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### Book Descriptions:

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## Book Descriptions:

# Draft Manual Of Patent Practice And Procedure 2005

Patents Rules have been commensurately amended initially as Patent Rules, 2003, which were further amended in 2005, 2006, 2012, 2013, 2014, 2016 and 2017. India became signatory to PCT in 1998. Consequently, patent filing in India including National Phase applications under PCT has increased exponentially. The objective of modernization project was to increase the functional efficiency and streamline the procedures in tune with the international best practices. However, it does not constitute rule making and, hence, does not have the force and effect of law. In order to submit a comment to this post, please write this code along with your comment

6197a4abf7f4a9d1b0d0737526af4c34 Maintained by V2Technosys.com. You can change your cookie settings at any time. Specific provisions relating to some of these matters are also laid down in rr.1216. The 2004 Order and the 2004 Rules incorporated the principles of Articles 5 and 6 of the Patent Law Treaty, and both statutory instruments came into force on 1 January 2005. The Patents Rules 1995 as amended have been replaced entirely from 17 December 2007 by the Patents Rules 2007. Examiners and other Office officials may on occasion draw the Code to the attention of the applicant or agent, and may ask for it to be complied with before the case is processed further if that would be more efficient. The Office has no right to demand compliance with the Code of Practice because the Code is advisory only and has no legal force. For example, an application having more than one independent claim in one category would not comply with code point 1e, but this would not usually justify an objection under s.145b. When drawing attention to noncompliance with the Code of Practice, examiners should therefore make it clear whether they are also raising a formal objection under the Act or

Rules. <http://www.dreamscar.eu/userfiles/conduction-heat-transfer-arpaci-solution-manual-rar.xml>

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The quality of the application that is received by the Office determines in large part the effort that has to be expended during the statutory search and examination, in putting the application in a state to be granted, and is thus a central factor for the Code. The Code does not seek to eliminate the need for search and examination, but rather to optimise drafting towards UK law and practice and to avoid formulations that are clearly problematic for the UK search and examination. When drafting specifications for filing at this Office the aim should therefore be to adhere to the Code points below. The Office tries to keep red tape to a minimum, but some formalities are necessary for the system to work properly. There is substantial scope for efficiency savings if the best practices set out in this Code are known and followed. Inessential or optional features should not be included in this claim; consequently terms such as “preferably”, “for example”, or “more particularly” should not be included, as the feature being introduced by such terms does not restrict the scope of the claim in any way. The independent claim should include sufficient details of interrelationship, operation or utility of the essential features to enable the scope of the claim to be determined see 14.110.1; and Trade marks are only permitted in claims where it can be shown that their use is unavoidable and does not introduce ambiguity see 14.137. Where marks that are registered are mentioned, they should be acknowledged as such see 14.100 and 14.101. If a trade mark is not registered, its owner should be indicated see 14.100 It should not repeat matter unnecessarily, nor should it contain matter which is irrelevant to the invention for example the complete details of wellknown ancillary

features need not be given see

14. <http://www.dimecal.com.br/arquivos/conducir-automovil-manual.xml>

74 Action should be taken to ensure that it is written in a reasonable standard of English before it is filed Words, abbreviations or acronyms used in the specification that are new, may be considered to be jargon, or may be at risk of being ambiguous for example because their meaning is not yet generally settled in the field in question should not be used unless unavoidable, in which case a definition should be given in the specification In addition, a specification may include photographs if they are clear enough to be reproducible see 14.41. See Apply for a UK patent. The filing fee was abolished by the 2004 Order, which replaced it with the application fee specified in s.141A. An application may be filed by hand, by post, or by facsimile transmission fax. Alternatively, an application may be submitted online via the Office website, or using the secure online filing system provided by EPO Online Services if the filer has completed the enrolment procedure for that service. Applications should not be sent to any other fax number in the Office; amendments and correspondence relating to applications should not be sent to any other number unless specifically instructed otherwise in a particular case. Confirmatory copies should be prominently marked "In confirmation of fax". See also 22.07 for filing considerations relating to documents which might include information of relevance to national defence or security. The hours and days when filings may be made are governed by s.120. Under r.97 of the Patents Rules 1995, an application filed by post was deemed to have been filed when the letter containing it would be delivered in the ordinary course of post. However, the Patents Rules 2007 do not include a rule relating to postal deeming and therefore any document posted on or after 17 December 2007 will be accorded the date of receipt it is actually received in the Office. The staff attending the fax machine should be alerted by telephone ext.

