

From: [Bob Stanley](#)
To: [Andrew Hall](#)
Sent: Thursday, March 26, 2009 6:07 PM
Subject: Freedom of Information request Ref: FOI/BS/170

Dear Mr Hall

Further to my email of 3rd March please find below the response to your request for information under the Law Society's Freedom of Information Code of Practice.

Your request was as follows:

"I have a question for the Law Society with respect to a Solicitor's duty to inform the Courts of any failure to pay the full Stamp Duty due on any documents presented in evidence - by either side."

Rule 1 of the Solicitors' Code of Conduct 2007 provides that a solicitor must uphold the rule of law and proper administration of justice (1.01) and must act with integrity (1.02). These are some of the core duties which are the standards we expect of solicitors. In the scenario you describe a solicitor must consider whether they are acting professionally and in accordance with the core duties if they decide to adopt a particular course of action. More specifically rule 11.01 provides that a solicitor must not "deceive or knowingly or recklessly mislead the court". In our view the issue therefore is whether the court would be misled if a solicitor did not themselves, or alternatively did not instruct counsel, that stamp duty had not been paid. The solicitor may also breach rule 10.01 if they fail to disclose material information to the court or to a third party and thereby take unfair advantage for their client's benefit. If a client does not agree to disclosure of the information, however, the only course of action open to the solicitor may be to cease to act because of their duty of confidentiality to the client.

I hope that this information is of assistance to you.

Yours sincerely

Bob Stanley
Information Compliance Manager - Legal Services
The Law Society, 113 Chancery Lane, London WC2A 1PL
t: 020 7242 1222 (x4117)
f: 020 7320 5685
www.lawsociety.org.uk



Go green – keep it on screen

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To help us improve our service, calls may be monitored or recorded for quality and training purposes.

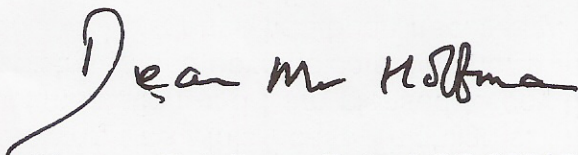
Thank you.

From the Chief Executive

The Patent Office
Concept House
Cardiff Road
NEWPORT
South Wales
NP10 8QQ

Tel:01633 814000
Fax:01633 814504

Direct line:+44 1633 814500
Email: ron.marchant@patent.gov.uk
Our ref:
Your ref:
Date: 4 December 2006



Re: Licence Details on Patent GB 2201548

Thank you for your letter of 22 November 2006 discussing the Register entry for the licence filed in March 1996 on the above Patent.

When we record details of registrable transactions, in particular licences, Rule 46(1) and (2)(b) of the Patents Act 1995, allows us to proceed if the details of the licence are filed on a form 21/77. If this is signed by the grantor of the licence, we will record the transaction without the need for accompanying evidence such as a certified copy of the licence. This is the case with this patent and having now looked at the file, I can confirm that we have never received a copy of the licence which recorded Electret Developments Limited as a licensee.

Unfortunately, as you have pointed out in your letter, this contradicts our Register entry dated 25 March 1996 and this is due to the use of standard text on the Register. At the time of recording, staff in the relevant section used standard Register entry texts, together with standard wording for confirmation letters, both of which indicated the receipt of certified copies of the relevant documents. This was the practice for all registrable transactions recorded in the Office at that time. However, as this case highlights, not all transactions require additional documentation and I am pleased to say that our practice changed in 1999 and our Registry entries now indicate whether a form 21/77 alone has been filed or whether additional evidence has been necessary. I will now arrange for an updated entry to be included against this patent and its associate, GB2136207, to show that the licence was recorded on the receipt of the form 21/77 alone.



For Innovation

I hope this goes some way to explaining why you have been unable to obtain a copy of the licence for this patent. I understand that this must have been a frustrating experience for you and I can only apologise that we cannot, on this occasion, meet your request.

*Yours
Ron*

Ron Marchant



The Patent Office

[REDACTED]
Assistant Director
Inland Revenue Stamp Office
15th Floor
Cale Cross House
156 Pilgrim Street
Newcastle upon Tyne
NE1 6TF

The Patent Office

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<http://www.patent.gov.uk>

Switchboard
01633-814000

Direct Line: [REDACTED]
Fax: [REDACTED]
E-Mail: [REDACTED]@patent.gov.uk
Our Ref: FM/128/leg/3
Date: 24 December 1998

Dear [REDACTED]

As you are aware, under The Patents Rules 1995 the signature space provided by part 7 of Form 21/77 (application to register or give notice of rights acquired in a patent or in an application for a patent) includes the declaration "I/we hereby confirm that rights as indicated in part 5 above have been acquired and that any necessary Stamp Duty has been paid". This declaration can be seen to have two limbs, one to the validity of the transaction and the other to Stamp Duty.

The validity of a transaction and of its documentation *per se* are regulated by sections 30 and 31 of the Patents Act 1977, but these sections do not regulate either the Register of Patents or the recording therein of transactions, which are provided for by sections 32 and 33.

Recording of a transaction is provided for by Rule 46, which gives persons applying to register a transaction the options of either :

- (a) filing a Form 21/77 which has been signed by (or on behalf of) *all* the parties to the transaction: or
- (b) filing a Form 21/77 signed by fewer than all the parties in conjunction with supporting documentation "sufficient to establish the transaction".

Since the Patents Rules 1995 came into force on 4 September 1995 we have accepted both limbs of the declaration whenever:

- (i) it is signed by all the parties to the transaction; and
- (ii) no supporting documentation is supplied.

If, however, *both* an appropriately signed form 21/77 *and* supporting documentation were filed, the documents have, to date, been inspected to ensure compliance with both Acts.

I am writing to inform you that we are now changing our practice. We will now accept appropriately signed declarations at their face value (i.e. even when unnecessary supporting documentation is also submitted). To advise the public, the attached notice will shortly appear in the Patents and Designs Journal.

Yours sincerely


Legal Division
Patents and Designs Directorate

**Patents and Designs Directorate
Practice in relation to assignments and Stamp Duty**

This notice is to inform practitioners of changes in Patent Office practice when an application to register a transaction affecting rights in a patent (or application for a patent) is received. Previous practice was to inspect supporting documentation whenever supplied.

Part 7 of Form 21/77 contains a declaration to the effect that details of the rights acquired under the transaction are correct, and that Stamp Duty has been paid on the transaction (where appropriate).

With respect to the acquired rights, the Office will without question accept the declaration at its face value whenever it is signed by (or on behalf of) all parties to the transaction (rule 46(2)(a)).

With respect to Stamp Duty, the Office will accept without question that the appropriate stamp duty has been paid whenever the declaration is signed by the assignee. In cases where there is no liability to Stamp Duty, practitioners may delete the limb of the declaration relating to Stamp Duty and substitute a statement to that effect beneath the signature(s).

Responsibility for determining whether or not Stamp Duty is payable on a transaction lies with the parties and their representatives. If there is any doubt as to whether any document attracts Stamp Duty, the appropriate Inland Revenue Stamp Office should be approached for advice.

Where the declaration is acceptably signed, no supporting documentation will be sought, and any documentation submitted will simply be placed on the file as part of the record available to the public.

The validity of a transaction and of its documentation *per se* are regulated by sections 30 and 31 of the Patents Act 1977, but these sections do not regulate either the Register of Patents or the recording therein of transactions, which are provided for by sections 32 and 33.

Recording of a transaction is provided for by Rule 46, which gives persons applying to register a transaction the option of either:

- (a) filing a Form 21/77 which has been signed by (or on behalf of) all the parties to the transaction; or
- (b) filing a Form 21/77 signed by fewer than all the parties in conjunction with supporting documentation "sufficient to establish the transaction".

Since the Patents Rules 1995 came into force on 4 September 1995 we have accepted both limbs of the declaration whenever:

- (i) it is signed by all the parties to the transaction; and
- (ii) no supporting documentation is supplied.

If, however, both an appropriately signed form 21/77 and supporting documentation were filed, the documents have, to date, been inspected to ensure compliance with both Acts.



Assistant Director

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Telephone: [REDACTED]

Fax: [REDACTED]

[REDACTED]
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Cardiff Road
Newport
GWENT NP9 IRH

FM/128/leg/3

NENQ 4/99/ADB

7 January 1999

Dear [REDACTED]

Patent Office Form 21/77 and Stamp Duty

Thank you for your letter of 24 December 1998 with the draft notice enclosed. I note all that you have said.

I am sure you will be aware that while the preliminary responsibility for determining whether or not stamp duty is payable on a transaction lies with the parties and their representatives, as mentioned in the penultimate paragraph of the notice, there is also in fact a statutory responsibility upon the Chief Executive of the Patent Office not to record an instrument which is not duly stamped. That obligation is to be found in Section 17 of the Stamp Act 1891.

I presume this was considered when the policy decision to accept the statement on the form 21/77 without enquiry was being considered.

Yours sincerely

[REDACTED]
[REDACTED]



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15th Floor
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156 Pilgrim Street
Newcastle upon Tyne
NE1 6TF

Direct Line: [REDACTED]
Fax: [REDACTED]
E-Mail: [REDACTED]@patent.gov.uk
Our Ref: FM/159
Date: 9 December 1999

Dear [REDACTED]

You may remember that we were in correspondence some time ago about the difficult question of whether it is necessary to pay stamp duty on transactions of patents, registered designs and trade marks effected abroad before they are recorded on the appropriate UK statutory register.

This question has recently re-arisen in correspondence with solicitors, and we find that we are unable to answer it with confidence. On the one hand there appears to be a respectable reasoned argument that stamping is not necessary, yet against that there is a clear implication in your advice (e.g. as published in the September 1999 edition of The CIPA Journal) that it is. We are at present unaware of any court judgment that assists in determining which interpretation is correct.

It is clearly in the interest of "joined-up" government that different public departments and agencies should be seen to be providing uniform advice. On the other hand, where there is a genuine conflict of interpretation, we would wish to adopt the most deregulatory approach, to the benefit of the customer rather than the government.

Abolition of Stamp Duty on transactions of intellectual property would be the most effective solution to the problem, and I seem to recall that this was included (among other classes of transaction) in a Finance Act Statutory Instrument which failed to be enabled when the new Stock Exchange computer crashed. We have recently been asked by "the interests" to comment on whether your paper "Reform of the taxation of intellectual property" (March 1999) contemplates any resurrection of this idea, but have had to reply that it does not. We would, however, actively welcome abolition, not only because it would render the kind of

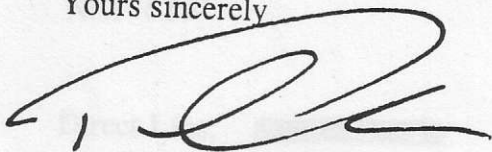
FM159

interpretation difficulties with which we are now faced unnecessary, but also because it would make easier the implementation of international harmonisation treaties with which this Office is involved.

I am therefore writing to you to suggest that we should meet with a view to resolving these problems sometime in the new year. If this is acceptable to you, please let me know.

While we are based in Newport, we still retain offices in London, and will be glad to hold the meeting at either location.

Yours sincerely



Legal Division PDD/H

14th December 1999

Dear Sir,

You may remember that we were in correspondence some time ago about the difficult question of whether it is necessary to pay stamp duty on transactions of patents, registered designs and trade marks effected abroad before they are recorded on the appropriate UK statutory register.

This question has recently re-arisen in correspondence with solicitors, and we find that we are unable to answer it with confidence. On the one hand there appears to be a respectable reasoned argument that stamping is not necessary, yet against that there is a clear application in your advice (e.g. as published in the September 1999 edition of *The Copyright Journal*) that it is. We are at present unaware of any court judgment that settles in determining which interpretation is correct.

It is clearly in the interest of "joined-up" government that different public departments and agencies should be seen to be providing uniform advice. On the other hand, where there is a genuine conflict of interpretation, we would wish to adopt the most delegatory approach, to the benefit of the customer rather than the government.

Abolition of Stamp Duty on transactions of intellectual property would be the most effective solution to the problem, and I seem to recall that this was included (among other classes of transaction) in a Finance Act Statutory Instrument which failed to be enabled when the new Stock Exchange computer crashed. We have recently been asked by "the interests" to comment on whether your paper "Return of the taxation of intellectual property" (March 1999) contemplates any resurrection of this idea, but have had to reply that it does not. We would, however, actively welcome abolition, not only because it would render the kind of



Inland
Revenue

THE STAMP OFFICE



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Telephone: [REDACTED]

Fax: [REDACTED]

[REDACTED]
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FM/159

NENQ 159/99/ADB

20 December 1999

Dear [REDACTED]

Stamp Duty on Documents Executed Abroad

Thank you for your letter of 9 December.

Stamp duty can indeed often be a complex tax to administer but with over three hundred years of experience and precedent behind us the Stamp Office is, of course, well versed in its interpretation and administration. That is why we are more than happy for you to refer any stamp duty enquiries you may receive direct to us. As you know, the Comptroller of the UK Patent Office is under a statutory obligation to ensure that all documents liable to stamp duty are duly stamped before they are recorded, but it would be out of the question for us to expect you to be able to engage in the sort of detailed legal analysis of the stamp duty position with Patent Office applicants which we are able to undertake.

You will have gathered from our advice published in the CIPA Journal that we have no difficulty at all with the way in which stamp duty is applied to the transfer of UK property where the document of transfer is executed abroad.

Section 14(4) of the Stamp Act 1891 provides the principal sanction for the non-payment of stamp duty and defines the territorial scope of the charge. The charge applies not only to instruments executed in the UK but to instruments executed outside the UK but relating either to any property situate in the UK or to any matter or thing to be done in the UK. The words in sub-section (4) "relating to any property situate, or to any matter or thing done or to be done in any part of the United Kingdom" are very wide and all embracing. You say that you are unaware of any Court judgment which assists in interpreting the legislation. Perhaps I could refer you to the case of *IRC v Maple & Co (Paris) Ltd [1908]* where the above words from sub-section (4) received the consideration of the House of Lords. In that case, by an "acte d'apport" executed in France, property in France was transferred by one English company to another English company, the consideration for the transfer being shares in the latter company which were to be issued and delivered to the former company in

England. It was held that the instrument was liable to ad valorem stamp duty as a conveyance on sale.

Lord Macnaghten said "*Then comes the question, how is the expression "conveyance on sale" to be understood? What limitations are to be placed upon it? Is it to be limited to conveyances executed in the United Kingdom? Such a limitation would be unreasonable when the instrument operates on property situate in the United Kingdom. A trip across the Channel would afford ready means of evading duty. Now Section 14(4) of the Stamp Act 1891 shows that it was not intended so to limit the expression. Why may not the subsection be referred to for the purpose of showing that conveyances on sale executed abroad are chargeable with duty when they relate "to any matter or thing done or to be done in any part of the United Kingdom" as well as when they relate to any property situate in the United Kingdom?*

Speaking for myself, I have some difficulty in seeing why it should be assumed that this instrument does not relate to property situate in the United Kingdom. The Act speaks of the "instrument". The provision is not confined to the operative part of the instrument. It speaks of the instrument as "relating to" certain subjects. There is no expression more general or far reaching than that."

We often encounter the argument that because the old Section 15 of the Stamp Act 1891 (before its amendment this year) allowed a period of 30 days for the stamping of a document executed abroad after it was first brought into the UK, this meant that a document executed abroad was not liable to any stamp duty until that date either. This was and is a misconceived and entirely incorrect argument. It was tested in the case of *Parinv (Hatfield) Ltd v IRC [1996] STC 933*. This case involved an attempt to avoid duty by splitting a transaction concerning land and executing a Declaration of Trust document in respect of the beneficial interest in the land abroad. Lindsay J, in dismissing the company's appeal, rejected the argument that because Section 15(2)(a) and (3)(a) provided the period of grace in which an instrument executed overseas could be stamped without penalty it should be regarded as duly stamped in that period. He stated "*The definition of "conveyance on sale" includes reference to every instrument whereby any estate or interest in any property is "upon the sale thereof" transferred or vested in a purchaser -Section 54. There is no exclusion of instruments by reason of their execution abroad. The transfer cannot escape on that ground as there is no such ground. Otherwise, as Lord Macnaghten pointed out in 1908, the duty could be evaded by virtue of a trip across (I would now add "or under") the Channel.*"

He also concluded that there was nothing in Section 15 which affected the principle referred to in *Wm Cory & Son Ltd v IRC [1965] AC 1088* that the liability of an instrument to stamp duty arises at the moment at which it is executed.

You will see from all the above that we have very concrete backing for all our arguments that documents relating to intellectual property which need to be registered at the UK Patent Office or Trade Marks Registry must first be stamped with the appropriate stamp duty and that execution of those documents abroad makes no difference to that liability which arises as soon as they are executed.

I have spoken to one of my senior policy colleagues about your letter and we would be pleased if, prior to our giving your request further consideration, you could be so kind as to set out what you refer to as the "respectable reasoned argument" that stamping is not necessary. It is, you will appreciate, fundamental to the collection of stamp duty that Section 14(4) of the Stamp Act 1891 works in the way in which the Courts have consistently and forcefully said that it does. We know of no case where any argument to the contrary has been upheld.

We agree that it is appropriate that all departments should be providing uniform advice and that in the interests of the customer the stamp duty should be paid with the minimum of fuss. That is why, when a document has been executed and held abroad, we relax the statutory requirement that the actual executed document be stamped and allow the stamping of a certified copy instead. We appreciate the difficulties sometimes associated with bringing documents into the UK from abroad, especially where they relate to intellectual property in numerous jurisdictions.

Your comments on the question of abolition are noted. We would appreciate a little more detail about the harmonisation treaties you have mentioned prior to any meeting and if you can let us have this we would be very grateful.

Yours sincerely

[Redacted signature]

[Redacted name]

Stamp duty is often a complex tax to administer but with over three centuries of experience and precedent behind us the Stamp Office is, of course, well versed in its preparation and administration. That is why we are more than happy to refer any stamp duty enquiries you may receive direct to us. As you know, the Commissioner of the U.K. Patent Office is under a statutory obligation to ensure that all documents liable to stamp duty are duly stamped before they are recorded, but it would be out of the question for us to expect you to be able to engage in the sort of detailed legal analysis of the stamp duty position with Patent Office applications which we are able to undertake.

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[REDACTED]
Assistant Director
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Cale Cross House
156 Pilgrim Street
NEWCASTLE UPON TYNE, NE1 6TF

Direct Line: [REDACTED]
Fax: [REDACTED]
E-Mail: [REDACTED]@patent.gov.uk
Your Ref: NENQ 159/99/ADB
Our Ref: FM/166
Date: 7 January 2000

Dear [REDACTED],

Thank you for your letter dated 20 December 1999, in which you kindly mentioned a number of precedent cases of which you are aware.

Our solicitors are at present studying these cases. I will write again when I have seen their opinions.

Yours sincerely,

[REDACTED]
Legal Division PDD/H



Awarded for excellence

Assistant Director

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Legal Division PDD/H
The Patent Office
Cardiff Road
Newport
GWENT NP9 1RH



FM/159

NENQ 159/99/ADB

21 March 2000

BY FAX AND ROYAL MAIL

Dear [REDACTED]

Stamp Duty on Document Executed Abroad

I wrote to you on 20 December in some detail and you said in your letter of 7 January that your solicitors were studying the cases I had quoted and you would write to me again when you had seen their opinions.

I am writing today because of the important announcement by the Chancellor in the Budget that he proposes to abolish stamp duty on the transfer of intellectual property. This will include transfers of patents, copyrights, trademarks, designs, plant breeders' rights and licences in respect of any of these.

The exemption will apply to all documents executed on or after 28 March 2000. There will be no ad valorem or fixed stamp duty on any document relating **exclusively** to intellectual property executed on or after that date.

