t received form 10, you can get a copy from our website or from our Information Centre >p40.

You can complete form 10 online and file it electronically using our web filing service. There is a reduction of £20 if you file form 10 electronically.

If you do not file form 10 and pay the appropriate fee by the given deadline, your application will be terminated.

You can file form 10 at the same time as form 9A >p31.

DOs

- Do make sure you have answered every question on the form and signed it (this is not necessary for electronically filed forms). You can get instructions on how to fill in form 10 from our website or from our Information Centre.
- Do contact us for the correct fees and ways to pay.
- Do remember to keep copies of everything you send to us for your own reference.

5

Request for a substantive examination

Request for a substantive examination: We examine your application, let you know what, if anything, needs to be amended, and give you the period of time you have in which to respond.

Our response

Requests for substantive examinations are placed in a queue. When your application reaches the front of the queue, a specialist examiner will thoroughly examine your patent application to see if it meets all the requirements of the Patents Act 1977.

If your application meets all the requirements, you will receive a letter that explains when your patent will be granted. We cannot normally grant a patent until at least three months after the application is published. This gives people a chance to make comments and allows us to make sure that no similar patents with earlier application dates have been published since.

If your application does not meet all the requirements, you will receive an examination report which explains our objections to your application. The report will give you a period of time to respond.

It's at this point that the advantages of a well-drafted specification become clear.

A good specification should provide a number of ways in which the examiner's objections can be overcome. If you have a poorly drafted specification, it may be impossible to amend the specification to meet the requirements of the Patents Act.

Your options

You could respond to the report by filing amended pages to your application, for example a new set of claims, to try to overcome the objections in the report. Amended pages in PDF format can be filed electronically using our web filing service

You are not allowed to add new information to your application after the filing date, so it is common for claims to be amended by bringing one or more features from the description, or from later claims, into claim 1. However, you should consider your amendments to the claims very carefully because they will affect any patent that is granted. If you are in any doubt, contact a patent attorney. It is possible that your amendments may lead to new objections being raised by the examiner.

You could respond to the report by giving reasons why you think the examiner's arguments are not justified. The process of amendment or discussion may be repeated until your application is either allowed or refused.

If we think your application is likely to be refused, we let you know and you will have an opportunity to put your case to a senior official at the Intellectual Property Office.



"If we think your application is likely to be refused, we let you know and you will have an opportunity to put your case to a senior official at the UK Intellectual Property Office".

Alternative steps

Speeding up the process

A typical patent application takes several years to grant. However there are several ways the application process can be accelerated.

Filing the search request as quickly as possible

If your application contains at least one claim, you can file your search request (form 9A with the appropriate fee) at the same time as you send us your application or soon afterwards. This will speed up how quickly you receive your search report.

Combined search and examination

If you file your requests for search and substantive examination (form 9A, form 10 and the appropriate fees) on the same day, we will assume that you want a combined search and examination. If you don't want this to happen, you need to tell us in writing.

Combined search and examination means we will carry out substantive examination of your application at the same time as the search. You will then normally receive a letter which includes a search report, accompanied by an examination report detailing any objections to your application.

Receiving a combined report gives you the following advantages:

- An early indication of your chances of having a patent granted.
- A chance to amend your specification, especially the claims, before publication.
- A chance to withdraw your application before publication if it becomes clear a patent is unlikely to be granted.
- An opportunity to shorten the patent application process by up to 18 months.

However, a combined report has the following disadvantages:

- If the documents on the search report clearly show that your invention is not new, you might regret paying the fee for the substantive examination.
- Relevant documents may not be available to the examiner at the search stage as they could still be in the publication process. This could mean important objections are made at a later stage when the relevant documents become available.

Accelerated search

We process all searches as quickly as we can, which usually means they are performed within six months of your request. However, if you have a strong reason for asking for a search to be completed by a particular date, let us know the details and we will try to meet your needs (see also Accelerated examination).

Accelerated publication

WARNING: Before asking for an accelerated publication, we strongly advise you to get advice from a patent attorney.

Accelerated publication could be advantageous if you are aware of possible infringement, as your application being published can alert others to the existence of your patent application. However, there is no guarantee that your application will lead to a granted patent and no guarantee that an infringement action would succeed.

The disadvantage of early publication is that it could prematurely alert other people to your activities and cut short the time available to develop your product and investigate the potential market prior to your invention being made public - once an application is published all the information in it is available to the public.

Furthermore your published application may mean that any application you subsequently file for the same matter is not new or not inventive, and thus not patentable.

Accelerated examination

You need to provide a good reason for asking for an accelerated substantive examination. Examples of the type of reasons we accept are given in our Fast Grant Guide which is available from our website (see below). If we accept your request, we aim to perform the examination within two months.

Green Channel

If your application relates to environmentally-friendly technology you can ask for any of the stages above to be accelerated by requesting that your application proceeds through the "Green Channel". Please indicate how your invention is environmentally-friendly and which processes you wish to be accelerated when writing to us.

For more information on the Green Channel please see our website: www.ipo.gov.uk/p-green

Further information on how to speed up the application process can be found in our Fast Grant Guide, which is available from our website at www.ipo.gov.uk/p-fastgrantguide.pdf

6

Alternative steps

Filing a fresh application

There are various reasons why you may decide your initial application is not good enough. You may have:

- developed your invention and realised your initial specification does not protect the new development;
- decided your own attempt at a specification is not good enough and you want to invest in a professionally drafted one; or
- received a search report which shows that your invention is not new.

You could choose to withdraw your application and start again >p28. However, this may not be the best option. If it is less than 12 months since you filed form 1, you could consider making a new application with a declaration of priority from your original one by filling in section 5 of form 1.