4570 and will then advise the recipient when the fax arrives so that it may be collected by hand. It may also be useful should any confusion arise over the application numbers accorded to several cases filed together. If provided, the Office will use the applicant's reference number in correspondence related to the application. Where a date of filing is accorded to an application which does not give the applicant's name and address, the applicant must be notified of the failure, and the comptroller may refuse the application if the applicant fails to file their name and address within two months of such a notification. Under r.1081 together with r.1085 and 7, the twomonth period for filing the applicant's name and address may be extended at the comptroller's discretion in tranches of 2 months, but no extension may be granted after two months following the expiry of the period as prescribed or previously extended see 123.36.1012. Where Parts 2 and 4 of the Form do not, between them, contain enough information to enable the applicant to be contacted, the contact information in Part 12 may suffice. Exceptionally, a pseudonym may be used if it is well established and is customarily used by the individual for banking and other business purposes. The name must be given in full, the surname or family name being underlined. Letters or statements denoting academic or professional qualifications may appear after the name. A statement of nationality or occupation is not required and should not be given. Once a particular established name and signature has been used subsequent business should not be effected by the same individual using a different name or signature unless the name has changed, eg due to marriage. A corporate body should be designated by its legal name. In the case of either an individual or a corporate body, a business name or trading style, eg "trading as XYZ", or a former name is not required and should not be given.

<http://seasailing.us/node/2899>

If known, the automatic data processing ADP number of the applicant should be given for identification of the applicant; this number will be supplied to an applicant's agents. Applications from police forces should be made by the relevant Police Authority. It is in the applicant's best interests to

provide the Office with a secure and reliable address. Standard abbreviations, e.g. Rd, USA, are allowable. If the applicant disagrees they should be advised that the onus is on them to ascertain from the Foreign Office what is considered to be an acceptable designation. By virtue of s.141a and r.121, a title is a formal requirement, thus if there is no title given on Form 1 the applicant should be required to provide one, or to confirm that the title, if any, on the specification is to be used on Form 1. See also 14.49 51 and 19.24 . The title should avoid disclosing the invention, since it is published in the Journal prior to publication of the application under s.161. This will be done only if there is some reason for doubting the authority or for requiring it to be confirmed. If however, subsequent to the filing of Form 1, the applicant wishes to change their agent or an agent is appointed for the first time, the incoming agent must file Patents Form 51. Notification on Form 51 should not be made if the new agent will only perform administrative tasks such as paying renewal fees or registering an assignment. If an applicant who has been represented by an agent decides to dispense with the services of the agent and represent themselves as a private applicant, then they should be advised to provide written confirmation of this change. A copy of the applicant's letter will then be sent to the former agent. Communication with the applicant can only be through this address; if an agent has been appointed and the applicant contacts the office direct they must be advised to communicate through their agent.

The file number of the earlier application should preferably also be stated if it is available. A copy of the earlier application and any necessary translation do not however need to be filed at this stage. In the case of an application under s.159 a divisional application the request for an earlier filing date must be made at the time of filing the application in suit, see 15.18 . If one or more of the applicants is not an inventor, the top "No" box should be marked instead. Where there is one or more inventor whose name is not given as an applicant in Part 2 of the Form, a mark should be placed the lower "Yes" box in part 7 of the Form. It follows that the lower "No" box in part 7 of the Form should only be marked in the case where all inventors are named applicants and all named applicants are inventors. Where an applicant named in Part 2 of the Form is a corporate body and the top "Yes" has been marked in Part 7, an objection should be raised. If the application fee is paid at a later date, a surcharge will be payable. A reference must be substantiated by the filing of a certified copy within the time specified by rule 223, which is four months from the date of filing, and a description must be filed within the time specified by rule 221, which is the same period as for the claims and abstract and is the later of twelve months from the earliest date or two months from the date of filing. Where both a description is filed and the details of an earlier application are given in Part 10 of the Form, the applicant or their agent should be contacted to clarify under which of the mutually exclusive options of s.151c the application is made. Where a signature is missing, the formalities examiner should raise an objection requiring a duly signed form to be submitted see 15A.20 . However, correction of any of the other information given on Form 1 merely requires notification in writing. See 19.0519.12 32.06 and 117.17117.21 .

There must not be any frames lines surrounding matter. For documents other than drawings the minimum margins must be 20mm at the top, right, left and bottom. The margins of all documents should be completely blank, even from case reference details; line numbers and page numbers are regarded as being part of the text rather than being in the margin. Any document which has been filed by facsimile transmission fax must be legible, and the responsibility for ensuring legibility rests with the sender. If upon subsequent examination any part of a document received is unintelligible, no filing date will be accorded to that part. Appraisal of documents filed by fax occurs not upon receipt but when they are examined in the normal course of business see 14.02. In the event that the applicant does not comply with an initial request and providing that there are no other outstanding requirements, the specification should be retyped in the Office with the approval of the Formalities Manager. The retyped application should be accompanied by a suitable instruction for publication.

