



PATENTS (AMENDMENT) (NO. 2) RULES, 1978.

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S.I. No. 241 OF 1978

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, 1978.
- (2) The Patents Rules, 1965 to 1970, and these Rules may be cited together as the Patents Rules, 1965 to 1978.

2. The Patents Rules, 1965 (S.I. No. 268 of 1965), are hereby amended –

- (a) by the substitution for subparagraph (e) of paragraph (1) of Rule 27 of the following subparagraphs:
 - “(e) where an application for a patent is also made under the provisions of the European Patent Convention, done at Munich, on the 5th day of October, 1973, a copy of the published European patent application and the related European Search Report or a copy of the published specification of the granted European patent, in respect of the said invention; or
 - (f) where an application for a patent is also made to the Patent Office, London, on or after the 1st day of June, 1978, a copy of the published application for the patent and the related search report, or a copy of the published specification of the granted patent, in respect of the said invention; or
 - (g) where an application for a patent is also made to the Deutsches Patentamt, Munich, a copy of the published examined application for a patent (Auslegeschrift), or a copy of the published specification of the granted patent (Patentschrift), in respect of the said invention; or
 - (h) where an application for a patent is also made under the provisions of the Patent Cooperation Treaty, done at Washington, on the 19th day of June, 1970, a copy of the published International Application and the related International Search Report in respect of the said invention.”,

and

- (b) by the substitution for subparagraph (b) of paragraph (3) of the said Rule 27 of the following subparagraph:
 - “(b) If evidence in accordance with subparagraphs (d), (e), (f), (g) or (h) of paragraph (1) is furnished, it shall be submitted –
 - (i) in the case of evidence in accordance with the said subparagraph (d), within two months of the publication of the accepted complete specification referred to therein,
 - (ii) in the case of evidence in accordance with the said subparagraph (e), within two months of the publication of the search report or of the specification referred to therein,
 - (iii) in the case of evidence in accordance with the said subparagraph (f), within two months of the publication of the search report or of the specification referred to therein,
 - (iv) in the case of evidence in accordance with the said subparagraph (g), within two months of the publication of the examined application or of the specification referred to therein,



- (v) in the case of evidence in accordance with the said subparagraph (h), within two months of the publication of the search report referred to therein.”

GIVEN under my Official Seal, this
23rd day of August, 1978.

DESMOND O’MALLEY

Minister for Industry, Commerce and
Energy

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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 allowing the filing of certain types of evidence of prior publication.