Where an Agreement for Sale or an instrument of transfer consists partly of intellectual property and partly of other chargeable property, an apportionment of the sale price will be made to determine the amount chargeable to duty. The Finance Bill will contain provisions, along the lines of those in Section 112 FA 1991 etc, to ensure that **if the parties to a document are connected** the apportionment of the consideration made by them in the document is just and reasonable. The part of the consideration appropriate to the intellectual property element will be disregarded for Certificate of Value purposes.

You will see then that this means that documents where the property consists wholly of intellectual property will no longer need to be stamped before they can be registered at the Patent Office, provided they are executed on or after 28 March. Naturally the older documents still require to be stamped before they can be registered but the number of these will drop off as time goes on. I wanted to write to you as soon as I could about this significant abolition so that you might consider whether there is

any real need for us to continue with the enquiry you originally raised in your letter of 9 December last year.

I look forward to hearing from you.

Yours sincerely

[Redacted signature]

[Redacted name]

[Redacted address]

[Redacted address]

[Redacted date]

BY FAX AND ROYAL MAIL

[Redacted recipient name]

Stamp Duty on Document Executed Abroad

I wrote to you on 20 December in some detail and you said in your letter of 7 January that your solicitors were studying the cases I had quoted and you would write to me again when you had seen their opinions.

I am writing today because of the important announcement by the Chancellor in the Budget that he proposes to abolish stamp duty on the transfer of intellectual property. This will include transfers of patents, copyrights, trademarks, designs, plant breeders' rights and licences in respect of any of these.

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DN 01921 Newcastle upon Tyne

Telephone: [Redacted]

[Redacted]



The
Patent
Office

[REDACTED]
Assistant Director
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The Patent Office
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Direct Line: [REDACTED]
Fax: [REDACTED]
E-Mail: [REDACTED]@patent.gov.uk
Your Ref: NENQ 159/99/ADB
Our Ref: FM/173
Date: 22 March 2000

Dear [REDACTED]

Thank you for your letter dated 21st March 2000, in which you advised us of the forthcoming abolition of stamp duty on transactions of intellectual property.

This is very welcome news to all who are concerned with the registration of transactions of patents, registered designs and trade marks.

I apologise for the delay in replying to your letter of 20th December. As I mentioned in our telephone conversation yesterday, our solicitors have now advised us that they accept your interpretation of the precedents. However, in view of the budget, I think it would be confusing for the public if we were to issue two notices in short succession, one establishing a hardline, and the other being deregulatory.

I shall therefore only be considering publication of a single notice announcing the budgetary changes. In view of the shortness of time available before the 28 March, my request for clearance of this notice will probably have reached you by fax before this letter reaches you by mail.

In view of all the above, I agree that our proposed meeting would now serve no useful purpose. Thank you for your careful and complete review of the precedents, which we found most helpful.

Yours sincerely

[REDACTED]
Senior Adviser
Legal Division
Patents and Designs Directorate



ABOLITION OF STAMP DUTY ON INTELLECTUAL PROPERTY TRANSACTIONS

As from 28 March 2000 stamp duty will no longer be levied on transactions of property. This was announced as part of BUDGET 2000, and is very welcome news for all concerned in protecting intellectual property rights.

For transactions entered into after that date it will no longer be necessary to submit a stamp duty declaration on either Form 21/77 or registered marks Form 1/11a.

To: [REDACTED] (Newcastle Stamp Office)
[REDACTED] (DTI Legal)
[REDACTED] (TMD)

The Patent Office
Concept House
Cardiff Road
Newport
South Wales NP9 1RH

Switchboard
01633-814000

From: [REDACTED]
The Patent Office
Room [REDACTED]
Concept House
Cardiff Road
Newport
NP10 8QQ

Date: 22 March 2000

e-mail: [REDACTED]@patent.gov.uk

Tel: [REDACTED]


Fax: [REDACTED]

ABOLITION OF STAMP DUTY: JOURNAL NOTICES

I attach a draft notice for publication in the Journals of the Patent Office, and which will also form the basis for an insertion in the Patent Office external web site.

It is already too late for the good news to be published in the Journals before 28 March 2000, but I am anxious to ensure that the web site is fully up-to-date on that day.

I therefore look forward to your early clearance of this item.


[REDACTED]
Legal Division
Patents and Designs Directorate
The Patent Office

Draft Notice For Journals Etc.

ABOLITION OF STAMP DUTY ON INTELLECTUAL PROPERTY TRANSACTIONS

As from 28 March 2000 stamp duty will no longer be levied on transactions of intellectual property. This was announced as part of BUDGET 2000, and is very welcome news indeed to all concerned in registering intellectual property rights.

For transactions effected on or after that date it will no longer be necessary to establish that any stamp duty that should have been paid has actually been paid before the transaction can be registered in any of the patents, designs or trade marks registers.

Accordingly, it will no longer be necessary for a person applying to register such a transaction to sign the stamp duty aspect of the declaration on either of patents Form 21/77 or registered designs Form 12A, or to sign the stamp duty declaration on trade marks Form TM16.

For transactions effected before that date, the previous regime will continue to apply.

The official announcement is contained in press release REV5 by the Inland Revenue & Customs and Excise. This can be accessed on the Treasury web site at:-

<http://www.hm-treasury.gov.uk/budget2000/rev5.html>

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Awarded for excellence

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Telephone: [REDACTED]

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 [REDACTED]
 Legal Division PDD/H
 The Patent Office
 Cardiff Road
 Newport
 GWENT NP9 1RH

FM/173

NENQ 159/99/ADB

23 March 2000

BY FAX ONLY

Dear [REDACTED]

Abolition of Stamp Duty on Documents Relating to Intellectual Property

Thank you for your two letters dated 22 March. I note you agree we no longer need to meet.

You asked me, when you telephoned, how the abolition has statutory effect from 28 March even though the Finance Act is still not law. The measure has statutory effect by virtue of a Commons Resolution and under the provisions of Section 50 of the Finance Act 1973. I attach, for your information, a copy of Section 50 and a copy of the part of the Resolution relating to this abolition.

Turning now to your draft Notice, I have a few suggestions for you to consider. In the first line can I suggest you say "...will no longer be levied on documents effecting transactions in intellectual property."

Please see sub-paragraph (13) of the attached Resolution which sets out the definition of "intellectual property" so far as this exemption is concerned. There is no doubt that the proposed exemption is very wide ranging and the majority of documents your office deals with will no longer be liable to stamp duty. But there may still be a few which are dutiable. You will be able to say, certainly with more specialist knowledge than I, which categories of property fall outside the definition of IP in the Resolution.

I think it is therefore important to include the definition of IP covered by the exemption as the second sentence of your Notice, so that patent agents are not under the impression that this is an absolute blanket exemption.

You will also know from the Press Release that hybrid documents may still be liable to stamp duty in respect of non-IP and in fact I mentioned this in my letter of 21 March to you. Again, you will know better than I whether the majority of documents you register relate exclusively to IP or whether they cover other property too. More

astute practitioners should quickly appreciate that preparing separate documents relating to the IP will ensure they can be registered without any stamp duty problems.

I feel a line or two in the Notice, reminding them that documents which do not relate exclusively to IP may need to be stamped in respect of other elements of the transaction, would help to clarify the position.

I hope these observations help.

Yours sincerely

[Redacted signature]

59. Stamp duty (Intellectual property)

That the following provisions shall have effect for the period beginning 23rd March 2000 and ending 31 days after the expiry of the dates mentioned in section 59(2) of the Finance Act 1973--

(1) No stamp duty is chargeable on an instrument for the sale, transfer or other disposition of intellectual property.

(2) Where stamp duty under Part I of Schedule 13 to the Finance Act 1999 is chargeable on an instrument and part of the property concerned consists of intellectual property--

(a) the consideration in respect of which duty would otherwise be charged shall be apportioned, on such basis as is just and reasonable, as between the part of the property which consists of intellectual property and the part which does not, and

(b) the instrument shall be charged only in respect of the consideration attributed to each of the property as is not intellectual property.

(3) Where part of the property referred to in section 58(1) of the Stamp Act 1891 consists of intellectual property, that provision shall have effect as if "the parties think fit" read "is just and reasonable".

(4) Where--

(a) part of the property referred to in section 58(2) of the Stamp Act 1891 consists of intellectual property, and

(b) both or (as the case may be) all the relevant persons are connected with one another,

this provision shall have effect as if the words from "for distinct parts of the consideration" to the end of the subsection read "the consideration is to be apportioned in such manner as is just and reasonable, so that a distinct consideration for each separate part or parcel is set forth in the conveyance relating thereto, and such conveyance is to be charged with ad valorem duty in respect of such distinct consideration."

(5) In a case where paragraph (3) or (4) applies and the consideration is apportioned in

59. Stamp duty (miscellaneous)

That provision may be made--

(a) amending section 55 of the Stamp Act 1891, section 42 of the Finance Act 1930, section 11 of the Finance Act (Northern Ireland) 1954, sections 75 and 76 of the Finance Act 1986 and section 151 of the Finance Act 1995; and

(b) about stamp duty on documents relating to the surrender or renunciation of leases.

60. Stamp duty (intellectual property)

That the following provisions shall have effect for the period beginning 28th March 2000 and ending 31 days after the earliest of the dates mentioned in section 50(2) of the Finance Act 1973--

(1) No stamp duty is chargeable on an instrument for the sale, transfer or other disposition of intellectual property.

(2) Where stamp duty under Part I of Schedule 13 to the Finance Act 1999 is chargeable on an instrument and part of the property concerned consists of intellectual property--

(a) the consideration in respect of which duty would otherwise be charged shall be apportioned, on such basis as is just and reasonable, as between the part of the property which consists of intellectual property and the part which does not, and

(b) the instrument shall be charged only in respect of the consideration attributed to such of the property as is not intellectual property.

(3) Where part of the property referred to in section 58(1) of the Stamp Act 1891 consists of intellectual property, that provision shall have effect as if "the parties think fit" read "is just and reasonable".

(4) Where--

(a) part of the property referred to in section 58(2) of the Stamp Act 1891 consists of intellectual property, and

(b) both or (as the case may be) all the relevant persons are connected with one another,

that provision shall have effect as if the words from "for distinct parts of the consideration" to the end of the subsection read ", the consideration is to be apportioned in such manner as is just and reasonable, so that a distinct consideration for each separate part or parcel is set forth in the conveyance relating thereto, and such conveyance is to be charged with ad valorem duty in respect of such distinct consideration."

(5) In a case where paragraph (3) or (4) applies and the consideration is apportioned in

a manner that is not just and reasonable, the enactments relating to stamp duty shall have effect as if--

(a) the consideration had been apportioned in a manner that is just and reasonable, and

(b) the amount of any distinct consideration set forth in any conveyance relating to a separate part or parcel of property were such amount as is found by a just and reasonable apportionment (and not the amount actually set forth). "The enactments relating to stamp duty" means the Stamp Act 1891 and any enactment amending or which is to be construed as one with that Act.

(6) For the purposes of paragraph (4)--

(a) a person is a relevant person if he is a person by or for whom the property is contracted to be purchased;

(b) the question whether persons are connected with one another shall be determined in accordance with section 839 of the Income and Corporation Taxes Act 1988.

(7) Intellectual property shall be disregarded for the purposes of paragraph 6 of Schedule 13 to the Finance Act 1999.

(8) Any statement as mentioned in paragraph 6(1) of that Schedule shall be construed as leaving out of account any matter which is to be so disregarded.

(9) Section 12 of the Finance Act 1895 does not require any person who is authorised to purchase any property as mentioned in that section after 27th March 2000 to include any intellectual property in the instrument of conveyance required by that section to be produced to the Commissioners.

(10) If the property consists wholly of intellectual property no instrument of conveyance need be produced to the Commissioners under that section.

(11) Subject to paragraph (12), the preceding paragraphs of this Resolution apply to instruments executed on or after 28th March 2000.

(12) Paragraphs (9) and (10) apply where the Act mentioned in section 12 of the Finance Act 1895, and by virtue of which property is vested or a person is authorised to purchase property, is passed after 27th March 2000.

(13) In this Resolution "intellectual property" means--

(a) any patent, trade mark, registered design, copyright or design right,

(b) any plant breeders' rights and rights under section 7 of the Plant Varieties Act 1997,

(c) any licence or other right in respect of anything within paragraph (a) or (b), or

(d) any rights under the law of a country outside the United Kingdom that correspond or are similar to those within paragraph (a), (b) or (c).

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of section 50 of the Finance Act 1973.

61. Stamp duty (Northern Ireland Assembly Commission)

That the following provisions shall have effect for the period beginning 28th March 2000 and ending 31 days after the earliest of the dates mentioned in section 50(2) of the Finance Act 1973--

(1) Section 55 of the Finance Act 1987 shall be amended as follows.

(2) In subsection (1)--

(a) after "agreed to be made" there shall be inserted "(a)";

(b) after "Minister of the Crown or" there shall be inserted "(b)"; and

(c) after "Treasury, or" there shall be inserted "(c)".

(3) In subsection (1), after "National Assembly for Wales," there shall be inserted "or

(d) to the Northern Ireland Assembly Commission,".

(4) Paragraph (3) has effect in relation to instruments executed on or after 28th March 2000.

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of section 50 of the Finance Act 1973.

62. Landfill tax (rate)

That--

(1) In section 42 of the Finance Act 1996, in subsections (1)(a) and (2) for "£10" there shall be substituted "£11".

(2) This Resolution has effect in relation to taxable disposals made, or treated as made, on or after 1st April 2000.

And it is hereby declared that it is expedient in the public interest that this Resolution should have statutory effect under the provisions of the Provisional Collection of Taxes Act 1968.

63. Landfill tax (recovery)

That provision may be made about the recovery of landfill tax from persons other than landfill site operators.

64. Relief from tax (incidental and consequential charges)

That it is expedient to authorise any incidental or consequential charges to any duty or

FINANCE ACT 1973

(1973 c 51)

50. Temporary statutory effect of House of Commons resolution affecting stamp duties

(1) Where the House of Commons passes a resolution which—

- (a) provides for the variation or abolition of an existing stamp duty . . . ; and
- (b) is expressed to have effect for a period stated in the resolution in accordance with the following provisions of this section; and
- (c) contains a declaration that it is expedient in the public interest that the resolution should have statutory effect under the provisions of this section;

then, subject to subsection (3) of this section, the resolution shall for the period so stated have statutory effect as if contained in an Act of Parliament.

(2) The period to be stated in a resolution is a period expressed as beginning on a date so stated and ending on, thirty-one days or such less number of days as may be so stated after, the earliest of the dates mentioned in this subsection; and those dates are—

- (a) the [thirtieth]² day on which, after the day the resolution is passed, the House of Commons sits without a Bill containing provisions to the same effect as the resolution being read a second time and without a Bill being amended (whether by the House or a Committee of the House or a Standing Committee) so as to include such provisions;
- (b) the rejection of such provisions during the passage through the House of a Bill containing them;
- (c) the dissolution or prorogation of Parliament; and
- (d) the expiration of the period of [six]² months beginning with the day on which the resolution takes effect.

(3) A resolution shall cease to have statutory effect under this section if an Act comes into operation varying or abolishing the duty.

(4) The ending of the period for which a resolution has statutory effect under the provisions of this section shall not affect the validity of anything done during that period.

NOTES

This section and the associated Ways and Means Resolution provide powers whereby changes in stamp duty may be given effect to by means of a Budget Resolution. Because the Provisional Collection of Taxes Act 1968 does not apply to stamp duty, changes in the duty could in the normal course be given effect to only after the relevant Finance Bill becomes law. Suggestions have been made from time to time that an extension of the Provisional Collection of Taxes Act should be made to cover stamp duty. However, there would have been difficulties in the way of any such extension simpliciter because the essence of the arrangements under that Act is that rates of duty derived from its application are provisional in that their continuance in force depends on a series of contingencies. This gives rise to no problems in relation to the ordinary taxes because the liability does not in any case have to be settled immediately and can be adjusted. Conversely, stamp duty must be levied in a final and certain amount on the execution of a document. This is because many dutiable instruments are documents of title which are ineffective unless appropriately stamped and also because of the severe practical difficulties which would arise if a duty once levied upon a document had to be retrospectively amended. The problem has been overcome by this provision which can give a Budget Resolution on stamp duty permanent statutory effect for a limited period.

From: [REDACTED]
To: [REDACTED]
Date: 23 March 2000 1:42pm
Subject: Stamp Duty Notice

To: [REDACTED] (by e-mail)
[REDACTED] (by Fax)
[REDACTED] (by e-mail)

Dear All,

The latest draft (attached) takes into account the suggestions of both departmental solicitors and the Inland Revenue.

Rapid and short approval of the final draft is requested forthwith. Agreement can be communicated by:

telephone ([REDACTED])

Fax ([REDACTED])

e-mail [REDACTED]@patent.gov.uk

[REDACTED]
The Patent Office

CC: [REDACTED]

[REDACTED]
The Patent Office
Room 6100
Concept House
Newport
South Wales

Draft Notice For Journals Etc.

**ABOLITION OF STAMP DUTY ON INTELLECTUAL PROPERTY
TRANSACTIONS**

As from 28 March 2000 stamp duty will no longer be levied on documents effecting transactions of intellectual property. This was announced as part of BUDGET 2000, and is very welcome news indeed to all concerned in registering intellectual property rights.

For the purposes of this abolition "intellectual property" is defined as

- (a) any patent, trademark, registered design, copyright or design right,
- (b) any plant breeder's rights and rights under section 7 of the Plant Varieties Act 1997,
- (c) any licence or other rights in respect of anything within paragraph (a) or (b), or
- (d) any rights under the law of a country outside the United Kingdom that correspond or are similar to those within paragraph (a), (b) or (c).

For transactions effected on or after that date it will no longer be necessary to establish that any instrument that should have been stamped actually has been stamped before the transaction can be registered in any of the patents, designs or trade marks registers.



Consequently the declarations relating to stamp duty on patents Form 21/77, registered designs Form 12A and trade marks Form TM16 will not serve any legal purpose for transactions effected on or after 28 March 2000, and, accordingly they no longer need to be completed for such transactions.

For transactions effected before that date, the previous regime will continue to apply.

For transactions composed of a mixture of intellectual and other kinds of transferrable property, stamp duty is only abolished with respect to that portion of the total consideration which is attributable to the intellectual property component, and the instrument may need to be stamped with respect to the remainder.

The official announcement is contained in press release REV5 by the Inland Revenue & Customs and Excise. This can be accessed on the Treasury web site at:-

<http://www.hm-treasury.gov.uk/budget2000/rev5.html>


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e-mail: [REDACTED]@patent.gov.uk

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Switchboard: 01633 814000
Direct line: 01633 814140
Fax: 01633 811415
Email: Debbie.cooke@ipo.gov.uk

8 October 2008

Dear Mr Hall,

Requests for Information

1. I am replying to your letters and emails sent to us between 30 July and 15 September 2008 and your emails of 2 and 5 October 2008. I apologise for the time it has taken the Office to deal with the large volume of correspondence and your various requests for further information.
2. Your correspondence asks for a variety of information and discusses the issues relating to the assignment recorded on GB patent 2267412, registered designs 2027609 and 2022759 and registered trade mark 1488225 in September 2004. Many of the points you have raised have previously been discussed in earlier correspondence and I would remind you of Ian Fletcher's letter of 25 July 2008, particularly paragraphs 6-8 which state that we will not enter into any further correspondence on these matters. My letter therefore deals only with any requests for information.

