



PATENTS (AMENDMENT) (NO. 2) RULES, 1979.

STATUTORY INSTRUMENTS.

(Prl. 8323)

S.I. No. 300 of 1979.

I, DESMOND O'MALLEY, Minister for Industry, Commerce and Energy, in exercise of the powers conferred on me by section 96 of the Patents Act, 1964 (No. 12 of 1964), hereby make the following rules:—

1.—

- (1) These Rules may be cited as the Patents (Amendment) (No. 2) Rules, 1979.
- (2) The citation “the Patents Rules, 1965 to 1979” shall include these Rules.

2. The Patents Rules, 1965 (S.I. No. 268 of 1965), are hereby amended by the substitution of the following Rule for Rule 30:

“(1) Where an applicant has made application for a patent and, before acceptance of the complete specification, makes a fresh application for a patent for matter included in the first mentioned application or in any specification filed in pursuance thereof, the Controller may direct that the fresh application or any specification filed in pursuance thereof shall be ante-date to a date not earlier than the date of filing of the first mentioned application or specification if the applicant includes in the fresh application a request to that effect.

(2) The Controller may require such amendment of the complete specification filed in pursuance of either of the said applications as may be necessary to ensure that neither of the said complete specifications includes a claim for matter claimed in the other.

(3) Where an applicant has made two or more applications accompanied by provisional specifications for inventions which he believes to be cognate or modifications one of the other and the Controller is of opinion that such inventions are not cognate or modifications one of the other, the applicant may divide a single complete specification filed in connection with the said provisional specifications into such number of complete specifications as may be necessary to enable the applications to be proceeded with as two or more separate applications for patents.

(4) Where a single convention application has been made in respect of all or part of the inventions in respect of which two or more applications for protection have been made in one or more convention countries, and the examiner reports that the claims of the specification filed with the said convention application relate to more than one invention, the Controller may allow one or more further applications to be filed and the specification to be divided into such number of specifications as may be necessary to enable two or more separate convention applications to be proceeded with and may direct that the said applications be deemed to have been filed on the date of filing of the original application”.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” 9th October, 1979.

GIVEN under my Official Seal, this 4th day of
September, 1979.

DESMOND O'MALLEY,
Minister for Industry, Commerce and
Energy.

EXPLANATORY NOTE



(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Rules provide for amendment of the Patents Rules, 1965 by modifying the requirements for the filing of divisional applications.