

Section 71: Time for putting application in order for acceptance

(1) A patent application is void unless, within the prescribed period, the applicant ensures that—

- (a) the application and the complete specification comply with the requirements of this Act and of the regulations; and
- (b) the applicant has complied with all requirements imposed on the applicant by or under this Act that are prescribed for the purposes of this paragraph; and
- (c) the invention, so far as claimed, is a patentable invention under section 14; and
- (d) there is no other lawful ground of objection to the grant of a patent in respect of the application.

(2) Deadlines, or extensions of deadlines, set by the Commissioner under section 67 cannot extend the prescribed period under subsection (1).

(3) Nothing in this section limits section 68 (which relates to treating an application as abandoned).

Compare: 1953 No 64 s 19(1), (1A)

Acceptance period

~~1. The period for placing an application in order for acceptance is 12 months after the date of issue of the first examination report under section 65 (regulation 80(1)).~~

~~2. The period of section 71(1) is independent of any deadlines set under section 67 (see section 71(3)). An application will be void unless the application is in order for acceptance within 12 months of the date of issue of the first examination report under section 65(1).~~

~~3. Other than appealing a decision of Commissioner (section 72) and accounting for delay by the Commissioner (section 230), the time for putting an application in order under section 71 is not extendible at the discretion of the Commissioner. Matters raised in an examination report should be resolved by the deadlines and extensions of deadlines set under section 67.~~

1. An application will be void unless it is put in order for acceptance within the period of section 71(1). The period of section 71(1) is 12 months after the date of issue of the first examination report under section 65 (regulation 80(1)).

2. The period of section 71(1) is independent of any deadlines set under section 67 (see section 71(2)). Matters raised in an examination report should be resolved by the deadlines and extensions of deadlines set under section 67.

3. The period for placing an application in order for acceptance is extendable when appealing a decision of the Commissioner (section 72) or when accounting for delay by the Commissioner (section 230). The period is also extendable under regulation 147 but only in exceptional circumstances.

SUPERSEDED