Letter of 30 July 2008 entitled "Desk Notes"; letter of 19 August 2008 entitled "Judicial Review"; email of 4 September 2008 entitled "Designs Desk Notes January 2003" and email of 5 October 2008 entitled "Patents desk notes 2003"

Patents Desk Notes

3. You requested an electronic version of the current patents desk notes. These were forwarded to you via email on 2 September 2008.
4. You have also requested a copy of the patents desk notes which were in use in September 2004 and your email of 5 October 2008 requests a copy of the 2003 "Pat Ass DN". Prior to 2005, our desk notes consisted of a series of individual documents which were given to staff according to the duties they undertook. I have previously sent you copies of the assignment section of these notes on 7 July 2008 but I have now collated all of the individual documents and have included a copy with this letter and I will also send these to you via email. The documents are all PDF documents as the originals were produced in Word

Perfect between 1999 and 2000. I have also included a paper version of the patents desk notes 2005 and will send an electronic version via email.

Designs Desk Notes

5. You requested a further copy of the designs assignment desk notes. A paper copy was sent to you on 2nd September. I am unable to send you an electronic version of these as we do not hold them electronically.
6. You have also requested copies of the current designs assignment desk notes. As I explained in my letter of 25 July 2008, the designs desk notes have not been updated since January 2003. You were sent a copy of the 2003 desk notes on 6 June 2008 and so you have had a copy of the current designs assignment desk notes.
7. The full set of design desk notes are made up of individual documents covering the various designs forms we action and I attach copies of these for your information.

Trade Marks Desk Notes

8. You asked for a copy of Chapter 17 of the Works Manual which pre-dates 28 March 2000. I have been unable to locate a copy of this. My letter of 6 June 2008 attached a copy of the manual dating from May 2000. I do not have an electronic version of this document.
9. You have also asked about the trade marks desk notes. In particular you have asked to see the amended desk notes which make reference to the Rev2 version of the TM16 as opposed to the Rev1 version of the form. The desk notes sent to you on 6 June 2008 are dated January 2003 and these are the current desk notes we use. I have been unable to find any earlier versions of these or any versions which differentiate between the versions of the form TM16.

Information held on the Register

10. You have asked for a list of what is in the Register for patent GB2267412. I understand that you have previously received a copy of the register print out but I have attached another copy as requested.

Letter of 20 August 2008 entitled "Information and Documents"

Documents from Mr Brassington

11. Your letter requests copies of any communication between the Office and Mr Brassington (or anyone associated with him) in connection with your application for the correction of the Patents and Designs Registers. This is as follows:
 - Mr Brassington submitted an email to this office on 8 December 2007 and this records his disagreement to the application for correction. A copy of this email was forwarded to you from Paul Twyman on 21 December 2007.
 - Mr Brassington submitted a letter of the same date to which we replied on 8 January 2008. I have attached copies of these documents for your information.

- A further email was received from Mr Brassington on 22 January 2008 which was addressed to Ian Fletcher and yourself.
- Copies of the correspondence issued to you on 5 and 6 February and 3 March 2008 were sent to Mr Brassington.
- Mr Brassington submitted an email to this office on 22 April 2008 seeking clarification of the outstanding matters before this office. I have attached a copy of this email which includes our response dated 6 May 2008.

In considering your application for correction of the Patents and Designs Registers I have also considered the comments included in the counterstatement filed by Conversor Products Limited in respect of your application for rectification of the Trade Mark Register and I believe that you also have a copy of this document.

12. Your letter also raises the question of how many Patent Registers we maintain. There is only one version of the Patent Register for all current patents and patent applications and, as set out in Mr Dennehey's letter of 29 September 2008, this is what you have seen when you visited the Office last month. This included the full Register for patent GB2267412. For all applications filed after February 1990, the only Register is the electronic version held on the Optics system. Applications filed prior to this date were held in paper form.

Correspondence relating to SI 1999 No. 3197 and the amendment to Rule 46(2)(a)

13. Your letter asks us to send you "... all correspondence relating to SI 1999 No 3197 with respect to the reasons for the amendment of rule 46(2)(a)".

14. I am enclosing this correspondence. This comprises:

- Patent Office minute dated 20 July 1998 to Solicitors;
- Patent Office minute dated 23 July 1998;
- Patent Office minute dated 17 September 1998 with draft Regulatory Impact Assessment;
- Patent Office minute dated 3 June 1999 with draft Statutory Instrument;
- Draft version of Regulatory Impact Assessment of the Patents (Amendment) Rules 1999;
- Extract from comments made by Chartered Patent Attorney dated 3 October 1999;
- Internal Patent Office correspondence dated 21 December 1999;
- Internal Patents Directorate Instruction 3/99;
- Patent Office website notice "Patent Office cuts red tape";
- Letter dated 27 January to the Chairman of SACIP (the then Standing Advisory Committee on Intellectual Property);
- Regulatory Impact Assessment of the Patents (Amendment) Rules 1999

In accordance with the Data Protection Act individuals' names and addresses have been removed from this correspondence.

Email of 1 September 2008 entitled “Falsification of the Register by the Comptroller-General” and email of 3 September 2008 entitled “Designs Desk notes January 2003”

15. Your emails discuss the changes made to the Register in 2004 in particular the entry dated 19 September 2004 (a Sunday). You have questioned the entry dated 19 September 2004, alleging:

- that it constitutes falsification of the register,
- that it was added by or at the behest of Peter Back (who was the hearing officer for the September 2007 entitlement hearing which resulted in the “decline to deal” decision),
- that the entry was made after 20 September 2004.

16. The Register entries for 19 and 20 September 2004 read:

“19.09.2004 The assignment below to Select Hearing Systems Ltd was subject to an earlier agreement dated 31st July 1991.

Entry Type 10.1 Staff ID. SA1 Auth ID. BACK

20.09.2004 On the 18.12.1991 Northern Light Music Limited of Aurora Studios, Grindleton, Clitheroe, Lancashire assigned the rights of priority application GB9027784.9 to Select Hearing Systems Limited of Audio house, Grindleton, Clitheroe, Lancashire. Official evidence filed on GB2267412.

Entry Type 10.1 Staff ID. SA1 Auth ID. F21

20.09.2004 TONEWEAR LIMITED, Incorporated in the United Kingdom, 37 Warren Street, LONDON, W1T 6AD, United Kingdom [ADP No. 08948580001] registered as Applicant/Proprietor in place of SENSE-SONIC LIMITED, Incorporated in the United Kingdom, 3rd Floor, King Edward House, Jordangate, Macclesfield, Cheshire, SK10 1EE, United Kingdom [ADP No. 08162679001] by virtue of assignment dated 15.09.2004. Form 21/77 filed on GB2267412.

Entry Type 8.4 Staff ID. SA1 Auth ID. F21”

17. On 3 September 2004 we received a letter and form 21/77 from you (on behalf of Northern Light Music (NLM)) requesting registration of assignments dated 31 July 1991 and 18 December 1991 from NLM to Select Hearing Systems Limited (SHS). The latter assignment assigned the rights in priority application GB9027784.9 from NLM to SHS, but was subject to the earlier agreement. The evidence filed included:

- a document headed “Assignment of Application for Patent” and detailed the date of the assignment as 31 July 1991
- a document headed “Assignment of invention” and detailed the date of the assignment as 18 December 1991.

18. On 20 September 2004 we recorded the 18 December 1991 assignment of GB9027784.9 from NLM to SHS. This is the first entry dated 20 September 2004.

On 10 September 2004 we received a letter and a form 21/77 from Wilson Gunn McCaw on behalf of Tonewear Limited requesting registration of an assignment dated 15 September 2004 from Sense-Sonic Limited to Tonewear Limited. This resulted in the second entry dated 20 September 2004.

19. Between 20 September 2004 and 23 September 2004, you contacted the Office to discuss additions to the assignment text relating to the assignment from NLM to SHS. You wanted the earlier assignment date of 31 July 1991 recorded on the Register. The evidence of this had been filed with the form 21/77 and letter filed on 3 September 2004.
20. This request was received after the two entries dated 20 September 2004. It is not possible to amend existing text on the register entries so an additional entry had to be used. This could have been placed after the two entries of 20 September 2004 referring interested parties back to the relevant 20 September entry. However, we chose to use a back-dated entry via the "BACK" authorisation ID on Optics to ensure the entries made sense when read consecutively by third parties. We therefore decided to back-date the entry to 19 September 2004, in order to place it above the original entry referring to the assignment from NLM to SHS and make reference to the "assignment below to Select Hearing Systems" as a way of showing the additional earlier agreement dated 31 July 1991.
21. Our audit trail facility to show when updates were made on the Register only retains records for approximately 18 months and so it is not possible to identify the exact date when this back-dated entry was added. However, on 23 September 2004, we received an email from you thanking us for making the additions to GB2267412 and requesting that we update the address records for NLM. This resulted in the entry dated 27 September 2004. Given this email thanking us for making the additions and the subsequent update to the address for NLM on 27 September 2004, we can see that the back dated entry of 19 September 2004 was made between 20 and 23 September 2004.
22. I hope this provides an explanation of the back-dated entry on the Register.

Email of 1 September 2008 entitled "Bogus responses to my letters"

23. Your email discusses the "Message from Ian Fletcher" and asks for proof of the date of the creation and transmission of the message. My letter of 26 August 2008 provided you with a redacted version of the message and I can now tell you that this was issued to all staff within the UK IPO on 28 July 2008 at 16.27.

Email of 9 September 2008 entitled "Falsification of the Register by the Comptroller" and an attached letter entitled "Fraud – Pre-action protocol"

24. Your email requests details under FOI of who gave Mr Adkins authority to delete "and the entry at box 6 merely confirms that fact" from the standard confirmatory letter. We regularly amend our standard letters to suit the circumstances on each application for the registration of a transaction and staff within the area are empowered to amend the letters as part of their daily duties. This was the case with the letter in question.
25. Your letter requests details from files in respect of patent assignments that were registered between 16 September and 22 September, in particular copies of Forms 21/77s, documentary evidence and accompanying letters and any confirmation letters we issued. This information is available to you by requesting uncertified copies and so can be obtained using a Patents Form 23 and paying the relevant fee. This is also true for the copies of the letters sent to and by the

Office which were requested in your email of 3 September 2008 entitled "Design Desk Notes".

Email and Letter of 15 September 2008 entitled "recordal of assignment, filed on GB2267412" and "Failure to register a transaction/falsification/judicial review"

26. Your letter requests information on our failure to register a Form 21/77 and an assignment between Sense-Sonic Ltd and Andrew Hall filed on 26 October 2006. You have asked for information and copies of all communications between Mr Twyman and Mr Adkins relating to this transaction.
27. Given that the registered proprietor at this time was not Sense-Sonic Ltd, we would not have registered a further assignment from Sense-Sonic Ltd to you. We should, however, have registered the fact that an application had been made for an assignment under Section 32 of the Act but we appear to have overlooked this and this resulted in the entry being added to the Register only in November 2007. I have checked the files and cannot find any correspondence between Mr Adkins and Mr Twyman, or anyone else on this matter. However, I have attached an email between Mr Twyman and myself in which we discuss our oversight on this assignment at the beginning of November 2007. I can confirm that subsequent to this email, I checked the file and this resulted in the Section 32 entry being added on 8 November 2007.
28. This letter also asks about why the Hearing Officer did not take the Section 32 entries into account on the revocation proceedings. I refer you to the hearing Officer's decision and in particular to paragraphs 10 to 12.

Email of 2 October 2008 entitled "Skeleton Argument – High Court 09-08-07"

29. I will email an electronic version of the comptroller's skeleton argument from the August 2007 High Court proceedings as requested in your email.

I believe this deals with all the outstanding requests for information and any new issues raised in your letters. I would again refer you to Ian Fletcher's letter of 25 July 2008 which advised you that, except for the points identified in paragraphs 7 and 8 of that letter, the Office will not enter into further correspondence on these matters.

Yours sincerely

Debbie Cooke (Mrs)
Registers Manager

ci: P&DMB

IPPD
LSA
PDD/H
FD

(Legal 5A)

From:

PDD/H
Rm 3.Y54
Concept House

GTN: 1

20 July 1998

PROPOSED CHANGES TO THE PATENTS AND REGISTERED DESIGN RULES

I mentioned to you some time ago that a task force, which had been established in the Office to identifying possible areas for the deregulating the Patents and Registered Design Rules, had compiled a package of rule changes which were to be put to SACIP for informal consultation. SACIP has now considered the proposals and, with a few exceptions, has expressed agreement with the proposed changes.

2. Having completed this informal consultation, I should be grateful if you would prepare statutory instruments that will give effect to the changes. To this end, I attach at Annex A a schedule which describes the changes we wish to make to the rule and my own suggestions as to how the text in each rule might be revised. We had also proposed consolidating eleven rules relating to the processing of references under sections 8, 12 and 37 of the Patents Act 1995 as the procedures in each rule are very similar. However, it has proved difficult to achieve this without introducing further complications and so we do not propose pursuing that particular proposal.
3. There is no particular date by which the changes need to be brought into force. However, I attach at Annex B a suggested timetable.
4. In addition to producing separate SI's to implement the changes to the Patents Rules 1995 and Registered Design Rules 1995, it will also be necessary to produce a SI to amend the Patents (Fee) Rules 1998 to take account of the changes we wish to make to rules 41 and 110 of the Patents Rules by removing the need to file a Patents Form 53/77 and its associated fee (currently £135).
5. I am currently preparing a Regulatory Appraisal and Compliance Cost Assessment which I intend clearing with CACP5.
6. Would you please let me know if you consider the timetable at Annex B reasonable. I would also welcome your advice on what other organisations need to be consulted in addition to SACIP and the Council on Tribunals. Presumably we will need to consult the Treasury in view

fee, upon receipt of which the comptroller shall order the restoration of the patent and advertise the fact in the Journal."

RULE 43

16. If a proprietor wishes to offer to surrender his patent he is required to file a Form 2/77 (no fee) and a statement setting out the reasons for making the offer. This places an unnecessary burden on the proprietor which was not the case under rule 43 of the Patents Rules 1990. It is nevertheless in the public interest to allow proprietors to surrender their patents rather than simply leave them to lapse naturally by not paying the renewal fee as surrender would enable the technology to enter the marketplace at the earliest opportunity. Therefore, we wish to amend subparagraph (1)(a) of rule 43 to remove the need to file a Patents Form 2/77 and statement. To achieve this subparagraph (1)(a) of rule 43 should be amended to read:

"(a) given on Patents Form 2/77 in writing accompanied by:

~~(i) a statement setting out the reasons for making the offer, and~~

~~(ii)~~(i) a declaration that no action is pending before the court for infringement or for revocation of the patent; or

~~(iii)~~(ii) if an action before the court is pending, full particulars of the action in writing;"

RULE 46

17. The fact that under subparagraph (2)(a) of rule 46 an application to register an assignment or assignation must be signed by or on behalf of the parties thereto places a burden on the person filing the application in that he has to obtain both the signature of the assignor and the assignee. This burden would be reduced if the rule was amended to make it an option that an application to register such a transaction can be signed by or on behalf of the assignor only. This would be consistent with the practice followed by the EPO and would be in line with Article 10 of the latest draft of the Patent Law Treaty. To this end, subparagraph (2)(a) of rule 46 should be amended along the following lines:

"where it relates to an assignment or assignation, referred to in section 33(3)(a) or (c), be signed by or on behalf of the parties thereto or the assignor only;"

RULE 85

18. We wish to bring the requirements in subparagraphs 1(a) and (b) of rules 85, for entering the national phase, into line with the EPO and other Member States of the PCT by changing the time limits in these subparagraphs from 20 months to 21 months and from 30 months to 31 months respectively.

19. We also wish to harmonise and slightly increase the periods prescribed in subparagraphs (2)(a) and (5A)(a) of rule 85 for filing translations to three months.

✓ 1/2 22/9
✓ 0000.

well done. I've made some suggestions. Some clarification for the benefit of lay readers might be helpful. Happy to discuss

From:

PDD/H
Room 3.Y54
Concept House

GTN:

17 September 1998

Draft Regulatory Impact Assessment

ci (this page) 22/9

A good draft. (suggestions will make it even better.)

As you know, I think we should try adding our "Wolf" rule changes to this package. You may want to defer showing this to until they are reflected in it.

As agreed, I attach my first draft of a Regulatory Impact Assessment (RIA) for the package of deregulatory rule amendments I submitted to under cover of my minute of 20 July.

In preparing the draft I have followed the advice given in the "Better Regulation Guide" (BRG) a copy of which I believe has been sent to you. Bearing in mind that the amendments are designed to reduce unnecessary burdens, including costs, that the current rules place on our customers, not all the headings described in Part 2 of the BRG are appropriate, eg the Compliance Cost for Business of the revised rules. In selecting those headings that I consider appropriate I have followed the format that adopted for the amendments to the Fees Rules which also benefit our customers without imposing additional costs.

The BRG indicates that the RIA should be concise, ie no more than two or three pages, but where the regulations are complex a detailed analysis should be attached as a separate annex (paragraph 1.2. Part 2). With this in mind, and given the fact that the SI covers amendments to numerous rules, I have described the benefits of each amendment and the options that were considered in a separate annex. Apart from the recommended amendment, in most cases the only other option I have considered is the "do nothing option" which the BRG suggests can provide a useful base case against which other options may be compared (paragraph 2.14. Part2).

The BRG recommends quantifying any benefits in monetary terms. Where possible I have attempted to include some indication of the cost savings though in most case I have yet to carry out a full assessment of the likely savings and so have not inserted all the figures at this stage.

Subject to any revisions you wish me to make to the draft, I propose seeking advice from (Competitiveness Unit) on whether he considers the draft suitable.

Option 2 - Remove the requirement to file a Patents Form 53/77 and fee. There seems to be no justification for requiring a successful applicant for restoration to file any more forms or pay any more fees than an unsuccessful applicant bearing in mind that there is little difference in the administrative cost incurred by the Office in processing either case. This would save successful applicants the expense of filing the Patents Form 53/77 and the fee which currently stands at £135.

Option 2 is recommended for the obvious benefits, notably the cost saving it will bring to successful applicants for restoration.

Rule 43

This rule requires a patent proprietor, who wishes to surrender his patent, to file a Patents Form 2/77 together with a statement setting out the reasons for surrendering the patent.

Option 1 - Do nothing. The current requirement to file a form and give reasons for surrendering a patent puts an unnecessary burden on a patent proprietor. It also deters proprietors from filing such requests preferring instead to leave it to lapse naturally by not paying the next renewal fee. This is a disadvantage to industry and the public generally as the technology covered by the patent continues to be protected from use by others for a longer period.

Option 2 - Amend the rule by replacing the requirement to file a Patents Form 2/77 and reasons with a simple written request to surrender the patent. This would remove the current burden placed on proprietors of having to file a form and accompanying reasons. Moreover, it should benefit industry and the public generally as it should help encourage proprietors to surrender their patents at the earliest possibility rather than allow them to lapse naturally so that the technology protected by the patent will be made available for general exploitation sooner.

In view of the clear advantages to proprietors, industry and the public Option 2 is recommended.

Rule 46

Under this rule a request to register an assignment of a patent or patent applicant must be signed by or on behalf of all parties to the assignment.

Option 1 - Do nothing. The current requirement places a burden on the person filing the request to register ~~to~~ assignment as he has to obtain both signatures (viz. assignor and assignee)

Option 2 - Amend the rule to make it an option that a request to register an assignment can be signed by or on behalf of the assignee only. This would reduce the burden placed on the person filing a request to register an assignment as they would not have to obtain the signature of the assignee ^{or} which could be difficult in certain circumstances, particularly if the assignor resides in another country. However, it would be open to abuse in that anyone could file a request to have a patent or patent application recorded as assigned to them without any actual assignment having taken place.

