

2020 No. 644

INTELLECTUAL PROPERTY

**The Patents, Trade Marks and Registered Designs (Fees)
(Coronavirus) (Amendment) Rules 2020**

<i>Made</i>	- - - -	<i>25th June 2020</i>
<i>Laid before Parliament</i>		<i>29th June 2020</i>
<i>Coming into force</i>	- -	<i>30th July 2020</i>

The Secretary of State, in exercise of the powers conferred by section 123 of the Patents Act 1977(a), sections 78 and 79 of the Trade Marks Act 1994(b) and sections 36 and 40 of the Registered Designs Act 1949(c) and with the consent of the Treasury makes the following Rules.

In accordance with articles 5, 6 and 7 of the Department of Trade and Industry (Fees) Order 1988(d), the Secretary of State has taken into account the functions and matters specified in Parts 2, 3 and 4 of Schedule 1 and Parts 1 and 2 of Schedule 2 to that Order.

Citation and commencement

1. These Rules may be cited as the Patents, Trade Marks and Registered Designs (Fees) (Coronavirus) (Amendment) Rules 2020 and come into force on 30th July 2020.

Amendments to the Patents (Fees) Rules 2007

2. The Patents (Fees) Rules 2007(e) are amended as follows.

3. In rule 1(2)—

- (a) in sub-paragraph (a), omit “and” in the second place it occurs;
- (b) in sub-paragraph (b), omit “Rules 2007.” and substitute “Rules 2007; and”;
- (c) after sub-paragraph (b) insert—

“(c) “the fee reduction period” means the period beginning on 30th July 2020 and ending on 31st March 2021.”.

4. In rule 2(1), omit “rules 3 to 7” and substitute “rules 3 to 8”.

(a) 1977 c.37; section 123 was amended by the Copyright, Designs and Patents Act 1988 (c.48), Schedule 5, paragraph 29, Schedule 7, paragraph 22 and Schedule 8; the Patents Act 2004 (c.16), Schedule 2, paragraphs 1 and 26.
(b) 1994 c.26.
(c) 1949 c. 88; section 36 was amended by the Copyright, Designs and Patents Act 1988 (c.48), Schedule 3, paragraph 26; S.I. 2001/3949, regulation 9(1) and Schedule 1, paragraph 11; the Intellectual Property Act 2014 (c.18), section 12; section 40 was amended by the Copyright Designs and Patents Act 1988 (c.48), Schedule 3, paragraph 29.
(d) S.I. 1988/93, amended by S.I.1990/1473 both of which were made under section 102 of the Finance Act (No.2) Act 1987 (c.51); there are other amending instruments but none is relevant.
(e) S.I. 2007/3292, amended by S.I. 2017/1100; there are other amending instruments but none is relevant.

5. In rule 3—

- (a) in paragraph (1)(b), before “in respect of”, insert “except as provided in paragraph (3),” ;
- (b) after paragraph (2) insert—
 - “(3) During the fee reduction period, where the filing of the application is not accompanied by the application fee, the application fee—
 - (a) in Table 1, is £60;
 - (b) in Table 2, is £90.”.

6. In rule 5—

- (a) in paragraph (1), before “The additional fees”, insert “Except as provided in paragraph (3),”;
- (b) after paragraph (2) insert—
 - “(3) During the fee reduction period, the additional fees referred to in paragraph (1) are nil.”.

7. In rule 6—

- (a) in paragraph (4), before “The additional fee”, insert “Except as provided in paragraph (6),”;
- (b) after paragraph (5) insert—
 - “(6) During the fee reduction period, the additional fee referred to in paragraph (4) is nil.”.

8. After rule 7, insert—

“Temporary fee reduction

8.—(1) This rule applies to the fees (“the relevant fees”) specified in Schedule 1 identified in paragraph (3).

