

Response from the United Kingdom on relief, in response to SCP/6/7.

1. Business in the USA and its communications with the United Kingdom were disrupted by the terrorist attacks of 11 September 2001, and the UK Patent Office promised to take whatever reasonable measures it could to assist those whose filings of patent, trade mark or designs applications or other documents had been affected. We would take the same approach for any *force majeure* circumstances which occurred either in the UK or abroad and we would, wherever possible, help with reconstituting files or records which have been damaged or destroyed.

2. In such circumstances, requests for extensions of time are considered sympathetically on a case-by-case basis, and we are free to exercise considerable discretion in respect of non-statutory time limits (for example, the time period for response to an examination report on a patent application). In respect of statutorily-defined time limits, however, we are constrained by national and international legislation and can only exercise the discretion that gives us. That said, many of the statutorily-defined time limits are extensible, either as of right or at the discretion of the comptroller - the period for getting a patent application in order for grant is one such example. Nevertheless, there are a few such time periods which cannot be extended; for example, the relevant periods for claiming priority under the Paris Convention are not extensible, and for trade marks, neither is the period for filing an opposition.

3. However, in the event of *force majeure* circumstances which generally interrupt either the normal operation of the Patent Office or the postal services in the UK, our legislation allows for any such day on which this occurs to be declared an "excluded day", and all statutorily-defined time periods are then automatically extended until the day on which the Office or the UK postal system is once again operating normally.

4. Implementation of the WIPO Patent Law Treaty will, of course, alter the relief available under patent law, particularly in respect of extension of the priority year. Preparations are currently being made to deregulate, by means of a Regulatory Reform Order, many of the formal procedures associated with patent applications and patents, and the deregulations include (but are not solely restricted to) changes needed to achieve international harmonization of formalities requirements under the PLT. Both primary and secondary legislation (the Patents Act 1977 and the Patents Rules 1995) will require amendment. The Order is currently aimed at the 2002-2003 Parliamentary session.

UK Patent Office
4 January 2002