Option 3 - Amend the rule to make it an option that a request to register an assignment can be signed by or on behalf of the assignor only. This would reduce the burden placed on the person filing the request as he would not have to obtain the assignee's signature which could be difficult. Although it is possible that an applicant for or proprietor of a patent could file a request to register a fictitious assignment of his patent or application to another person the likelihood of this occurring is considered to be minimal and outweighed by the benefit of the proposed amendment.

3??
Option (2) is recommended in view of the reduced burden placed on the person filing the registration request.

Rule 85

This rule requires international applications (patent applications filed under the Patent Cooperation Treaty) to enter the national phase in the UK within 20 months if the UK has not been "elected" in accordance with Chapter II of the Treaty and 30 months if it has been elected.

Option 1 - Do nothing. The current time limits places applicants at a slight disadvantage when entering the national phase in the UK compared with other countries where the time limits are one month longer.

Option 2 - Amend the rule to extend the time limits to 21 and 31 months respectively so bringing them into line with the time limits that apply in other member states. This provides a slight benefit for applicants by giving them an additional month in which their international application can enter the UK national phase.

Sounds a bit weird!
In view of the slight benefit to applicants Option 2 is recommended for adoption.

Rule 110

If the Comptroller decides that an application under this rule to extend a prescribed period should be allowed, the applicant is required to file a Patents Form 53/77 and fee of £135.

Option 1 - Do nothing. The present rule effectively penalises and an applicant who is successful in convincing the Comptroller that a prescribed period should be extended by requiring him to file an additional form and fee which an unsuccessful applicant is not required to do.

Option 2 - Remove the requirement to file the Patents Form 53/77 and fee. There seems no justification in requiring a successful applicant to file any more forms or fees than an unsuccessful applicant bearing in mind that there is little difference in the administrative costs to the Patent Office in processing either case. This would save successful applicants the expense of filing a Patents Form 53/77 and the associated fee which currently stands at £135.

Option 2 is recommended for the obvious benefits, notably the cost saving for successful applicants for extensions of time limits under this rule.



The Patent Office



INVESTOR IN PEOPLE

Mr

To see and file, please.

8000. 2/2.

Chairman, SACIP

The Patent Office
Concept House
Cardiff Road
Newport NP9 1RH

Switchboard
01633 814000

Direct line 01633-
Facsimile 01633-814922
E-mail: @patent.gov.uk
Our Ref. SACIP 6/00
Date 27 January 2000

Dear

The Patents (Amendment) (No.2) Rules 1999
The Registered Designs (Amendment) Rules 1999
The Design Right (Proceedings before Comptroller) (Amendment) Rules 1999

The Patent Office is, as always, very grateful for the comments received from SACIP members on the drafts of these Statutory Instruments which were enclosed with Sean Dennehey's letter of 5 August (SACIP 74/99). The comments were given very careful consideration in finalising the SIs, which were laid before Parliament on 30 November and are expected to come into force on 22 December 1999.

I attach for your information a summary of all the comments received on the drafts, together with the Office's responses. Any detailed questions on this should be directed to at the Patent Office address above, by telephone to 01633 81 or by e-mail to @patent.gov.uk.

You will be interested to know that we shall be assisting our users in getting to grips with the new Rules by means of notices, Practice Notices and seminars which we shall be running. We shall of course also be giving users individual advice on procedures as they need it.

The
Patent
Office



INVESTOR IN PEOPLE

I regret that we had intended that this letter and summary should have been sent out just before Christmas but due to an oversight it has been delayed. I apologise for any inconvenience caused.

Yours sincerely

Secretary SACIP

1066981001 22 11 07

The phrase "question of entitlement by the inventor" is considered to be too narrow. A challenge to the inventorship frequently forms part of an entitlement dispute, but that does not necessarily mean the referrer believes the person they assert was the inventor was entitled to the patent. The words "question of entitlement by the inventor" have therefore been replaced with "question of inventorship".

Rule 8

Comment

The relaxation of the time limits, etc. for filing divisional patents gives rise to the potential for some companies seeking to abuse the possibility of divisional patents to allow them to try to modify existing claims if they are ruled invalid either by the court or the EPO. Some companies file three or four divisionals at different times to delay final revocation of what can be a dubious patent. The BDMA would be very unhappy if any easing of UK regulations encouraged similar problems in the UK. [BGMA]

Reply

While the amendment to rule 24 will provide applicants with a further three months to file a divisional application the applicant will nevertheless be subject to section 20 and rule 34 which requires a divisional application to be put in order for grant within four years and six months of the filing date of the parent application. This should prevent applicants from engaging in delaying tactics by repeatedly filing divisionals if claims do not meet the requirements of the Act. This is not the case with the EPO as the European Patent Convention does not require applications to be put in order for grant within a specified period.

Rule 14

To better achieve the objective of this amendment rule 44(2)(b) remains unchanged but an additional paragraph (5) has been added to the end of the rule to make it clear that the Comptroller may withhold an inventor's address from appearing on the register if the inventor so requests.

Rule 15

Comment

Is not the proposed amendment of rule 46(2) *ultra vires* with regard to section 30(6), which requires an assignment, etc. of a patent to be "signed by or on behalf of the parties"? [(CIPA)]

Reply

Rule 46(2)(a) is concerned with applications to register or give notice of an assignment or

assignment. The change to the rule will allow the assignor only to sign the Patents Form 21/77 to apply to register the assignment or assignment. This does not conflict with section 30(6) which requires the actual written assignment of a patent or patent application to be signed by or on behalf of the parties, ie the assignor and assignee.

Rule 18

Comment

The proposal to give the Comptroller unlimited power to set whatever time limit she wishes within which a hearing can be requested seems to be inimical to the concept of natural justice whereby any litigant is entitled to be heard, for which reasonable notice should be available. The 14 days minimum notice has been included in proposed new rules 88(1A) and (1B) and, on this ground also, it seems anomalous that rule 88(1) should omit this notice period. [(CIPA)]

Comment

The Council [Council on Tribunals] are uneasy about the provisions allowing the Comptroller to give a shorter notice of hearings than 14 days. This does seem capable in some circumstances of leading to unfairness, eg by leaving a party with too short a time to prepare for a hearing or assembling evidence and/or witnesses. The Council would appreciate clarification of the circumstances in which the power to shorten the notice of hearing without the agreement of all parties might be used. [Council on Tribunals]

Reply

In the overwhelming number of cases the standard 14 days' notice will continue be given to the parties. However, there may be occasions when a Hearing Officer may consider it appropriate to set a shorter period, eg if a preliminary matter needs to be dealt with urgently prior to the substantive hearing. Under no circumstances will the Comptroller refuse a litigant the basic right to be heard. A Practice Notice will explain the position to users.

Rule 20

Comment

Should there not be a requirement that "witness statements", be dated, including the "statement of truth"? [Council on Tribunals]

Reply

New rule 104(A)(1) will be revised to require the witness statement to be dated as well as signed.

Comment

7. Is not the proposed amendment of rule 46(2) *ultra vires* the provisions of section 30(6), in accordance with Art. 72 EPC, which require an assignment, etc. of a patent to be "signed by or on behalf of the parties"? While an assignment signed only by the assignor may be effective in equity as an agreement to assign according to section 30(6), section 32(3) precludes the entry on the register of notice of any trust, and an equitable assignment of the nature proposed would seem to have effect as a constructive trust. However, perhaps your solicitors have advised that, in view of the decisions noted in para. 32.20 of the 4th Edition of the *C.I.P.A. Guide*, the registration of an equitable assignment of this nature is permissible. The trouble about this is that the register is *prima facie* evidence of the true position, see section 32(9). Perhaps therefore rule 46(2) should be further expanded by the addition of the words "but in the latter case the registration shall have effect only in equity". I suggest that further thought be given to these points if this has not already been done. The Regulatory Impact Assessment is silent on them.

From:
To:
Date:
Subject:

21 December 1999 10:55am
SI 3197 PAts amend Rules (2) '99

These Rules come into force on 22 December 1999. Please confirm whether Forms filed before that date, but not considered until on, or after, should be subject to the existing or replacement Rule 46(2) ie; transitional provisions.

CC:

From: PatentOffice_PDD.PDD
To: 21 December 1999 11:37am
Date: Draft Patents Directorate Instruction
Subject:

- Reply - Reply

As you know, I am waiting for advice from (DTI Sols) on a non - statutory change to PF21/77 which will split box 7 so that separate signatures have to be provided; one confirming that the assignment has taken place (assignor) and the other confirming that stamp duty has been paid (assignee). This should address the problem you have identified.

In the meantime, if under the amended rule we receive a PF21/77 with one signature, ie. the assignor's, we should write to the agent who has filed the form asking for written confirmation from the assignee that stamp duty has been paid. I have discussed this with who agrees that we are unlikely to get many PF21/77's signed by the assignor only as it is the assignee who is most likely to apply to register the assignment.

I shall reflect this advice in an amendment to the PDI.

>>> 21/December/1999 10:42am >>>

Rule 14.

This doesn't present a problem. We have spoken with Formalities () and have agreed a procedure for spotting and highlighting cases where the inventor's address needs to be suppressed.

Rule 15.

In principle no objections. However, as the Form 21/77 presently stands the one signature (the assignor) which could, under the new arrangements, now appear at section 7 of the Form will look as if it is covering both the transfer of rights in the property and confirmation that stamp duty has been paid. At present, for the latter, the Office has always sought the assignee's signature. Unless, therefore, amendments to the Form are made pdq. I can foresee confusion arising.

I know that the whole question of stamp duty remains in the melting pot and that is attempting to bring the interested parties together for a meeting in the New Year but in the meantime we may have difficulties in Assignments in ascertaining just who is signing for what at section 7.

21 December 1999.

CC: PatentOffice_PDD.PDD

From:
To:
Date:
Subject:
- Forwarded

21 December 1999 4:16pm
Draft Patents Directorate Instruction

- Reply - Reply - Reply

Please see attached.

I think the answer to the point is that the requirement in box 7 of the current PF21/77 for confirmation that stamp duty has been paid does not relate to rule 46(2) or any other provision in the Patents Act or Rules but to the general requirement in the Stamp Act which effectively requires the Comptroller to ensure that stamp duty has been paid before recording the transfer of property, such as the assignment of patent rights. Therefore, requiring a separate signature confirming on the PF21/77 confirming that stamp duty has been paid does not conflict with the amended rule 46(2).

Do you agree with this interpretation?

From:)
To:
Date: 21 December 1999 4:32pm
Subject: Draft Patents Directorate Instruction

Further to my recent e - mail, I attach confirmation of my interpretation of the situation.

00 11 00 04:06:01

Pag T

SysB

Unit:

From:
To:
Date: 21 December 1999 4:29pm
Subject:

I agree that the stamp duty aspect of the current declaration is wholly independent of any requirement of the Patents Act and Rules, and that, when it becomes a separate declaration, it will be a declaration made for the purposes of the Stamp act and not for the Patents Act.

From:
To:
Date: 21 December 1999 4:26pm
Subject: Draft Patents Directorate Instruction
- Reply

- Reply - Reply - Reply

I do not believe that this is a problem because the requirement on the PF21/77 to confirm that stamp duty has been paid does not, as I understand it, relate to rule 46(2) but to the general provision in the Stamp Act which places an obligation on the Comptroller to ensure that stamp duty has been paid before recording the transfer of property, such as the assignment of patent rights. Therefore, requiring a separate signature on the PF21/77 confirming that stamp duty has been paid should not conflict with the amendment to rule 46(2).

I am checking this reasoning with and will get back to you with a definitive response.

>>> t 21/December/1999 11:51am >>>

Sorry to be awkward, but If your revised Form will require signatures from both parties to separate the legs of the declaration, and we will be asking for those signatures, we may not be acting in accordance with the new Rule you have just introduced.

REGULATORY IMPACT ASSESSMENT

THE PATENTS (AMENDMENT) (No.2) RULES 1999

FINAL VERSION

The Issue and Objective

1. The proposed rule amendments are the result of two extensive reviews undertaken by the Patent Office on its own initiative.

Deregulation Review

2. This was a review of the Patents Rules 1995 carried out by a team comprising officials from the Patent Office and representatives from the following interested organisations:

The Chartered Institute of Patent Agents (CIPA)
The Institute of Trade Mark Attorneys (ITMA)
The International Federation of Intellectual Property Attorneys (FICPI)
The Federation of Small Businesses (FSB)

3. The objective of the review was to challenge the need for the existing rules with a view to deleting or simplifying those for which a proven benefit could not be established, particularly those that impose an unnecessary burden on Patent Office customers.

Review of Hearings and Related Proceedings

4. This review was prompted by Lord Woolf's report *Access to Justice*, which made extensive recommendations for improvements to the administration of civil justice in the Courts of England and Wales. Those recommendations have since been implemented by the Lord Chancellor through the Civil Procedure Rules 1999.
5. The Office's review was established with a view to seeing what lessons could be learned from Lord Woolf's work and applied to the practices and procedures involved in the Office's operation as tribunal hearing "with notice" (formerly known as *inter partes*) and "without notice" (formerly known as *ex parte*) proceedings. It was undertaken by a cross-directorate team of Patent Office staff and, in line with the principles set by Lord Woolf, the aim of the review was to simplify and improve the speed of proceedings before the Comptroller and thereby reduce the cost to the parties. Many of the proposals that emerged from the review are being introduced administratively or by Practice Notice, but some require amendment to the Patents Rules themselves.

6. The rule amendments described in this paper do not deal with any perceived risks and so a risk assessment is not appropriate. This has been agreed with the DTI's Better Regulation Unit.

Benefits

7. The objective of this package of rule amendments is to remove or reduce any burden imposed by the existing rules, and to simplify and speed up procedures. Therefore the proposed amendments are designed to benefit those to whom they apply by streamlining procedures or removing unnecessary requirements and in so doing reduce the compliance cost. Details of the options that were considered and the benefits of the recommended options are set out in the attached annexe A. Non-regulatory options, such as codes of practice, are not considered appropriate options as they do not provide the certainty required for the protection of intellectual property rights. Although it is difficult to quantify the benefits of the recommended amendments in monetary terms an indication of the likely cost savings is given in annex A where this is possible.

Business Sectors Affected

8. The proposed amendments will be of benefit to anyone who wishes to apply for a patent, who has already been granted a patent or who enters into proceedings before the Patent Office. The statutory instrument should therefore be of particular benefit to innovators in the manufacturing sector. By reducing the burden that the current rules place on applicants and proprietors of patents the amendments should go some way to enhancing the international competitiveness of British industry and commerce by reducing the cost of protecting, defending and exploiting inventions for the domestic market.

9. Simplifying the patent system should help encourage demand for such protection. It should also help make the UK patent system an attractive alternative (particularly to UK SMEs and individuals who may only require UK national protection) to patent protection under the European Patent Convention.

10. The amendments should also assist those involved in disputes proceedings before the Comptroller by simplifying and speeding up those proceedings and in so doing reduce the cost to the parties.

11. Simplifying procedures should also assist those in the intellectual property profession who file applications on behalf of their clients or represent them in proceedings before the Comptroller.

Compliance Costs to Business

12. The proposed amendments will not impose any new or additional costs on business. In those few cases where there may be any slight disadvantage associated with the amendments, as identified in the annexe, it is more than outweighed by the benefits, including cost savings.

Consultation with Small Business

13. The statutory instrument will benefit all businesses, large and small who wish to apply for or already hold patents. However, as the overall aim is to reduce any unnecessary burden

imposed by the existing rules, the proposed amendments should be of particular benefit to small firms which are an important source of innovation in the UK and are most sensitive to the burden of complying with regulatory requirements and the associated costs. The Federation of Small Businesses was represented on the team that carried out the deregulation review and so was actively involved in proposing the rule changes that emerged from that review. The Federation is also a member of the Standing Advisory Committee on Industrial Property (SACIP) which has welcomed the proposals.

Extent of Consultation

14. The deregulation amendments were developed in consultation with representatives of the organisations mentioned in paragraph 1 above. Those rule amendments and the amendments proposed by the Woolf review team have been discussed and endorsed by the Standing Advisory Committee on Industrial Property (SACIP). A full list of the members of SACIP at that time is attached as annex B.

Summary and Recommendations

15. The net result of the rule amendments will be to reduce or remove unnecessary burdens which the current rules impose on Patent Office customers and simplify and speed up proceedings before the Comptroller and in so doing help reduce the cost to the parties. It is therefore recommended that the statutory instrument be approved and implemented.

Monitoring and Review

16. No specific steps are considered necessary to monitor and review the rule amendments after they are introduced though the Patent Office will, of course, reconsider the changes should it become aware of any problems that may be brought to its attention either directly by customers or through their representative organisations. The Office is also committed to a process of continuous improvement and will therefore be vigilant to opportunities for further improvement.

Declaration:

I have read the Regulatory Impact Assessment and I am satisfied that the balance between cost and benefit is the right one in the circumstances.

Signed by responsible Minister *Kim Howell*

Date 29 11 99

Contact point: Patent Office, Concept House, Cardiff Road, Newport, South Wales, NP9 1RH. Tel No: 01633 Fax 01633 814347. E-Mail: @patent.gov.uk.

Date:

Option 1 - Do nothing. The current requirement to file a form and give reasons for surrendering a patent puts an unnecessary burden on a patent proprietor. It also deters proprietors from filing such requests preferring instead to leave the patent to lapse naturally by not paying the next renewal fee. This is a disadvantage to industry and the public generally as the technology covered by the patent continues to be protected from use by others for a longer period.

Option 2 - Amend the rule by replacing the requirement to file a Patents Form 2/77 and reasons with a simple written request to surrender the patent. This would remove the current burden placed on proprietors of having to file a form and give reasons. Moreover, it should benefit industry and the public generally as it should help encourage proprietors to surrender their patents at the earliest possibility rather than allow them to lapse naturally so that the technology protected by the patent will be made available for general exploitation sooner.

In view of the clear advantages to proprietors, industry and the public option 2 is recommended.

Rule 14

This rule amends rule 44 of the Patents Rules 1995 which requires the Comptroller to enter the name and address of the inventor on the Register of Patents.

Option 1 - Do nothing. Entering the inventor's address on the Register, which is now accessible on the Internet, means that third parties can send unsolicited mail direct to that person. This has recently given rise to difficulties to some inventors.

Option 2 - Amend the rule to allow the inventor's address to be omitted from the Register if requested by the applicant.

Option 2 is preferred as it reduces the chances of third parties sending unsolicited mail to inventors if they do not wish to receive such mail.

Rule 15

This rule amends rule 46 of the Patents Rules 1995 under which a request to register an assignment of a patent or patent application must be signed by or on behalf of all parties to the assignment.

Option 1 - Do nothing. The current requirement places a burden on the person filing the request to register an assignment as he has to obtain both signatures (viz - assignor and assignee).

Option 2 - Amend the rule to make it an option that a request to register an assignment can be signed by or on behalf of the assignee only. This would reduce the burden placed on the person filing a request to register an assignment as they would not have to obtain the signature of the assignor which could be difficult in certain circumstances, particularly if the assignor resides in another country. However, it would be open to abuse in that anyone could file a

request to have a patent or patent application recorded as assigned to them without any actual assignment having taken place.

Option 3 - Amend the rule to make it an option that a request to register an assignment can be signed by or on behalf of the assignor only. This would reduce the burden placed on the person filing the request as he would not have to obtain the assignee's signature which could be difficult. Although it is possible that an applicant for or proprietor of a patent could file a request to register a fictitious assignment of his patent or application to another person the likelihood of this occurring is considered to be minimal and outweighed by the benefit of the proposed amendment.

Option 3 is recommended in view of the reduced burden placed on the person filing the registration request.