The applicant should also be advised in writing that their application has been retyped and given four weeks from the date of the letter being issued in which to object. The pages of the description, claims and abstract are normally secured, eg by stapling, in the top lefthand corner; the request for grant and the drawings normally remain as separate sheets. The sheets of drawings must also be numbered consecutively in a single series, and the drawings themselves must be numbered consecutively in a single series. Where a sequence listing is set out at the end of the application, it must be numbered consecutively in a separate series. Replacement pages therefor should not be required. Numbering with a letter suffix eg page 2a is not satisfactory and should be corrected together with deletion of any explanatory note such as "page 2a follows" on a preceding page before an application is sent for grant.

The formal renumbering will then be effected in Publishing Section prior to B publication. No objection should be raised to the absence of line numbering. Any such alterations in manuscript should be neat and printed rather than written. They must not extend into the minimum margins and they must not be so placed as to hinder the normal scanning of the page by the reader. They must also be in black ink blue ink is not acceptable as it cannot be reproduced reliably. Further, the number of alterations and the manner of their execution should not give the page an untidy appearance. The determination of where to draw the line must be left to good sense. As a guide it may be taken that if, say, one or two words of a claim are changed, the consequential manuscript amendment of these words whenever they occur throughout the description could be permitted. On the other hand, a manuscript amendment of several lines should not be regarded as de minimis. It may be reasonable to delete the same word or part of a word throughout the specification, or to delete a few words, all or part of a sentence or a short paragraph on a single page. A single deletion comprising most of a page is not considered reasonable unless it is done in a manner leaving the deleted area blank. Nor is it considered reasonable to have many deletions on a single page, or deletions which break up the text in a manner making reading awkward. No objection is raised to otherwise reasonable deletions occurring on several pages so long as the total number remains moderate having regard to the length of the specification. While the extent of deletions may not be such as to require objection the subsequent inclusion of further deletions may not be allowable. Deletions should preferably be effected by erasure or obliteration visible or "invisible". Striking out should be clear and neat; a straightedge should be used, except for crossing out single letters.

Deletions should be made in black ink and be such as to ensure satisfactory reproduction. There must be no uncertainty as to the extent of the deletion. Since the drawings when reproduced may be of a different size than when filed, no scale should be specified in words and no dimensions should be given in the drawings. If it is considered desirable, a scale or other reference for making reference may be included, but it must be represented diagrammatically. Crosssections should be indicated by hatching. A specification may include photographs, however as with all parts of the specification, they must be clear enough for reproduction. Colour drawings or photographs are not allowable. The capital letters in any typeface or font used in any drawing must be more than 3mm high. The Latin, and, where customary, the Greek alphabet should be used. A few words may be allowed as aiding understanding of the drawings. In the case of electrical circuits and block schematic or flow sheet diagrams, a few short catchwords are allowable and may be desirable. If extensive text is present, such that the sheet may be considered to constitute part of the description, then objection should be raised under r.143 together with paragraph 19 of schedule 2, which states that a drawing must not be included in the description. Where the original document is not in English or Welsh this s.152a requirement can be met by the foreignlanguage document being accompanied by a translation into English. Where a date of filing is accorded to an application comprising a foreignlanguage description, the applicant must be notified of the failure to comply with r.141. The comptroller may refuse the application if the applicant fails to file a description in English or Welsh within two months of such a notification extendable at the discretion of the

comptroller under r.1081 together with r.10857.

Where the specification includes drawings, the description must include a list of drawings briefly describing each of them. The claims should be headed in such a way that the commencement of the claims is clearly identifiable, eg by the title "Claims". If it is not in agreement with that given on Form 1, see 14.04.10, or even if there is no title on the specification, the specification as filed should be published under s.161. If it is considered necessary an applicant may be required to file a copy of such formulae prepared in the manner prescribed for drawings. For applications which include a sequence listing, this listing is considered to form part of the description rather than the drawings and therefore may be inserted at any point in the description. These would then be subject to excess pages fees as they are part of the description. It is usual, however, for the sequence listing to be placed at the end of the description and before the claims. Alternatively, a sequence listing may be set out at the end of the application, in which case it must be numbered consecutively in a separate series to the description and claims, and rule 124 does not apply. In this case, the sequence listing would not be subject to excess pages fees. See 15A.04 for practice at preliminary examination stage when a sequence listing has not been filed. The claims may contain tables of information only if the comptroller agrees. This is one of the requirements set out in part 4 of Schedule 2 and is therefore not a formal requirement. The question as to whether tables in a claim are allowable is therefore a matter for the substantive examiner, and no objection should be raised at an earlier stage. Only technical terms, signs and symbols which are generally accepted in the field in question may be used. The same features should be denoted by the same reference sign throughout the application.

References must only be included in the drawings where they are mentioned in either the description or the claims. These are not formal requirements; hence amendment to meet them should not be required at the preliminary examination stage. Temperatures should be given in degrees Celsius centigrade, except that as a matter of practice, degrees Kelvin are acceptable to express cryogenic or colour temperatures. There is, however, no objection to non standard units used in a statement of prior art by way of direct quotation.

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