The Patents (Extension of Time) (Federal Republic of Germany) Rules, 1951

1951 No. 457

Made - - - -	16*th March*, 1951
Laid before Parliament	17*th March*, 1951
Coming into Operation	27*th March*, 1951

By virtue of the provisions of Section 71 of the Patents Act, 1949(a), (hereinafter called "the Act") and of all other powers enabling them in that behalf, the Board of Trade do hereby make the following Rules:—

1. These Rules may be cited as the Patents (Extension of Time) (Federal Republic of Germany) Rules, 1951, and shall come into operation on the 27th day of March, 1951.

2. The Interpretation Act, 1889(b), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3.—(1) The comptroller may, upon request made to him in writing, extend until a date not later than the 31st day of May, 1951, the time for making a convention application for a patent founded upon an application for protection deposited in a Filing Office at Darmstadt or Berlin, Germany, where the application so deposited continued to be dealt with by the Patent Office of the Federal Republic of Germany in accordance with Article 2, Section 2, of Economic Council Ordinance No. 117.

(2) The comptroller may extend the time limited by or under the Act or the Patents Rules, 1949(c), for doing any act in relation to a convention application made by virtue of an extension of time under this Rule.

4. Where an application for a patent has been made in the United Kingdom and the applicant desires to convert the application into a convention application made by virtue of an extension of time allowed under Rule 3 hereof, request for an extension of time under the said Rule 3 accompanied by a request in writing for the conversion of the application may be made, and the statement and documents required by subsection (4) of Section 2 of the Act and by Rule 15 of the Patents Rules, 1949(c), may be filed at any time before the acceptance of the complete specification. If the comptroller allows the extension requested he may require a new Application Form to be filed in substitution for the Application Form previously filed, and may make or allow to be made such amendments in the application documents as are necessary to convert the application into a convention application.

5. Where a convention application made by virtue of an extension of time allowed under Rule 3 hereof is in order for the sealing of a patent thereon, and a patent for the same invention has previously been applied for by the same applicant and the previous application is in order for the sealing of a patent thereon, or the patent has been granted, the comptroller may refuse to seal a patent on the previous application or may make an order for the revocation of the existing patent.

(a) 12, 13 & 14 Geo. 6. c. 87. (b) 52 & 53 Vict. c. 63.
(c) S.I. 1949 (No. 2385) I, p. 2933.

6. Where a patent is granted pursuant to a convention application made by virtue of an extension of time allowed under Rule 3 hereof, any person who in good faith has made used exercised or vended the invention in respect of which such patent is granted during the period of such extension shall be entitled to a licence under the patent upon such terms and conditions as, in default of agreement between the parties, shall be settled by the comptroller.

Dated the 16th day of March, 1951.

Arthur G. Bottomley,
Parliamentary Secretary to the Board of Trade.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

Notification that the International Convention for the Protection of Industrial Property again applied as between the United Kingdom and the Federal Republic of Germany was published on the 26th April, 1950.

These Rules empower the Comptroller-General of Patents, Designs and Trade Marks to receive convention applications for the protection of patents in the United Kingdom founded upon applications for protection in the Federal Republic of Germany, in spite of the fact that the German applications were made more than twelve months prior to the convention applications. The Rules also allow an extension of time until 31st May, 1951, for claiming certain rights of extended priority.

The Patents (Extension of Time) (Federal Republic of Germany) (Amendment) Rules, 1951

1951 No. 1632

Made - - - -	*5th September,* 1951
Laid before Parliament	*6th September,* 1951
Coming into Operation	10*th September,* 1951

By virtue of the provisions of Section 71 of the Patents Act, 1949(**a**), and of all other powers enabling them in that behalf, the Board of Trade do hereby make the following Rules:—

1. These Rules may be cited as the Patents (Extension of Time) (Federal Republic of Germany) (Amendment) Rules, 1951, and shall come into operation on the 10th day of September, 1951.

2. The Patents (Extension of Time) (Federal Republic of Germany) Rules, 1951(**b**), hereinafter referred to as "the Principal Rules", shall have effect subject to the modifications contained in these Rules.

(**a**) 12, 13 & 14 Geo. 6. c. 87. (**b**) S.I. 1951 No. 457, p. 139 above.