Rule 17(a)

This rule amends rule 85 of the Patents Rules 1995 which requires international applications (patent applications filed under the Patent Cooperation Treaty) to enter the national phase in the UK within 20 months if the UK has not been "elected" in accordance with Chapter II of the Treaty and 30 months if it has been elected.

Option 1 - Do nothing. The current time limits place applicants at a disadvantage when entering the national phase in the UK compared with other countries where the time limits are one month longer.

Option 2 - Amend the rule to extend the time limits to 21 and 31 months respectively so bringing them into line with the time limits that apply in other member states. This provides a benefit for applicants by giving them an additional month in which their international application can enter the UK national phase.

In view of the benefit to applicants option 2 is recommended for adoption.

Rule 17(b)

This rule amends rule 85(2)(a) which prescribes a period of two months for filing a translation of information supplied in accordance in respect to the deposit of microorganisms in accordance with paragraph 1 of Schedule 2 to the Rules.

Option 1 - Do nothing. The current time period puts pressure on the applicant to produce and file a verified translation within two months.

Option 2 - Extend the period to three months so reducing the pressure on applicants.

Option 2 is recommended as it benefits applicants by reducing the pressure placed on them.

The Patents (Amendment) (No.2) Rules 1999 (SI No. 3197)
The Registered Designs (Amendment) Rules 1999 (SI No. 3196)
The Designs Right (Proceedings before Comptroller) (Amendment) Rules 1999 (SI No. 3195)

Background

These Rules, which come into force on 22 December 1999, give effect to a broad package of amendments to the Patents Rules 1995, Registered Design Rules 1995 and Design Right (Proceedings before Comptroller) Rules 1989.

Most of the amendments arise from two extensive reviews initiated by the Patent Office.

Deregulation Review

This review was carried out by a small team jointly comprising officials from the Patent Office and representatives of its main users, namely the Chartered Institute of Patent Agents, the Institute of Trade Mark Attorneys, the International Federation of Intellectual Property Attorneys and the Federation of Small Businesses. The aim was to challenge robustly the need for all the existing patents and designs rules with a view to deleting or simplifying those for which a proven benefit could not be established, particularly those that imposed a burden on Patent Office customers.

Review of Hearings and Related Proceedings

Lord Woolf's report *Access to Justice* made extensive recommendations for improvements to the administration of civil justice in the Courts of England and Wales. The Patent Office was keen to see what lessons could be learned from Lord Woolf's work and to apply them to the practice and procedures involved in the Office's operation as a tribunal whereby it acts in a quasi-judicial capacity settling disputes between parties. A fundamental review was undertaken and, in line with principles identified by Lord Woolf, its aim was to simplify and improve the speed of proceedings before the Comptroller and thereby reduce the cost to users. Most of the recommendations that arose from this review can be introduced by changing established practice without having to amend the rules. These non-statutory changes will be explained in a separate PDI. However, there are a number of significant recommendations that require amendments to the rule and have been included in the above statutory instruments. Taken as a whole, the implementation of the recommendations that emerged from the review complete the delivery of the commitment of the Competitiveness White Paper's Intellectual Property Action Plan to "reform the civil law system for IPR litigation".

Copies of the statutory instruments have been distributed within PDD. Further copies may be obtained from (Tel ext:).

The following summarises the amendments introduced by the statutory instruments and the consequential changes to procedures. The underlined rules are the rules in the statutory instruments.

Rule 13

This rule amends rule 43 of the Patents Rules 1995 which required a patent proprietor, who wishes to surrender his patent, to file a Patents Form 2/77 together with a statement setting out the reasons for the surrender. The rule has been amended so that the proprietor no longer has to file a Patents Form 2/77 and give reasons but simply has to submit a written request to surrender the patent.

Rule 14

This rule amends rule 44 of the Patents Rules 1995 which requires the Comptroller to enter the name and address of the inventor on the Register of Patents. The rule has been amended to allow the inventor's address to be omitted from the Register if requested by the applicant.

Rule 15

This rule amends rule 46 of the Patents Rules 1995 under which a request to register an assignment of a patent or patent application must be signed by or on behalf of all parties to the assignment. The amended rule makes it an option that a request to register an assignment can be signed by or on behalf of the assignor only. The Patents Form 21/77 is to be amended by splitting box 7 of the form so that the assignor signs to confirm that the assignment has taken place and the assignee signs to confirm that stamp duty has been paid. In the meantime, if Assignments Section receives the current form with the assignor's signature only they should write to the address for service asking for written confirmation from the assignee that stamp duty has been paid. The Office does not anticipate many Patent Forms 21/77's being filed with only the assignor's signature.

Rule 17(a)

This rule amends rule 85 of the Patents Rules 1995 which requires international applications (UK) to enter the national phase in the UK within 20 months if the UK has not been "elected" in accordance with Chapter II of the Treaty and 30 months if it has been elected. The rule has been amended by extending the time limits to 21 and 31 months respectively so bringing them into line with the time limits that apply in other member states.

Rule 17(b)

This rule amends rule 85(2)(a) by extending the period for filing a translation of information supplied in respect to the deposit of microorganisms, in accordance with paragraph 1 of Schedule 2 to the Rules, from two months to three months.

Rule 17(c)

This rule amends rules 85(3)(c) and (d) which, in referring to rule 6(6), requires an applicant for an international patent (UK) which claims as its date of filing (the priority date) the filing date of an earlier application, not published in English, to file a verified English translation of that earlier application within 22 months of the priority date. The rule has been amended to allow translations to be filed up to the date of grant so bringing the rule into line with the amendment to rule 6(6).

News and notices

Patent Office Cuts Red Tape

The Patent Office has put into effect a series of changes to its procedures, aimed at speeding up, deregulating and simplifying patent and design registration for its customers.

As a result of the dozens of amendments made to regulations covering patents, registered designs and design right, customers will benefit from less restrictive and more streamlined procedures. Parties to patent and design disputes can now expect faster decisions, clearer documentation and lower costs.

The changes, implemented in the form of three statutory instruments which took effect from 22 December 1999, are the culmination of two major reviews carried out over the past three years. The Deregulation Review involved both The Patent Office and user groups, such as The Federation of Small Businesses and The Chartered Institute of Patent Agents. The Review's aim was to challenge and eliminate or simplify all existing patents and design rules for which no proven benefit could be established. Improvements include relaxing various time periods prescribed in the rules, simplifying the arrangements for filing translations of priority documents and allowing assignors only to file requests to register assignments, all of which should help reduce the pressure on proprietors. Under the new rules, inventors can also request to have their address omitted from Patents Register.

The second Review looked specifically at The Patent Office's quasi-judicial role in hearing disputes. It took as its guiding principles the recommendations made in Lord Woolf's report on the civil justice system, *Access to Justice*. Improvements include reducing the time allowed for filing evidence and providing Hearing Officers with discretion to call 'case management conferences' and issue directions on the conduct of proceedings before the Office, which should lead to speedier resolution of cases.

The new changes to rules for hearings now complete delivery of the commitment to "reform the civil law system for IPR litigation", described in the Competitiveness White Paper's Intellectual Property Action Plan.

The Patent Office's Chief Executive, Alison Brimelow, sees the changes as a further step in the continuous improvement of the UK intellectual property system and international competitiveness.

"These changes are of particular benefit to innovators in the manufacturing sector," she explained. "By reducing the burden of time and cost on both existing patent holders and new applicants, we are helping to maintain the international competitiveness of British industry and commerce."

Details of the statutory instruments can be seen on The Patent Office web site: www.patent.gov.uk/snews/notices/newrules.html.

For further information, contact:

Peter Prowse (Prowse & Co) on +44(0) 1372 363386

or

Mike Wright (The Patent Office) on +44(0) 1633 814576.

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Last updated 23 December 1999

Letters to the Editor

◆ Stamp Duty

From: Mr. M. Haines

Dear Sir, In the Stamp Office notes, reproduced at September [1999] CIPA 770-775, it is stated: "The Stamp Office has asked the Patent Office not to accept the statement on their form that the proper stamp duty has been paid without seeing the duly stamped document concerned". Of course, the Patent Office mercifully removed this requirement some time ago, provided that the form is signed by, or on behalf of, all parties to the transaction (see the *Manual of Practice* at 32.09).

As an aside, the text entry in the official register always indicates that a certified copy has been filed, whether or not this is the case. I am advised that the software is designed to enter such wording regardless. In the same vein, every assignment is stated to be a deed.

Yours faithfully,

MILES HAINES, D. Young & Co, 21 London Road, Southampton, SO15 2AD

◆ EPA Fellows

From: Mr. N. Marlow

Dear Sir, I disagree strongly with the sentiments expressed by Mr Farwell in his letter (September [1999] CIPA 836) suggesting that EPAs who are not qualified as CPAs should be admitted to the Institute as Fellows.

I believe that the UK patent profession enjoys a reputation worldwide as a well qualified and knowledgeable profession, to our benefit. One reason for this is the ability and breadth of knowledge needed to pass the UK qualifying examination. In future, with the inevitable further centralisation of patent application procedures, this good reputation will be increasingly important to us.

The EPA qualifying examination is much narrower in scope than the UK examination, and that alone is sufficient for us to regard the qualification of EPA as of lower standard than that of CPA. From my own experience and observation of others' experiences I have no doubt that in some areas at least the EPA examination is easier to pass than the UK

qualifying examination. Anecdotally, one knows of far more candidates successful in the EPA examination who have failed to pass the UK examination than the converse.

The acceptance of a pass in some EPA examination papers as justifying exemption from the corresponding UK paper erodes the standing of the CPA qualification and thus of Fellowship of the Institute; the UK profession might come to regret allowing Fellowship to be further eroded by accepting as Fellows significantly less well qualified EPAs. I do not believe that Mr Farwell's suggestion of retaining the distinction of separate titles for differently qualified Fellows is a sufficient safeguard. If an EPA wishes to become a Fellow, the UK examination is there to be passed!

Yours faithfully,

N. MARLOW, Reddie & Grose, 16 Theobalds Road, London, WC1X 8PL

From: Mr. A.T. Ranson

Dear Sir, - YES. In reply to the letter from I.M. Johnson on this subject (September [1999] CIPA 837), I am "old", and I am a European Patent Attorney by virtue of that age and the initiating "grandfather" clause.

However, I value my Fellowship of the Chartered Institute by virtue of it being obtained during the days when the Institute Examination embodied the very useful and far-reaching Manufactures Paper and even Science Papers.

I similarly value my European qualification, particularly as I was the UNION Member of the Group of Four who originally drafted the Regulations for establishing the European Examination including its form and composition. I well remember the difficulty encountered in persuading our German colleagues to include an element of drafting in the European Examination - their position being that "by the time a candidate was entitled to sit the Examination, he/she should be competent in drafting and it was unnecessary to examine in that skill"! My involvement in the European Examination was emphasized in that I was requested to invigilate at the first examination in Munich, following the lengthy discussions to establish the system.

Mr. W.R. Farwell expresses the wish (presumably on behalf of Council) to "cover effectively all UK practitioners", but the present proposal is to extend Fellowship to all European Patent Attorneys who

Stamp Duty

It has come to my attention that the Stamp Office has available a detailed note on stamp duty payable on intellectual property assignments. This note is reproduced below with their permission.

Assignment of UK Intellectual Property Rights

The Stamp Office regularly receives enquiries from Patent Agents and Solicitors concerning the stamp duty payable on the transfer or assignment of UK intellectual property. This leaflet has been produced in an effort to answer the more common enquiries we receive. If you are unsure of anything in the advice which follows please do not hesitate to telephone your local stamp office to discuss the details of the transaction you are dealing with. (Ed.: for details see page 775)

It is, however, important that you please note the following. Under Section 12 of the Stamp Act you can ask us for a binding opinion of the stamp duty due on a document if you send us the actual signed document and tell us everything we need to know about the transaction. If you need our advice when your document is unsigned or in draft or if you only send us a photocopy, we will assist you as far as is reasonable but our opinion will be an informal one. Accordingly, it will not bind us to assess the document to that amount when it has been signed and sent to us. Any advice we give over the telephone and the advice which follows in this leaflet are given on that basis. We have done everything we can to ensure the accuracy of the information in this leaflet at the time it was printed.

Common Questions and our Answers

I have to complete a box on a UK Patent Office form which requires me to confirm that the appropriate stamp duty has been paid or that there is no stamp duty to pay on the transaction I need registered. The Patent Office staff have referred me to you. What do I need to do next?

Stamp duty is a tax on documents and, if, for example, you want an assignment of a trade mark or some other intellectual property registered, you will need to have the document whereby that assignment was effected stamped with the proper stamp duty it should bear. The Patent Office, the Trade Marks Registry and all other

such bodies are under a statutory obligation under Section 17 of the Stamp Act 1891 to ensure that a document has been stamped before registering the change. The Stamp Office have asked the Patent Office not to accept the statement on their form that the proper stamp duty has been paid without seeing the duly stamped document concerned. Section 14 of the Stamp Act prohibits the use of an unstamped document for registration purposes.

I do not have the document because it was executed abroad and has never been brought into the UK. It would be very difficult to arrange for it to be sent here, so how can I have it stamped?

Stamp duty is a tax on documents and we normally insist that the requirement in the Stamp Act that the actual document be sent to us for stamping is strictly adhered to. However, we make one exception to that rule. That exception relates to patent, trade mark, licence and similar documents which have been executed abroad, where there would be commercial problems in bringing them into the UK. In those circumstances we are prepared to stamp a certified copy of the document so that you may then register it in the UK.

My document relates to an assignment of rights in several countries, not just the UK. Do I have to pay stamp duty on the whole transaction or just the UK part?

If the document was executed abroad you will only have to pay stamp duty on the certified copy in respect of the UK element of the transaction. You would have to pay duty on the full value of the transaction if the document was executed, wholly or partly, within the UK.

How then do I calculate the proper apportionment of the consideration for the whole transaction so as to work out the amount which relates to the UK element and what evidence of this does the Stamp Office need?

The parties to the document must decide how to apportion the consideration and provide such evidence of this as is reasonable, truthful and accurate. Provided this is done the Stamp Office will not generally challenge a fair apportionment but we reserve the right to do so if we consider it necessary.

How is the stamp duty calculated?

The stamp duty payable depends upon the amount or value of the consideration paid for the assignment or transfer. Consideration for stamp duty purposes doesn't just mean cash. It can also include shares in a company issued as consideration, or debt released or to payment of which the transfer was made

"O" (CONTINUED)

subject. If you are in any doubt we will explain whether your document involves a chargeable consideration other than cash once we have seen it.

What is the rate of stamp duty?

Stamp duty is currently levied at a number of different rates depending on the total amount or value of the chargeable consideration and whether or not your document contains a Certificate of Value.

What is a Certificate of Value?

A Certificate of Value is a statement included as part of a document to the effect that the consideration for the transaction effected by that document does not exceed a particular amount. The usual wording is as follows:

"I/We hereby certify that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds £X."

There are currently three levels of Certificate of Value (£X in the wording above). These are £60,000, £250,000 and £500,000. Provided your document contains a proper Certificate of Value the duty will be calculated as follows:

Chargeable consideration up to and including £60,000 - Nil Duty

Chargeable consideration over £60,000 and up to and including £250,000 - Duty at 1% of the chargeable amount rounded up to the nearest multiple of £5.

Chargeable consideration over £250,000 and up to and including £500,000 - Duty at 2.5% of the chargeable amount rounded up to the nearest multiple of £5.

Chargeable consideration over £500,000 - Duty at 3.5% of the chargeable amount rounded up to the nearest multiple of £5.

My document relates to a transfer or assignment of rights in several countries and the whole consideration was £1,000,000 but the UK element only represents £50,000 of that sum. Can I insert a £60,000 Certificate of Value in the document and benefit from the Nil Rate of stamp duty? The document was executed abroad.

No. The Certificate of Value can only be given if the certified document is not part of a larger transaction for more than the stated amount so a £60,000 Certificate of Value in such a document would not be proper because the consideration for the

100b

larger transaction was more than £500,000. You would only have to pay stamp duty on the UK element of the consideration if the document was wholly executed abroad, but because a Certificate of Value would not be appropriate duty on that £50,000 would be at the 3.5% rate giving stamp duty of £1,750

If the same document had been partly or wholly executed in the UK you would have to pay duty on the full £1M consideration, including that for the foreign property so duty at 3.5% would be £35,000.

My document was executed abroad and has been kept there so surely it is not liable to UK stamp duty anyway?

This is a common misconception. A document is liable to stamp duty if it relates to any matter or thing to be done in the UK or to any UK property, even if it was executed abroad. The liability arises immediately the document is executed. By wholly executing and keeping a document abroad all the parties to the transaction do is postpone payment of that stamp duty. Section 15B(1)(b) of the Stamp Act 1891 allows 30 days from the date the document is brought into the UK to have it stamped without payment of a penalty for late stamping. Section 15B does not mean there is no stamp duty due until it is brought into the UK.

The consideration for the transfer or assignment in my document is expressed in a foreign currency. How is the amount on which the stamp duty is charged calculated in those circumstances?

The exchange rate on the date the document was executed is used and the resulting pound sterling amount is the figure used. If the parties to the document actually stated in the document the exchange rate to be used, that is the rate which will be used instead. This is provided in Section 6 of the Stamp Act 1891.

Where do I send my document to have it stamped?

A list of all our offices is attached at the end of this note. You are encouraged to send your document and payment to your nearest office but you may choose any stamp office if you wish. Alternatively you can take the document to the public counter at any office on the list except Worthing which does not offer a counter service. Our Bush House office offers a counter service only and no postal applications should be sent there. Cheques should be made payable to Inland Revenue Only - Stamp Duties and crossed A/C Payee.

Can you expand on the explanation of the stamp duty payable when documents relate to foreign and/or UK property and are executed in the UK and/or abroad?

Yes, there are a number of combinations in those cases and they will each be treated as follows:

1. Documents relating to UK and foreign intellectual property in the UK

A document conveying both UK and foreign property is liable to duty on the whole consideration irrespective of the mix of UK and foreign property.

2. Documents relating to UK and foreign intellectual property executed wholly abroad

Duty is only calculated on the proportion of the consideration attributable to the UK property. A Certificate of Value will only be appropriate if the total consideration for the UK and foreign property is within the appropriate Certificate of Value level.

3. Documents relating to wholly UK intellectual property executed abroad

Duty is chargeable on the whole consideration. You have 30 days to have the document stamped without penalty from the day it is first brought into the UK.

4. Documents relating to wholly foreign intellectual property

No UK stamp duty arises if the document is wholly executed abroad. If it were executed in the UK then stamp duty is payable.

What is the stamp duty position if the transfer or assignment was granted for no payment?

Assignments for Nil or no chargeable consideration of any kind for stamp duty purposes are liable to £5 fixed stamp duty unless the document is certified as falling within one of the categories in the Stamp Duty (Exempt Instruments) Regulations 1987.

A Certificate of Value is not appropriate in such documents. There must be some consideration for a Certificate of Value to be appropriate.

If your document relates that the transfer or assignment has been granted "for good and onerous consideration" we will need to know what that consideration actually consists of and we may ask you some questions about it before we can stamp your document.

What is the position if I sign the statement in the UK Patent Office form that the document is duly stamped when I know it remains unstamped?

You risk a breach of Section 21 of the Stamp Duties Management Act 1891 which provides a maximum £3,000 penalty for fraud in relation to stamp duty.

Alan W. White

You can contact any of the Stamp Offices shown below for further information.

The staff will be pleased to help you.