Declaring priority from an earlier application means any information in your later application that is also in your earlier one is treated as if it has the same filing date as the earlier application. This earlier filing date is then known as the 'priority date'. However, it is important to realise that this priority date only applies to the information that is common to both applications. Any new information will be given the filing date of the later application.

The advantage of claiming priority is that the information repeated in your later application takes the date of your earlier application, which may be important if someone else has filed a similar application after your first but before your second application.

The disadvantage of claiming priority is that some important processing dates for your later application will arrive more quickly. For example, if you file a new UK application which includes a declaration of priority from an application filed exactly 12 months earlier, form 9A and the associated fees would have to be filed within 2 months of the new filing date. The deadline for filing claims and an abstract would also be earlier. Also, your new application would be published just six months after the new filing date, instead of 18.

If you want to file a fresh application, with a declaration of priority from an earlier one, it is crucial that you make your new application before the anniversary of the filing date of the first application.

As with all decisions about patents, it is best to consult a patent attorney.

"As with all decisions about patents, it is best to consult a patent attorney."



Next steps

Successful applications

If your application meets all the requirements in the Patents Act 1977 and Patents Rules 2007, we will grant your patent, publish your application in its final form and send you a certificate.

Important

A UK patent gives the owner rights within the UK over an invention for up to 20 years – but only if the patent is kept in force by paying renewal fees every year. If you do not pay your renewal fees, your patent rights will end.

For most UK patents, the first renewal fee is due on the last day of the calendar month in which the fourth anniversary of the filing date falls. The filing date is the date your application was filed (not the date the patent was granted). For example: if the application was filed on 15 April 2010, the first renewal fee would be due on 30 April 2014. Renewal fees are then due every year on the same date for the next 15 years.

There is more information about patents and renewal fees in our booklet patents essential reading. For a copy, visit our website or contact our Information Centre >p40.

"If your application meets all the requirements in the Patents Act 1977 and Patents Rules 2007, we will grant your patent"



7

Filling in form 1

Filling in form 1: After you have prepared your patent specification, you need to fill in form 1 – a copy is included opposite for you to use and there is a completed example on pages 20 and 21. Please fill in all sections that apply to your application in English, using black ink and BLOCK CAPITAL letters. Do read the notes at the end of the form carefully. If you have any questions, please contact our Information Centre >p40.

Section 1

You can either leave this space blank or enter any reference you would like us to quote on our letters to you.

Section 2

Enter the full name, address and postcode of the person applying, underlining the surname.

If there is more than one applicant, please give details for every applicant, continuing on a separate sheet of paper if necessary.

If the applicant is a company, enter the country of incorporation, including the province or state for Canadian or US companies.

We will enter the ADP number – this is the name and address reference we give to each applicant and attorney.

Section 3

Enter the same title as on your specification.

Section 4

If you give the name of an attorney, you are authorising that person to act for all of the applicants.

You must supply an address for service (an address in the European Economic Area (EEA) for us to write to). This can be the same as an applicant's address. If you do not give an 'address for service', we will send our initial letter to the first address given in section 2.

Section 5

You need to fill in this section only if you are declaring priority from one or more previous applications. In most circumstances, you can declare priority only from one or more applications filed within the last 12 months. See 'Making a fresh application' >p32.

If you are declaring priority, you must give the country, filing date or dates and application number or numbers of the previous application or applications.

Section 6

You should only fill in this section if you are filing a divisional application – this can happen if you have already filed an application which includes more than one invention - or in very rare circumstances following an entitlement dispute.

Section 7

If you answer 'No' to the first question, you will need to fill in form 7. You will also need to fill in form 7 if one of the applicants is a company or organisation or if you answer 'Yes' to the second question.

We will send you a copy of form 7 if you need one. Copies are available from our Information Centre or from our website >p40.

Section 8

If you send the application fee (currently £30) with form 1, we will carry out a preliminary examination. You may prefer to pay the application fee with form 9A.

Back of form 1 (page 38)

Section 9

Enter the number of each type of page you are sending – don't count copies of the same page or document.

Section 10

Explain here anything else you have included with your application and why.

Section 11

All applicants, or your attorney if you have one, must sign the form here.

Section 12

Please fill in this section as fully as possible so that we can contact you if we need to.

Form 1

Blank Page



Intellectual
Property
Office

Patents Form 1

Patents Act 1977 (*Rule 12*)

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

Request for grant of a patent

(An explanatory leaflet on how to fill in this form is available from the office)

Application number GB

1 Your reference:
(optional)

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

**The name(s) and address(es) provided here
will be published as part of the application
process (see warning note below)**

Patents ADP number (*if you know it*):

3 Title of the invention:

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

“Address for service” to which all correspondence
should be sent (*including postcode*). This may be in
the European Economic area or Channel Islands:
(see warning note below)

Patents ADP number (*if you know it*):

5	Priority declaration: Are you claiming priority from one or more earlier-filed patent applications? If so, please give details of the application(s):	Country	Application number (<i>if you know it</i>)	Date of filing (<i>day / month / year</i>)
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6	Divisionals etc: Is this application a divisional application, or being made following resolution of an entitlement dispute about an earlier application? If so, please give the application number and filing date of the earlier application:	Number of earlier UK application	Date of filing (<i>day / month / year</i>)
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7	Inventorship: (Inventors must be individuals not companies)	(Please tick the appropriate boxes)	
	Are all the applicants named above also inventors?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	If yes, are there any other inventors?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

8	Are you paying the application fee with this form?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
---	--	------------------------------	-----------------------------

Additional copies of this form are available from our website or Information Centre



Patents Form 1

- 9 Accompanying documents:
please enter the number of pages of
each item accompanying this form:

Continuation sheets of this form:

Description:

Claim(s):

Abstract:

Drawing(s):

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