- (2) During the fee reduction period, the relevant fees are nil.
- (3) The relevant fees referred to in paragraph (1) are—
 - (a) the fee of £135 which must accompany Form 52,
 - (b) the fee of £150 which must accompany Form 3 on a request for permission to make a late declaration of priority under section 5(2B),
 - (c) the fee of £150 which must accompany Form 14, and
 - (d) the fee of £135 which must accompany Form 16.”.

Amendments to the Trade Marks (Fees) Rules 2008

9. The Trade Marks (Fees) Rules 2008(a) are amended as follows.

10. In rule 2(1), before “The fees”, insert “Except as provided in rule 3A,”.

11. After rule 3, insert—

“Temporary fee reduction

3A.—(1) This rule applies to the fees (“the relevant fees”) identified in paragraph (3).

(2) During the period beginning on 30th July 2020 and ending on 31st March 2021, the relevant fees are—

- (a) nil, in the case of the fees identified in paragraph (3)(a) and (b);

(a) S.I.2008/1958, amended by S.I. 2009/2089; there are other amending instruments but none is relevant.

- (b) £1, in the case of the fee identified in paragraph (3)(c).
- (3) The relevant fees referred to in paragraph (1) are—
 - (a) the fee of £100 which must accompany Form TM9,
 - (b) the fee of £100 which must accompany Form TM13, and
 - (c) the fee of £50 which must accompany Form TM11 on a delayed renewal of registration under rule 36(2) of the 2008 Rules.”.

Amendments to the Registered Designs (Fees) Rules 2016

12. The Registered Designs (Fees) Rules 2016(a) are amended as follows.

13. In rule 6, in paragraph (3), before “The additional fees”, insert “Except as provided in rule 8,”.

14. In rule 7, before “The fees payable”, insert “Except as provided in rule 8,”.

15. After rule 7 insert—

“Temporary fee reduction

8. During the period beginning on 30th July 2020 and ending on 31st March 2021—

- (a) the additional fees referred to in rule 6(3) are nil, and
- (b) the fee payable in relation to a request to restore a registration on Form DF29 pursuant to rule 13 of the Registered Designs Rules is nil.”.

23rd June 2020
Parliamentary Under Secretary, Minister for Science, Research and Innovation
Department for Business, Energy and Industrial Strategy

Amanda Solloway

We consent to the making of these rules

25th June 2020
Two of the Lords Commissioners of her Majesty’s Treasury

*David Rutley
Rebecca Harris*

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Patents (Fees) Rules 2007 (SI 2007/3292), the Trade Marks (Fees) Rules 2008 (SI 2008/1958) and the Registered Designs (Fees) Rules 2016 (SI 2016/889) (“the Fees Rules”). The Fees Rules prescribe the fees payable in respect of matters arising under the Patents Act 1977 (c. 37), the Trade Marks Act 1994 (c.26) and the Registered Designs Act 1949 (c.88).

These Rules reduce certain of the fees prescribed in the Fees Rules to nil (or, in one case, to £1) in respect of the period beginning on 30th July 2020 and ending on 31st March 2021. The relevant

(a) S.I. 2016/889.

fees consist of: (i) fees applicable to extensions of time periods for the filing of documents, (ii) surcharges for the late payment of certain other fees, in particular the late payment of fees to maintain in force a patent, trade mark or registered design, and (iii) fees to reinstate patent applications or restore patents, trade marks and registered designs which have been removed from the register. The reduction of such fees to nil (or, in one case, to £1) addresses the potential effects of coronavirus on the ability of applicants for and proprietors of patents, trade marks and registered designs to comply with certain requirements within the prescribed time limits.

An impact assessment has not been produced for this instrument as this is a temporary, emergency measure and no significant impact on business, charities, voluntary bodies and the public sector is foreseen.

A copy of this instrument and the Explanatory Memorandum is available from the Intellectual Property Office, Concept House, Cardiff Road, Newport NP20 8QQ. The Explanatory Memorandum is also available alongside the instrument on the Legislation UK website www.gov.uk (copies have also been placed in the libraries of both Houses of Parliament).

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