Belfast Stamp Office Ground Floor Dorchester House 52-58 Great Victoria Street Belfast BT2 7QE DX 2003 NR Belfast 2	Birmingham Stamp Office Ground Floor City House 140-146 Edmund Street Birmingham B3 2JG DX 15001 Birmingham 1	Bristol Stamp Office The Pithay All Saints Street Bristol BS1 2NY DX 7899 Bristol 1
Manchester Stamp Office Alexandra House The Parsonage Manchester M60 9BT DX 14430 Manchester 2	Newcastle Stamp Office 15th Floor Cale Cross House 156 Pilgrim Street Newcastle-upon-Tyne NE1 6TF DX 61021 Newcastle-upon-Tyne 1	London/Worthing Stamp Office East Block Barrington Road Worthing West Sussex BN12 4XH DX 3799 Worthing 1
The Stamp Office (Scotland) Mulberry House 16 Picardy Place Edinburgh EH1 3NF DX ED 303 Edinburgh 1		

From the Chief Executive Officer

Mr A Hall by e-mail

The UK Intellectual Property Office
Concept House
Cardiff Road
NEWPORT
South Wales
NP10 8QQ
UK

Tel:01633 814000
Fax:01633 814504

Direct line:+44 (0)1633 814500
Email: lan.Fletcher@ipo.gov.uk
Our ref:
Your ref:
Date: 12 November 2007

Dear Mr Hall,

Sense-Sonic Limited – Patent GB2267412

^uA^h [redacted] I am writing in reply to your e-mail of 29 October which we have treated as a formal complaint about our procedures for registering assignments, particularly the registration of the transaction between Sense-Sonic Limited and Tonewear Limited.

^uB^h [redacted] As you know, our procedures are that we accept a properly completed and signed form 21/77 as sufficient evidence of an assignment. Patent attorneys and others are not required to send any supporting documents, but may choose to do so. In this case, we received a form 21/77 which referred to "an Assignment dated 15 September 2003" and which was duly signed by Wilson Gunn M'caw who were the registered address for service for Sense-Sonic. If this was all we had received, then we would have been correct to register the assignment. However, we also received an extract of the full "agreement relating to the sale and purchase of certain assets" which, if we had checked more carefully would have raised a question as to whether this was an assignment or a sale agreement. Having identified that there was some doubt we should then have written to Wilson Gunn M'caw asking for clarification. If they had not satisfied us that the transaction was an assignment as described on the form 21/77, then we would still have registered the transaction, but as a sale agreement not an assignment.

^uF^h [redacted] I therefore offer my apologies that we did not follow our standard procedures, and so did not identify that there was some doubt as to the nature of the transaction and did not pursue it further when the application was made. We simply took the form 21/77 at face value and did not follow our normal procedure of looking at all the evidence which had been presented to us.

^{"K"} [redacted] You asked about our training to ensure that staff are aware of the different types of transaction and register them correctly. All staff are trained to identify the various types of transaction that can take place, and to seek further evidence if what we initially receive is not sufficient. The training is confirmed in section instructions and in our Manual of Patent Practice, which, as you know, states at paragraph 32.08 "An agreement to assign, which operates in English law to create and vest in the buyer an immediate equitable interest, may also be entered in the register as a transaction affecting rights in a patent but this is not itself an assignment or any of the other transactions, instruments or events specified in s.33". Although we made a mistake in the present case, having made appropriate investigations, I am satisfied that staff are suitably trained to identify the different types of transaction and the level of evidence that is appropriate. ^{"L"} [redacted]

^{"M"} [redacted] Finally, you asked about changing the entry on the register. As you know, things have moved on considerably since the transaction was registered in September 2004. You filed a reference under section 37 of the Patents Act 1977 on behalf of Northern Light Music Limited in March 2006. In August 2007 you also sought an order from the High Court. During the course of these proceedings you raised the validity of the registered transaction. Many issues were brought up during these proceedings but it is clear that the other parties argued strongly that there was a valid assignment. I make no comment at all on which view is correct, but any change to the register would require the evidence provided by all parties to be considered and a formal decision reached. ^{"N"} [redacted]

^{"P"} [redacted] The options open to you are:


- ^{"Q"} [redacted]
- a) to file a form 11/77 under rule 47 of the Patents Rules to request the correction of an error in the register;
 - b) to pursue the original proceedings (which the Office declined to deal with) before the court if you are able to get an extension of time;
 - c) to start an before the courts for rectification of the register under section 34 of the Patents Act; or
 - d) to start a new action before the Office or the Courts under section 37 of the Act.

^{"R"} [redacted] I understand that you have pursued the last option and have filed an application under section 37 in the name of Sense-Sonic Limited, and that the Case Officer has already been in touch with you about this.

^{"S"} [redacted] We have, as requested, recorded on the register the fact that you have filed a 21/77 seeking to assign patent GB2267412 from Sense-Sonic Limited to yourself.

^{"S"} [redacted] I must apologise again for our error in recording the transaction as an assignment without seeking confirmation of its status.

Yours sincerely


Ian Fletcher

From the Chief Executive Officer

Mr A Hall
Noyna Lodge
Manor Road
Colne
Lancashire
BB8 7AS

The UK Intellectual Property Office
Concept House
Cardiff Road
NEWPORT
South Wales
NP10 8QQ
United Kingdom

Tel:01633 814000
Fax:01633 814504

Direct line:+44 (0)1633 814500
Email: Ian.Fletcher@ipo.gov.uk
Our ref:
Your ref:
Date: 26 November 2007

Dear Mr Hall,

SENSE-SONIC LIMITED – PATENT GB2267412

I am writing in reply to your e-mails of 13, 19 and 22 November about our procedures for registering assignments, particularly the registration of the transaction between Sense-Sonic Limited and Tonewear Limited. I am also replying to the matters raised in your e-mail of 14 November to Paul Twyman in Patents Directorate's Legal Section.

^{"A"} [redacted] In any case where there is apparent conflict between the form and accompanying documents we should not register an assignment until this has been resolved. We did not resolve the apparent conflict here and I have already apologised for our failure to do so. [redacted] ^{"B"}

As previously advised, the options now open to you to get the Register changed or to pursue your claims about royalties or ownership of the patent are:

- ^{"C"} [redacted]
- a) to file a form 11/77 under rule 47 of the Patents Rules 1995 to request the correction of an error in the register. If you decide to take this route then we will require the statutory £40 fee.
 - b) to pursue the original proceedings (which the Office declined to deal with) before the court if you are able to get an extension of time;

- c) to start an action before the courts for rectification of the register under section 34 of the Patents Act; or
- d) to pursue a new action before the Office or the Courts under section 37 of the Act.

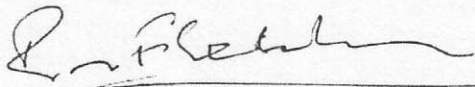
I understand that the Hearing Officer appointed to deal with your fresh application under section 37 has informed you that he is minded to strike your application out as an abuse of process and that you have responded to this. I must make it quite clear that this decision is for the Hearing Officer to make. As I made clear when we spoke on 2 August, and in my letter of 22 October, I cannot comment on any evidence before the Hearing Officer or say anything which would or which might appear to prejudice a hearing. Any comments you may wish to make about this application should therefore be made only to our Patents Litigation Section who will forward them to the Hearing Officer.

v D [redacted] You asked about filing a form 11/77 application under rule 47. Your letter to me dated 13 November said that the form was attached, but we have not received it. In your accompanying e-mail you said that you were holding it pending my response. I can confirm that we would accept such an application from you.

You also asked about having a new entry in the Register. You may wish to file a form 21/77 application, together with any other evidence which you think relevant.

w E [redacted] I must apologise again for our error in recording the transaction as an assignment without seeking confirmation of its status.

your sincerely,



Ian Fletcher

UK Intellectual Property Office

Room GY82
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Newport
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NP10 8QQ

Mr A Hall
Noyna Lodge
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Colne
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Direct line: 01633 814140
Fax: 01633 811415
Email: Debbie.cooke@ipo.gov.uk

11 August 2008

Dear Mr Hall,

Correction of the Registers and Requests for Information

1. I am replying to your emails and letters of 7, 8, 9, 10, 14, 17 and 21 July 2008 in which you comment on my decision on the correction of the registers and ask for additional information.
2. Your letters of 9 July 2008 entitled "certificate of value and declarations" and 8 July 2008 entitled "Stamp Duty" include a number of comments and questions. I have considered these and feel that my decision dated 30 June 2008 provides sufficient information to answer the points raised in your letters.
3. Your letter of 8 July 2008 entitled "Malpractice – Abuse of Signatures on Patent Office forms" asks the following questions for which I will provide answers:
4. How many registrations of change of patent proprietorship have you made since 28th March 2000 on the basis of a single signature of an agent who previously represented the assignor and declares on the form that he acts for the assignee, who (assignee) is also the sole applicant for registration?

My letter of 6 June 2008 gave you specific details of the numbers of patent assignments which we have received. I do not have any information regarding the numbers of change of proprietorship which have been based on a single signature.

5. Do you stand by your counsel's claim that those who have had Box 7 signed on their behalves could find themselves in serious trouble if Stamp Duty has not in fact been paid?

My view of the relevance of stamp duty to your application to correct the Registers is clearly set out in paragraphs 17 to 19 of my decision of 30 June.

6. If you maintain that the declaration has always served a legal purpose and that HMRC gets your acceptance that Stamp Duty is chargeable on the instrument, what are you going to do about it?

I would refer you to my decision on 30 June and in particular paragraphs 24 to 27 in which I have already discussed this matter.

7. On the basis of the signature on the 21/77 do you hold Sense-Sonic Ltd to that declaration? On the basis of the signature on the 21/77 do you hold Conversor Products Ltd to that declaration?

Any person who completes a form 21/77 and files it before this office is confirming that the rights have been acquired and that the necessary stamp duty has been paid. Once they sign this, they are liable for the consequences.

8. In your email of 3 July 2008 you ask whether it would be possible to see "the convincing claims from Mr Brassington". This request can be considered once you have told us what documents you wish to have copied to you.
9. Your email of 7 July asks how an entry can be made on the registers showing that you have filed a complete version of the agreement to assignment on the public file. For the patent and designs cases, we do not normally take any action or add any further details to the Registers once a patent or design is revoked or otherwise ceases to be in force. For the trade mark, memoranda such as this are added using a form TM24. This would, however, need to be signed by the current proprietor of the trade mark as we do not allow third parties to add memoranda without the agreement of the current proprietor.

10. I now turn to your questions raised in your email of 14 July 2008.

11. By what legal right have you ignored the Commissioners Adjudication?

I would refer you to my letter of 30 June 2008, in particular paragraph 25.

12. Why is it that you can issue such a decision without referring to HMRC?

The decision in question relates to the correction of the registers under Rule 50 of the Patents Rules 2007 and Section 21 of the Designs Act 1949 and this is a matter for the UK Intellectual Property Office to consider and not HMRC. In particular, it is for the applicant for correction to supply sufficient information for the correction to be considered together with any evidence in support of their request. It is on the basis of that information and evidence that the decision to correct or not is made.

13. How can we issue two decisions, claiming different things (on account of not being able to sustain the first) and call them both decisions?

I would refer you to my email of Monday 14th July which has already dealt with the matter of the decisions issued in relation to the correction of the register.

14. Why you did not refer your first decision to Senior Officer as requested?

As I explained in my email of 14th July, I issued a decision on 5th February 2008. Once this decision was issued, you continued to file additional correspondence which needed to be considered as part of my decision prior to a Senior Officer conducting a full review of the case. At each stage when additional correspondence was filed, I re-considered the position and this resulted in my letter of 30 June 2008. This letter also offered a review with a Senior Officer which you have decided not to pursue.

15. Why did you not look to HMRC to remove your doubt over the chargeable nature of the instrument?

Please see paragraph 12 above.

16. Please tell me what you would do if you were in no doubt that Stamp Duty should have been paid on the instrument.

I refer you to paragraph 28 of my letter of 30 June 2008.

17. I shall now address some requests you have made for information.

18. TM16 – stamped “correspondence received 21 September 2004”

Your email of 17 July refers to a second date stamp on the form TM16 detailing that further correspondence was received on 21 September 2004 and you have asked for information on the further correspondence which was filed. I have now had an opportunity to look at the file and can confirm that no further correspondence was received.

19. Our internal procedures involve post being received in a central section which gives all forms and letters an initial date stamp. In the case in question, this is the stamp which shows the form TM16 was received on 17 September 2004 in Newport. The second stamp to which you refer is the stamp the then Register Maintenance Section would have used to show the date on which the TM16 was received in the Section. This stamp shows the date of 21 September 2004 and the words “Register Maint” can be seen at the bottom of the stamp to indicate the date the section received that particular form or piece of mail. The form was then actioned and a confirmation letter to Wilson Gunn M'Caw was issued on 29 September 2004.

20. Assignment Checklist

Your email of 21 July asks for copies of the Assignment Checklist for Patents, Designs and Trade Marks. I have attached a copy of the current Patents Assignment checklist as requested. However, I am unable to provide copies of the checklists relating to trade marks and designs. I understand from talking to my staff that they ceased to use these several years ago so I am unable to provide a copy of this document.

I hope that this addresses the many points raised in your correspondence over the last few weeks. I would, however, refer you to paragraph 32 of my decision of 30 June 2008 which clearly stated any further submissions you may make on the question of your requests to correct the Registers will not be considered. I would also refer you to Ian Fletcher's letter of 25 July 2008 which advised you that, except for the points identified in paragraphs 7 and 8 of that letter, the Office will not enter into further correspondence on these matters.

Yours sincerely

Debbie Cooke

Debbie Cooke (Mrs)
Registers Manager

Information requests – Andrew Hall

Questions from your letter of 8 May to Ian Fletcher

- 1 You have registered many transactions since 28th March 2000 and, to help me with my studies, I would like to know how many each year were assignments and how many were agreements to assign. Can you tell me this?

Unfortunately, we cannot tell from our records the split between agreements and assignments for transactions on IP registered since March 2000. However, the following figures, where available, give the numbers of forms TM16, DF12a and 21/77s filed during this period:

TM16s:

2001 - 4008
2002 - 4283
2003 - 4055
2004 - 4059
2005 - 4507
2006 - 4609
2007 - 4741

DF12As:

2001 - Not available
2002 - 83
2003 - 289
2004 - 347
2005 - 247
2006 - 337
2007 - 272

21/77s:

2001 - not available
2002 - 2045
2003 - 3296
2004 - 3356
2005 - 3405
2006 - 3364
2007 - 3678

Please note that whilst this gives a picture of the number of requests we have received, not all of these will have been recorded as some may not have had sufficient evidence of the transaction.

2 Would you therefore please tell me what your policy is with respect to registered transactions which are subject to no declaration on the part of the applicant with respect to stamp duty, but which are now discovered to have been effected by instruments chargeable with stamp duty?

For patents, if the declaration on form 21 was not signed and insufficient supporting evidence was provided, we would have written seeking additional evidence. This is still our practice.

For trade marks, if the transaction took place before 28 March 2000 and there was no evidence of the necessary stamp duty having been paid, we would have written out to the applicant to ask for confirmation that the relevant stamp duty had been paid. For cases where the transaction took place after 28 March 2000, no checks on stamp duty have been undertaken.

For designs, stamp duty would only have been queried if the transaction took place before 28 March 2000 and the declaration on the form DF12A was not signed.

3 Would you please also confirm to me whether or not your staff were under instruction in September 2004 to check instruments for property which was not IP and raise a stamp duty point?

For Patents, Section 30 – 33 of the Manual of Patent Practice dated May 2003 was still current during September 2004. The only reference to stamp duty is at paragraph 32.09. Copy of MoPP provided. As detailed above, staff were instructed to check the declaration on the form 21 was signed and if this was not the case, they would have queried this with the applicant.

For trade marks, Chapter 17, paragraph 5.1 of the Work Manual contains a reference to stamp duty in relation to transactions which took place before 28 March 2000. Staff were instructed to check documents for stamp duty only if the transaction took place prior to 28 March 2000.

For designs, staff were informed to check for stamp duty only on transactions which took place before 28 March 2000.

4 Would you please send me the guidance notes which instructed your staff on how to deal with instruments and forms post 28th March 2000?

Enclosed are:

- *A copy of the trade marks work manual from May 2000 and section desk instructions.*
- *Copies of the desk instructions for patents staff. I have enclosed an undated copy which includes the instructions prior to 28 March 2000 and a copy dated June 2005. Unfortunately, due to section moves, I*

have been unable to find copies of any updates immediately after 28 March 2000.

- *Copies of the desk instructions for designs DF12A forms. I have enclosed a copy of the desk notes dates 8/96 which I understand were still in place during 2000 and a copy of the desk notes which are undated but which were updated in January 2003.*
- *Copies of the Patents and Designs Journal notices and website notices which staff would have been made aware of.*

5 Finally, if you record a transaction on the Register (TM, for instance) and it turns out that stamp duty should have been paid can you tell me by what statutory instrument or legal institution you shift all blame onto the applicant?

The registration of an assignment of intellectual property is a voluntary act and we take the information provided to us as prima facie evidence of the transaction. The Patents, Trade Marks and Designs Acts and Rules stipulate the various elements which need to be present to register a transaction with us. If these elements are present, then we will take the documents as presented and register the assignment. Stamp Duty is an issue which is governed and dealt with by Her Majesty's Revenue and Customs (HMRC) and we rely on our customers taking the necessary action and seeking the necessary advice from HMRC to establish that any necessary stamp duty has been paid. This is why we refer our customers to HMRC when mentioning stamp duty on our forms and when we highlighted the changes to stamp duty in the notices we published in April 2000.

Questions from your e-mail of 12 May to Ian Fletcher

Please can you tell me how many applications for changes of proprietorship of IPR you have received and recorded in the following periods:

Trade Marks:

- 1 2001 - 4008
- 2 2002 - 4283
- 3 2003 - 4055

Designs:

- 4 2001 – Not available
- 5 2002 – 83
- 6 2003 - 289

Patents:

- 7 2001 – Not available
- 8 2002 - 2045
- 9 2003 - 3296

10 Please tell me how since 28th March 2000, you have established whether any necessary stamp duty has been paid in circumstances where no declaration has been made in respect thereof and no supporting evidence has been submitted.

For patent transactions, the form 21/77 (now form 21) includes a declaration at part 7 which reads

"I/we hereby confirm that rights as indicated in part 5 above have been acquired and that any necessary stamp duty has been paid."

Unless this part of the form is signed no registration will have been made. Until December 1999 the declaration had to be signed by or on behalf of all parties to the transaction; from 22 December 1999 this was changed to require a signature by or on behalf of the assignor only. (Statutory Instrument number 3197 of 1999).

Note e to form 21 and form 21/77 specifies

"Part 7 should be signed and dated by or on behalf of the person(s) making this application. Documentary evidence sufficient to establish the transaction should accompany this form if:

- in the case of an assignment, part 7 is not also signed by or on behalf of the other parties named in part 5, or*
- in the case of a mortgage or the grant of a licence or security, it is not also signed by or on behalf of the mortgagor or grantor of the licence or security (if not the person named in part 4)".*

For trade mark transactions, if the transaction took place prior to 28 March 2000, staff in the area will ask the applicant or their representative to confirm that stamp duty has been paid.

Note 1 on the form TM16 specifies:

"If the assignment was before 28 March 2000, you will need to provide a separate declaration about whether Stamp Duty has been paid or is not payable. If you need more advice about this, contact your nearest Inland Revenue Stamp Office, or phone their Helpline on 0845 6030135".

For designs transactions, the declaration confirming that stamp duty had been paid remained on the designs DF12A until October 2006, if this had not been signed then staff would have queried this for transactions which took place before 28 March 2000. After October 2006, if the transaction took place prior to 28 March 2000, staff would ask the applicant or their representative to confirm that stamp duty had been paid.

11 Please tell me how you establish that no stamp duty is chargeable on an instrument executed before 1st December 2003 in circumstances where no declaration have been made and supporting documentary evidence of a transaction is submitted.

For patents, if the declaration on form 21 was not signed and insufficient supporting evidence was provided, we would have written seeking additional evidence. This procedure has applied throughout the period.

For trade marks and designs, if the transaction took place before 28 March 2000, we would have written asking for confirmation that the relevant stamp duty had been paid.

12 In your journals of April 2000, you declare that declarations with respect to stamp duty ceased to serve any legal purpose with respect to instruments executed on or after 28th March 2000. Do you still hold out this declaration to be correct? Or have you discovered it to be incorrect?

We consider the statement to be correct. The notice has to be read in full. The penultimate paragraph states:

"For transactions composed of a mixture of intellectual property and other kinds of transferable property, stamp duty is only abolished with respect to that portion of the total consideration which is attributable to the intellectual property component and the instrument may need to be stamped with respect to the remainder."

This makes the point that the abolition of stamp duty is only in respect of the intellectual property transferred and points out that some instruments registered in relation to patents may attract stamp duty because they are mixed instruments.

When the notice is read as a whole, the statement that the declaration "has no legal effect" is restricted to the documents effecting transactions of intellectual property only. Mixed transactions are discussed in the final part of the notice and it is clearly stated that these may continue to attract stamp duty.

13 Do you have any idea of how many registrations of change of proprietorship you have made since 28th March 2000 without checking that there was sufficient evidence to establish the transaction and/or without establishing whether any necessary stamp duty has been paid.

We are unable to answer this question. Patents have always required the declaration on the form 21/77 to be completed. Trade Marks and Designs adopted a different practice and we don't know how many, if any, cases were submitted without evidence to establish the stamp duty position.

Your e-mail of 20 May 2008 to Ian Fletcher discussing Section 126.

I understand that my colleague, Sarah Barker, answered your questions in her response dated 28th May 2008.

**From the Chief Executive and
Comptroller-General**

A Hall Esq
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Colne
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NP10 8QQ
United Kingdom

Tel:01633 814000
Fax:01633 814504

By e-mail: Andrew.hall2@btconnect.com

Direct line:+44 (0)1633 814500
Email: Ian.Fletcher@ipo.gov.uk
Date: 25 July 2008

Dear Mr Hall,

1. I am writing following your extensive written and telephone communications with the UK Intellectual Property Office ("the Office").
2. You will recall my letter of 28 November 2007 setting out how you could progress matters if you were dissatisfied with our handling of your complaints. On 6 February 2008 I wrote to explain why any further telephone conversation between us would not serve any useful purpose.

Conclusion of various actions

3. In relation to the dispute in which you are involved, you or your companies have now pursued the following actions:
 - Entitlement proceedings under section 37 of the Patents Act 1977 commenced in March 2006
 - Entitlement proceedings under section 37 of the Patents Act 1977 commenced in October 2007
 - Allegations of offences under section 109 of the Patents Act 1977
 - Complaints against a Patent Attorney
 - A High Court action against the Office and Conversor Products Limited, commenced in August 2007

- An application to the comptroller for him to rectify the Register of Trade Marks under section 64 of the Trade Marks Act 1994, made on 17 October 2007
 - An application to the comptroller for him to correct the Register of Patents under rule 50 of the Patents Rules 2007, made on 19 December 2007
 - An application to the comptroller for him to correct the Register of Designs under section 21 of the Registered Designs Act 1949 made on 10 January 2008.
4. These actions have all been brought to a conclusion. Most recently, you received Mrs Cooke's letter of 30 June setting out her final position in relation to the application to correct the Registers of Patents and Designs. I note that you have not taken up the offer of a review by a senior official.
 5. I therefore consider all these matters now to be closed. The Office will not enter into further correspondence or telephone conversations with you in relation to them.

Correspondence in relation to Office practice and guidance

6. My staff have corresponded with you at great length in relation to the Office's practice with regard to transactions which may be subject to stamp duty, and in respect of related matters to do with our guidance, desk notes and the Office's website. You have written and telephoned repeatedly to discuss these matters.
7. Subject to Mrs Cooke replying in due course to some of the questions posed in your e-mails and letters dated 7-10, 14 and 16 July, I now consider that the Office has answered your queries in full and so neither I nor my staff will enter into any further correspondence or any discussions with you over these matters.
8. The only exception is that we will continue to deal with any outstanding or further requests for information in accordance with our statutory duties under the Freedom of Information Act 2000 and any other relevant legislation.
9. As you have frequently made abusive and defamatory comments about staff in your communications, I have instructed staff not to discuss any matter at all with you by telephone.

Claim for compensation

10. I now turn to your letter of 23 May 2008 in which you asked the Office to consider a claim for compensation. In your letter you list various complaints which you have made about the Office's procedures and actions.
11. Compensation may be paid where a public sector organisation has caused hardship or injustice as a result of maladministration or a service failure. Compensation usually takes the form of an *ex gratia* payment. It is separate from the administration of statutory rights or other legal obligations.

12. As noted earlier, you have commenced a number of proceedings before and against the Office, many of which have been pursued to a conclusion before the Office.
13. In particular, your claim for compensation appears to be based on your view that the Office erroneously made register entries on the basis of the disputed agreement of September 2003.
14. As you are aware, Northern Light Music Limited brought an action in the High Court in August 2007 to have this registration removed from the Patents Register. This was refused by Mr Justice Richards, who held that the matter should be taken forward in the entitlement proceedings brought under section 37 of the Patents Act 1977, which were at that time ongoing before the Office. As you are also aware, the Hearing Officer in the entitlement proceedings subsequently decided that the issues raised would be more properly determined by the court and so, following the statute and case-law, he declined to deal with the dispute. The action could have been continued before the Patents Court, but neither party to the action chose to do so.
15. While the Office has accepted that it registered the disputed agreement of September 2003 as evidencing an assignment of a patent, rather than as an agreement to assign that patent, it is unclear that the Register incorrectly records Conversor Products Limited as the owner of the patent as a result. This has been dealt with most recently in Mrs Cooke's letter to you of 30 June 2008, which sets out the reasons for not correcting the Register. As noted above, you have not asked for that to be reviewed by a senior official.
16. I do not consider that there are any other grounds for complaint against the way in which the Office has dealt with your considerable volume of correspondence and many telephone conversations.
17. Accordingly I do not consider that there is any basis for making a compensation payment to you.

Concluding remarks

18. I note that you say you are seeking judicial review of some of our actions in relation to these matters. The Office has received no formal notification nor been served with any documents in relation to such an action.
19. As explained in my letter of 28 November 2007, you can also ask your Member of Parliament to take up your complaints with the Parliamentary Commissioner for Administration ("the Ombudsman"). Your local Citizens' Advice Bureau will give you the address of your MP if you do not know it. You can also get further advice from the Ombudsman's Office at:

The Parliamentary Ombudsman
Office of the Parliamentary Commissioner for Administration
Millbank Tower
Millbank
London
SW1P 4PU

Helpline: 0845 015 4033
e-mail: opca-enqu@ombudsman.org.uk

Yours sincerely,

Ian Fletcher

Ian Fletcher

Mr A Hall
c/o Sense-Sonic Ltd
Colne Commercial Centre
Exchange Street
Colne
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BB8 0SQ

**Patents Directorate
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E-mail: susan.eaves@ipo.gov.uk
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Minicom: 08459 222250
DX 722540/41 Cleppa Park 3
Internet: <http://www.ipo.gov.uk>

Your Reference:
Our Reference: 3Y31/SE/GB2267412/56/07

1 February 2008

Dear Mr Hall

Patent Number: GB2267412 (Conversor Products Ltd); Application for revocation filed under section 72 of the Patents Act 1977 by Conversor Products Ltd

I refer to your email dated 1 February 2008 and respond to the points you have raised as follows: -

Offer to surrender

Your offer to surrender is noted however as you are not the proprietor you are unable to surrender the above patent.

Strike out

As far as the Hearing Officer can see, there is no reason why Conversor Products Ltd needed your consent to apply for revocation.

Co-ownership

The Patent Register shows Conversor Products Ltd as the only proprietor and the Hearing Officer has no reason to accept that there is any other proprietor or co-proprietor.

In summary, the Hearing Officer sees no grounds for striking out the revocation action and I take this opportunity to remind you of the need to file a counter statement **today** if it is your intention to oppose the revocation.

A copy of your email and this letter has been sent today to the claimant.

Yours sincerely



Sue Eaves (Mrs)
Litigation Section
Patents Directorate

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Your Reference:
Our Reference: 3Y31/SE/GB2267412/56/07

16 May 2008

Dear Mr Hall

Patent Number: GB2267412 (Conversor Products Ltd); Application for revocation filed under section 72 of the Patents Act 1977 by Conversor Products Ltd

I have received a copy of your letter dated 15 May 2008 passed to me by Debbie Cooke for response to your request at paragraph 25 & 26 for a stay in the revocation proceedings. "A"

I have mentioned your request to the Hearing Officer, but he advises that as you are not a party to the revocation proceedings, it would be improper for him to consider your request. "B"

I am copying this letter to Conversor Products Ltd, as the claimant in the revocation proceedings.

Yours sincerely

Sue Eaves (Mrs)
Litigation Section
Patents Directorate

A Brief History of the Patent

- 5 The register shows that the patent has been assigned and re-assigned on several occasions. The inventor of the patent, Mr Andrew James Jamieson Hall, has made two attempts under section 37 to establish that his company (or he personally) is the true proprietor of the patent. On the first occasion, the Comptroller declined to deal with the application¹, but Mr Hall did not take the matter to the Court and neither did he appeal against the Comptroller's decision to decline to deal. Instead, he filed a second reference before the Comptroller under section 37.
- 6 The Comptroller indicated that he was minded to strike out the second reference as an abuse of process because it raised essentially the same issues as the previous reference, and concerned essentially the same parties. Mr Hall was offered a hearing if he disagreed with the Comptroller's preliminary view, but he withdrew the reference instead.
- 7 Nevertheless, Mr Hall has not given up his claim to ownership of the patent. He has requested a correction of the register under rule 50 of the Patents Rules 2007. Mr Hall's request to correct the register has no part in these proceedings, except insofar as he maintains that if he succeeds in having the register 'corrected' to show himself as the registered proprietor (or co-proprietor), he would have the right to amend the patent (with a view to avoiding revocation) under section 75.
- 8 However, I note that Mr Hall was one of the persons who was considered likely to have an interest in this case, and he was notified that proceedings had started. He chose not to file a counter-statement. Therefore I must treat Mr Hall as supporting CPL's case as required by rule 77(9). This rule says:
- (9) Where—
- (a) a person was notified under paragraph (1) or (2); and
- (b) that person fails to file a counter-statement under paragraph (6) or (8),
- the comptroller shall treat him as supporting the claimant's case.
- 9 The history between Mr Hall and CPL leads me to suspect that Mr Hall may not have been aware of the consequences of rule 77(9) when he decided not to file a counter-statement. Nevertheless, the wording of rule 77(9) is absolutely clear, and there is no room for discretion. The Comptroller must treat Mr Hall as supporting this application for revocation. (As it turned out, my decision does not rely on treating Mr Hall as supporting CPL's case.)
- 10 More significantly as far as my decision is concerned, it is not clear to me that Mr Hall could now take advantage of section 75, even if the register were to be 'corrected' to show him as the registered proprietor, for two reasons: firstly, section 75(1) begins with the words "In any proceedings ...", but Mr Hall is not "in" these proceedings because he chose not to file a counter-statement; secondly, even if Mr Hall succeeds in having the register 'corrected' he would

¹ Decision BL O/296/07 dated 5th October 2007.

^uB^u [redacted] become the "registered proprietor" and section 75(1) only gives the Comptroller discretion to allow the proprietor (not the registered proprietor) to amend the patent.

← COMPTROLLER'S EMPHASIS

^uC^u [redacted] 11 To anyone not familiar with patent law, this may seem like splitting hairs; but it is well established that registration as proprietor is not proof that the person registered is in fact the proprietor of the patent. As section 32(9) of the Act makes clear, the register is only *prima facie* evidence of proprietorship. The question of proprietorship can be determined conclusively, for example, following a reference under section 37. In this case, given the Comptroller's decision to decline to deal, that means that the court would have had to decide who is the proprietor; but Mr Hall appears to have missed his opportunity to take the question of proprietorship to the court ².

12 As far as these proceedings are concerned, I am directly interested in the validity of the patent, and not who owns it. I realise also that there is a public interest in removing invalid patents from the register. For these reasons I have determined CPL's application to revoke the patent without waiting for the final outcome of Mr Hall's request to 'correct' the register.

The Law

13 The Comptroller's powers to revoke a patent on the application of another person are set out in section 72(1). With respect to the validity of the claims, the relevant parts read as follows:

Power to revoke patents on application

72.-(1) Subject to the following provisions of this Act, the court or the comptroller may by order revoke a patent for an invention on the application of any person (including the proprietor of the patent) on (but only on) any of the following grounds, that is to say –

- (a) the invention is not a patentable invention;
- (b) ...

14 In relation to section 72(a) above, I must also consider section 1(1) which defines the requirements for a patentable invention. It reads:

Patentable Inventions

1.-(1) A patent may be granted only for an invention in respect of which the following conditions are satisfied, that is to say –

- (a) the invention is new;
- (b) it involves an inventive step;
- (c)

and references in this Act to a patentable invention shall be construed accordingly.

² Under Civil Procedure Rule 63.11, where the Comptroller declines to deal with an application under section 37(8), any person seeking the Court's determination of that application must issue a claim form within 14 days of the Comptroller's decision.

andrew hall

From: "Paul Twyman" <Paul.Twyman@ipo.gov.uk>
To: "Andrew Hall" <andrew.hall2@btconnect.com>
Sent: 30 July 2007 05:52
Subject: Re: GB2267412 - falsification of the register

Dear Mr Hall,

I will not be able to let you know today whether we will be amending the current entry on the register in respect of the SenseSonic - Tonewear transaction. I will get back to you as quickly as possible but this is a complex issue, particularly as making any changes which relate to ownership could impinge on the entitlement proceedings, or on any other action should the Office decide that we should decline to deal with the dispute. As I know you are aware, the appearance of an entry on the register does not, in itself, create a right.

"A"

I will get back to you as soon as possible.

Regards

Paul Twyman

15/08/2008

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Switchboard: 01633 814000
Direct line: 01633 814140
Fax: 01633 811415
Email: Debbie.cooke@ipo.gov.uk

GB2267412
5 February 2008

Dear Mr Hall,

1 I am writing in response to your application received on 19 December 2007 for correction of the Patents Register in respect of patent GB2267412. You requested deletion of the entry made on 20 September 2004 showing assignment of the patent from Sense-Sonic Ltd to Tonewear Ltd (now Conversor Products Ltd).

2 On reflection we have decided that we should address your request now and not defer the matter until the revocation proceedings are concluded.

3 I am also responding to your letter of 10 January 2008 to Ian Fletcher, in which you sought a similar correction to the Designs Register in respect of designs 2022759 and 2027609.

4 Your request for correction of an error in the Patents Register has been considered under Rule 50 of the Patents Rules 2007. Rule 50 specifies:

50. (1) Subject to rule 49, any person may request the correction of an error in the register or in any document filed at the Patent Office in connection with registration.

(2) The request must be—

(a) made in writing; and

(b) accompanied by sufficient information to identify the nature of the error and the correction requested.

(3) If the comptroller has reasonable doubts about whether there is an error—

(a) he shall inform the person making the request of the reason for his doubts; and

(b) he may require that person to furnish a written explanation of the nature of the error or evidence in support of the request.

(4) If the comptroller has no doubts (or no longer has doubts) about whether an error has been made he shall make such correction as he may agree with the proprietor of the patent (or, as the case may be, the applicant).

5 We have already accepted that we should have queried the discrepancy between the form 21/77 for this entry which described the transaction as an assignment, and the accompanying document which referred to a sale agreement (Ian Fletcher's letter of 12 November 2007 refers).

6 However, accepting that we made a procedural mistake is not the same as having no doubt that there is an error on the Register. Whilst we accept that the agreement submitted by Wilson Gunn M'Caw is not an assignment, it is an agreement that records the sale of intellectual property (including patent GB2267412) by Sense-Sonic Limited to Tonewear Limited and clause 4.5 requires Sense-Sonic Limited to assign this patent to Tonewear Limited. If we had asked Wilson Gunn M'Caw for more evidence to confirm the nature of the transaction we cannot know what they would have said. Consequently we cannot know what entry should have been made in respect of the transaction. It is possible that they would have provided evidence to show that the transaction was an assignment, in which case our registration as an assignment would be correct. It is therefore possible that, despite our procedural error, the correct entry was made on the register.

7 Given the evidence before me I cannot say that there are no doubts about whether an error has been made. Nor can I say with certainty what, if an error had been made, the correct entry should be. Consequently, it is my view that the conditions set out in Rule 50(4) are not satisfied and the requested change to the Register cannot be made.

8 Correction of the Register is normally used only to put right minor errors such as typographical mistakes, for example spelling or other mistakes where it is readily apparent that a mistake has been made and what the correct entry should be. The usual route for resolving matters relating to entitlement in or under a patent is through entitlement proceedings. I understand that you have previously initiated such proceedings in relation to patent GB2267412.

9 I understand that a similar or identical question relating to an entry on the Trade Marks Register in respect of the agreement dated 15 September 2003 is currently the subject of inter partes proceedings, and that the preliminary view in those proceedings is that the case be referred to the courts because it raises complex issues which would be better dealt with in that forum.

10 If you are dissatisfied with my conclusion you may ask for it to be reviewed by a senior officer within the UK Intellectual Property Office. Please let me know within 28 days of the date of this letter if you wish for such a review.

11 Turning to your request for a similar correction to the Designs Register in respect of designs 2022759 and 2027609. I have considered your request under section 21 of the Registered Designs Act 1949 which says:

21 Power to correct clerical errors

(1) The registrar may, in accordance with the provisions of this section, correct any error in an application for the registration or in the representation of a design, or any error in the register of designs.

(2) A correction may be made in pursuance of this section either upon a request in writing made by any person interested and accompanied by the prescribed fee, or without such a request.

(3) Where the registrar proposes to make any such correction as aforesaid otherwise than in pursuance of a request made under this section, he shall give notice of the proposal to the registered proprietor or the applicant for registration of the design, as the case may be, and to any other person who appears to him to be concerned, and shall give them an opportunity to be heard before making the correction.

12 In my judgement, the arguments in relation to your request to change the Patents Register apply equally to this request. While we may have made a procedural error in dealing with the transaction between Sense-Sonic and Conversor Products, it is not clear that this has resulted in an error on the Designs Register (see paragraph 4 above).

13 Similarly, section 21 is usually used only to correct typographical errors where it is clear that a mistake has been made and what the correct entry should have been. It is not normally used to resolve entitlement matters. The usual route for resolving disputes about entitlement is through section 20, Rectification of the register. Section 20 proceedings are before the court, not before the Office. The relevant court for such an action would be the High Court or a patent county court having jurisdiction by virtue of an order under section 287 of the Copyright, Designs and Patents Act 1988.

14 Consequently, my judgement is that we should not make the change to the Designs Register which you have requested.

15 If you are dissatisfied with my conclusion in relation to the Designs Register you may ask for it to be reviewed by a senior officer within the UK Intellectual Property Office. Please let me know within 28 days of the date of this letter if you wish for such a review.

16 I am copying this letter to the addresses for service for Conversor Products Limited, the registered proprietors of patent GB2267412 and of registered designs 2022759 and 2027609. A copy will also be placed on the patent file.

Yours sincerely

Debbie Cooke (Mrs)
Registers Manager

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From the Assistant Comptroller

Telephone +44 (0) 8459 500505
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Mr A Hall
Noyna Lodge
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Lancashire
BB8 7AS

Direct line +44 (0) 1633 814555
Fax +44 (0) 1633 814554
E-mail sean.dennehey@ipo.gov.uk

Your Reference:
Our Reference:

03 March 2008

Dear Mr Hall

I am writing in response to your e-mails on 25 February to Mr Fletcher. Mr Fletcher is away from the Office and I am responding on his behalf. Both Mr Fletcher and I are aware that you disagree with the Case Officer's decision not to make the correction you have requested to the patents and designs registers. You have asked for a review of this decision. This will be carried out by a senior officer who has not previously been involved in any of the matters you have raised.

As Mr Fletcher has repeatedly explained, he cannot do anything which would prejudice, or appear to prejudice, the independence of the reviewing officer. I cannot do so either. You will shortly be contacted about the review. The extent to which you may submit any additional evidence in support of your application will be a matter for the reviewing officer.

Yours sincerely
Sean Dennehey.

Sean Dennehey
Assistant Comptroller

From: "Jeremy Brassington" <jbrassington@conversorproducts.com>
 To: "Debbie Cooke" <Debbie.Cooke@ipo.gov.uk>
 Date: Tue, May 6, 2008 3:38 pm
 Subject: RE: Andrew Hall and Sense Sonic Ltd

Thank you

Regards
 Jeremy Brassington
 Managing Director
 Conversor Limited
 The Lansbury Estate
 102, Lower Guildford Road
 Knaphill
 Woking
 Surrey GU21 2EP
 Tel: +44 870 066 3499
 Dir: +44 20 8133 0785
 Fax: +44 870 066 3669
 Mob: +44 7785 225600

Email: jbrassington@conversorproducts.com ; brasscom@globalnet.co.uk
 Web: www.conversorproducts.com

-----Original Message-----

From: Debbie Cooke [mailto:Debbie.Cooke@ipo.gov.uk]
 Sent: 06 May 2008 14:13
 To: Jeremy Brassington
 Subject: RE: Andrew Hall and Sense Sonic Ltd

Dear Mr Brassington

Thank you for your email. I apologise for the delay in replying. In relation to the points raised in your email, I can confirm:

- the decision of 5 October 2007 which declined to deal with the matters raised has not been appealed; entitlement proceedings in the name of Sense-Sonic were withdrawn.

- The Office's decision not to make the corrections to the patents and designs registers which Mr Hall requested is currently under review by a senior officer, at Mr Hall's request.

- Mr Hall is not a party to the proceedings to revoke patent GB2267412.

- The request for rectification of the trade mark register has been passed to the High Court.

We are not aware that he has any other matters before the courts (but we would not necessarily expect to be made aware of any such matters).

I hope this answers your enquiries.

Debbie Cooke

>>> "Jeremy Brassington" <jbrassington@conversorproducts.com> 22 April 2008 10:59:45 >>>
 Hi Debbie

UK Intellectual Property Office

Room GY82
Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

Mr A Hall
Noyna Lodge
Manor Road
Colne
Lancashire
BB8 7AS

Switchboard: 01633 814000
Direct line: 01633 814140
Fax: 01633 811415
Email: Debbie.cooke@ipo.gov.uk

GB2267412

15 May 2008

Dear Mr Hall,

Thank you for the additional information you have filed in support of your request to correct the patents and designs Registers.

The documents submitted have been very detailed and contain a variety of points for me to take into account when taking a decision on your request. To help me reach a decision and ensure that I have taken full account of all your points could you summarise your argument in one document together with the relevant evidence. This will ensure that I am taking into account all of the issues and points you have raised when making a decision This would also help to provide a complete picture for a senior officer should a review still be appropriate.

"A"

"B"

Each time you have sent in additional correspondence in support of your request for correction I have assessed this to see if it changes my view that we should not make the changes to the registers which you have requested. If, having received your summary, my decision remains that we should not make the corrections you have requested, it would also be helpful if you did not submit further correspondence about the correction until the senior officer's review is completed. This will allow him to see all the evidence on which my decision was based.

"C"

Thank you for your co-operation.

Yours sincerely

Debbie Cooke

**Debbie Cooke (Mrs)
Registers Manager**

Mr A. J. J. Hall
Noyna Lodge
Manor Road
Colne
Lancashire
BB8 7AS

UK Intellectual Property Office

Concept House
Cardiff Road, Newport
South Wales, NP10 8QQ

Direct line: 01633 814140
E-Mail: debbie.cooke@ipo.gov.uk
Switchboard: 01633 814000
Fax: 01633 814444
Minicom: 08459 222250
DX 722540/41 Cleppa Park 3
<http://www.ipo.gov.uk>

30 June 2008

Dear Mr Hall

Correction of the Registers

1. I have considered the submissions you have made in respect of the correction of the registers and this reply takes into account the information you have submitted with the following letters and emails:

25 February 2008
3, 21 April 2008
12, 15, 16, 19, 23 May and 10 June 2008

2. Your letter of 21 April 2008 details the following as outstanding matters in this case with respect to our handling of the change of proprietorship on GB2267412:
 - Our failure to check mandatory "*documentary evidence sufficient to establish the transaction*" at the time of the applications made by James Robey of Wilson Gunn M'Caw in September 2004. This is in relation to the patent and the designs registrations.
 - Our failure to check the "documentary evidence" upon receipt of your complaint of 24 September 2004;
 - Our incorrect abandonment of the mandatory procedural checks with respect to stamp duty as a result of our misrepresentation of the effect of section 129 of and schedule 34 to the Finance Act 2000.
 - Our failure to effectively deal with your complaints over the years.

- "A" [redacted] 3. I have reviewed the considerable information you have submitted but regret to inform you that my decision not to correct the registers remains unaltered.

Our failure to check mandatory evidence and documentary evidence to establish the transaction

4. On 10 September 2004, a form 21/77 was filed in respect of the patent. This was filed by Wilson Gunn M'Caw, patent agents, on behalf of Tonewear Limited who were making the application. Box 5 of the form detailed that there had been a "transfer of ownership of the patent from Sense-Sonic Limited (a UK company) to Tonewear Limited (a UK Company) by virtue of an Assignment dated 15 September 2003". The form 21/77 was accompanied by extracts from a document entitled "Agreement relating to the sale and purchase of certain assets".

- "C" [redacted] 5. In considering this application, we have already confirmed to you in our letter of 12 November 2007 that we would have registered the transaction as an assignment purely on the information presented on the form 21/77 without a need for any additional documentary evidence. I know that you dispute this and in your letter of 23 May 2008 entitled "correction of the register", you query our acceptance of the form with only one signature from Wilson Gunn M'Caw.

- "E" [redacted] 6. In relation to this, Wilson Gunn M'Caw had previously been established as the agents and address for service on this case and were listed as the address for service at the time of the original patent filing. The form 21/77 was filed on behalf of Tonewear Limited who were making the application and box 6 of the form gave Wilson Gunn M'Caw as the name of Tonewear Limited's agent. As Wilson Gunn M'Caw were also previously recorded as acting for Sense-Sonic Limited, staff at the time would not have queried this, accepting the one signature from Wilson Gunn M'Caw as they were acting for both parties. This is standard practice in the area and does not change my opinion that we are correct to say we would have processed the transaction on the form alone.

- "G" [redacted] 7. In relation to the accompanying document, we have already confirmed in our letter of 12 November 2007 that had we examined the additional documents closer, we would have raised questions with Wilson, Gunn M'Caw with regard to the agreement and this may have led to us recording this transaction as a sale agreement not an assignment.

- "J" [redacted] 8. Throughout the discussions on this case, you have maintained that the document submitted as documentary evidence of the transaction was a sale agreement and not an assignment. In contradiction to this, I have to take account of the comments I have received from Mr Brassington on behalf of Conversor Products Limited. These show that Conversor Products Limited felt they had a valid contract which assigned the patent and therefore the transaction was a valid assignment.

9. It is clear from looking at the details filed by both you and Mr Brassington that there are conflicting opinions on whether the transaction was an assignment or a sale agreement. When taking these conflicting opinions together with the fact that the form 21/77 alone was sufficient to confirm the transaction as an assignment, it

is difficult to say without any doubt what the entry on the register should be. This therefore, does not allow me to action a correction of the register, as Rule 50(4) only allows for correction where the comptroller **has no doubts about whether an error has been made**. I cannot categorically say from the evidence and details before me that the existing entry on the register is incorrect, indeed it is possible that the entry is correct. Therefore as doubts exist, I do not feel that the entry should be amended.

"N"

Correction of the Designs Register

10. You have also asked us to consider whether the way in which we processed the notification of rights acquired in the patent has any relevance to entries made in respect of designs registrations, 2027609 and 2022759. Specifically you have asked us to consider Section 21 of the Designs Act 1949 and to use the Registrar's powers to correct the designs register under this section.

11. In relation to the designs cases, a form DF12A was filed on 17 September 2004. This notified a transfer of ownership to Tonewear Limited. Box 5 of the form indicated that this was due to "an agreement dated 15/09/03 between (inter alia) Sense-Sonic Ltd (in receivership) and Tonewear Limited, both companies incorporated in England and Wales". The form was signed by Wilson Gunn M'Caw on behalf of Tonewear Limited and was accompanied by extracts from the document entitled "Agreement relating to the sale and purchase of certain assets" as filed with the patent form 21/77.

"O"

12. Our practice at the time required us to have two signatures on the form to confirm the rights had been transferred. If only one signature was present, staff would look to any additional documents filed in support of the transaction. In this case, the accompanying document was signed by Stephen Conn (Administrative Receiver for Sense-Sonic Limited) as the seller and a director of Tonewear Limited and therefore staff felt this was sufficient for us to process the case.

"P"

13. If we then consider the use of the documentary evidence as confirmation of the transaction, I would have to reiterate the comments made in paragraph 7 above. Further consideration should have been given to the agreement at the time and questions raised with Wilson Gunn M'Caw. From this, I feel that section 21(1) of the Designs Act 1949 is relevant as we have made an error in the way we processed the case. We did not have sufficient signatures on the form DF12A and our acceptance of the agreement as an assignment should have been investigated further.

"Q"
"R"

14. However, turning to Section 21(2), which allows for an error to be corrected, I have to consider all the information filed on this case to determine what correction should be made. This is not clear cut because as I have explained above, there is conflicting opinion on whether the supporting document was an assignment or an agreement. I do not feel, therefore, that I have categorical evidence which proves what the correct entry on the designs register should be and I remain of the opinion that I cannot action a correction on the designs register.

"S"
"T"

Errors in relation to our practices on Stamp Duty

15. From the evidence you have submitted, it is clear that you feel we have made errors in the handling of this case when we considered the stamp duty issues in respect of the patent. Your evidence contains detailed information on our practices on stamp duty but I have understood the main issues to be as follows. You say that:

- The website notice entitled "Abolition of Stamp Duty on Intellectual Property Transactions" we published in March 2000 when stamp duty was abolished in respect of IP only transactions was incorrect.
- The document submitted with the form 21/77 was not stamped when it should have been and as such is inadmissible as evidence of the transaction.
- The notice in the Patent and Designs Journal published on 19 April 2000 noted that the declaration on stamp duty on the form 21/77 ceased to have any legal purpose. Therefore, this declaration on the form 21/77 cannot be considered as proof that the relevant stamp duty had been paid.

16. I have considered these details but do not feel that these affect my decision on the correction of the register. I note your statements that section 14 of the Stamp Act 1891 applies so that the agreement cannot be taken as evidence of the transaction as it has not been stamped. You have submitted evidence from HMRC to confirm this (exhibit 14 of your letter dated 6 May 2008). If this is the case, this leads me to examine the transaction on the form 21/77 alone. If this is not the case, my comments in paragraph 25 below apply.

17. In relation to the 21/77, you raise the question of whether the stamp duty declaration is valid as confirmation of the payment of stamp duty and validation of the transaction, given the notice in the journal of 19 April 2000 states that these cease to have any legal purpose.

18. If the notice is read as a whole, it states that

"For transactions composed of a mixture of intellectual property and other kinds of transferable property, stamp duty is only abolished with respect to that portion of the total consideration which is attributable to the intellectual property component and the instrument may need to be stamped with respect to the remainder."

This makes the point that the abolition of stamp duty is only in respect of the intellectual property transferred and points out that some instruments registered in relation to patents may attract stamp duty because they are mixed instruments. When the notice is read as a whole, the statement that the declaration "has no legal effect" is restricted to the documents effecting transactions of intellectual property only. Mixed transactions are discussed in the final part of the notice and it is clearly stated that these may continue to attract stamp duty.

19. You have indicated that the transaction was a mixed transaction and that stamp duty was payable. The declaration confirming the stamp duty payment on the form 21/77 was relevant and can be considered to confirm the payment and make the registration of this transaction valid.

20. I do not, therefore, feel that this gives me anything different to consider in respect of the correction of the register and I remain of the opinion that your correction request should be declined.

Our failure to effectively deal with your complaints over the years

21. The details you have submitted make reference to an email of 24 September 2004 which formally raised a complaint over the recordal of this transaction. I have considered this email and feel that the response you received at the time attempted to answer the questions you raised. "Y"
22. Turning to your complaint of 29 October 2007 and the way we have handled this, I have thoroughly examined all the evidence you have submitted in respect of this case since that time and this resulted in my decision on 5 February 2008. At this point, you were offered a review by a Senior Officer and then continued to file fresh correspondence in support of your case. At each point when fresh correspondence has been submitted, I have considered this. The correspondence filed has often been extensive which has sometimes led to a delay in response. I can only apologise for this but I have felt it is important to thoroughly consider and review my decision in light of the fresh correspondence submitted. This was explained to you in my letter of 15 May 2008 when I asked for a summary of your points to ensure that I had thoroughly understood all of your issues. "Z" "AA"

I believe that this letter has now answered all of the comments put forward in relation to the correction of the register.

23. I note that you have also sent additional letters which have discussed more general issues of our stamp duty practices and I will be responding to these under a separate letter.

Striking off the Register Entries

24. In addition to your requests for correction of the patents register, your correspondence of 11, 13, 18 and 24 June has asked us to strike off the register entries for the patent, designs and trade mark rights. You claim that we should take this action as the documents used to support the assignment requests filed by Wilson Gunn M'Caw were subject to stamp duty and as this has not been paid, we should now strike off the register entries in line with our practice.
25. Section 14 of the Stamp Act 1891 applies to the use of unstamped documents in civil proceedings. The sanction for registration of an unstamped document is contained in section 17 of the Stamp Act 1891 as you have also noted in your correspondence. It is an offence for a person whose office it is to register an instrument chargeable with duty to register that document when it has not been duly stamped and there is a £300 penalty for non-compliance. The status of an unstamped document which had been registered was considered in *Coflexip Stena Offshore Limited's Patent* ([1997] RPC 179) to which you have also referred. *Jacobs J* held that a registration in breach of section 17 was not a "BB"

nullity. In addition, he considered that where there is discretion to correct a register "the whole emphasis is on getting the true proprietor on the register".

"CC"

26. In considering this request, I must look at the all evidence I have before me. As with the correction of the registers, it is clear that Mr Brassington takes a different view in relation to the stamp duty issues and the liability for stamp duty is clearly an area of dispute. Given this, I do not feel that I have sufficient conclusive evidence which persuades me to strike off the register entries for these IP rights.

"EE"

27. Your email of 13 June 2008 to Mr Fletcher asks us specifically to tell you why we have not struck off the entries for the Tonewear registrations. I believe this letter gives you an explanation of this. The fact that the date of the agreement entered into by Sense-Sonic Limited, its administrators and Tonewear Limited is after 28 March 2000 does not in itself determine whether we will strike off the registrations which were supported by this agreement.

"GG"

28. To answer the more general question on the striking off of register entries. We would not strike off a registration of change of proprietorship which relied on an instrument executed before 28 March 2000 and on which insufficient stamp duty had been paid. If the registration had been made in good faith, we would not strike off the entry, merely because stamp duty had not been paid.

"II"

Correction of Irregularities

29. I have also considered whether we should apply Patents Rule 107, Trade Marks Rule 66 and Designs Rule 38 "Correction of Irregularities" in this case. However, as set out above I consider that this is in effect an entitlement case where the issues are complex and in dispute, and it is not certain that the register entries are incorrect. Consequently I do not consider that there is any irregularity in making the register entries which should now be rectified

Conclusion

30. It is clear from the evidence submitted throughout the history of these cases that there is an overarching dispute between you and Mr Brassington. This presents us with conflicting opinions on the points in question. To resolve these issues through a correction or striking off action, I have to ensure that I am in no doubt as to what entries should be on the register. As you can see from the details above, this is not the case and therefore I do not feel that a correction of the registers is appropriate.

"KK"

"LL"

31. I appreciate that this response will not be to your satisfaction. However, you will recall that in my letter of 5 February 2008, you were offered an opportunity to request a review of my decision by a senior officer of the UK Intellectual Property Office. This offer is still open to you. If you want a review of my decision, which I have now confirmed, you should make a request in writing to me **within two weeks of the date of this letter.**

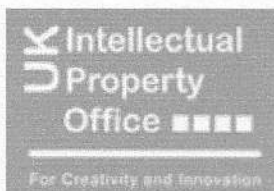
32. If you do not request a review within this period, we shall treat your applications to correct the Registers of Patents and Registered Designs as closed. In any event, you should not make further submissions on these matters. You have had ample opportunity to put your case and any review will be confined to submissions I have already considered. It follows that subject to the outcome of a review, **any further submissions you may make on the question of your requests to correct the Registers will not be considered.** I would be grateful, therefore, if you could confirm in writing how you now wish to proceed in respect of this case within two weeks of the date of this letter.



"MM"

Yours sincerely

Debbie Cooke (Mrs)
Registers Manager



Patents status information

[View on Esp@cenet](#)

FULL DETAILS

REGISTER ENTRY FOR GB2267412

Form NP1 Application No GB9312798.3 filing date 23.12.1991

Lodged on 21.06.1993

Priority claimed:

21.12.1990 in United Kingdom - doc: 9027784

PCT NATIONAL PHASE

PCT Application PCT/GB1991/002316 filed on 23.12.1991 in English

Publication No WO1992/011738 on 09.07.1992 in English

Title RADIO-BASED HEARING AID SYSTEM

Applicant/Proprietor

SELECT HEARING SYSTEMS LIMITED, Incorporated in the United Kingdom, Audio House, Grindleton, CLITHEROE, Lancashire, BB7 4RL, United Kingdom

[ADP No. 06384085001]

^{"A"}
Inventor

ANDREW JAMES JAMIESON HALL, 398 Gisburn Road, Blacko, NELSON, Lancashire, BB9 6LS, United Kingdom

[ADP No. 06384093001]

Classified to

H4J

H04R H04B

^{"B"}
Address for Service

WILSON, GUNN & ELLIS, 41-51 Royal Exchange, Cross Street, MANCHESTER, M2 7BD, United Kingdom

[ADP No. 00037770001]

Publication No GB2267412 dated 01.12.1993

Examination requested 19.08.1993

Patent Granted with effect from 12.10.1994 (Section 25(1)) with title
RADIO-BASED HEARING AID SYSTEM

13.06.1994 Notification of change of Address For Service name of

WILSON, GUNN & ELLIS, 41-51 Royal Exchange, Cross Street,
MANCHESTER, M2 7BD, United Kingdom

[ADP No. 00037770001]

to

WILSON GUNN M'CAW & CO., 41-51 Royal Exchange, Cross Street,
MANCHESTER, M2 7BD, United Kingdom

[ADP No. 00008144001]

dated 01.05.1994. Official evidence filed on 9219583.3

28.02.1997 Notification of change of Address For Service name and address of

WILSON GUNN M'CAW & CO., 41-51 Royal Exchange, Cross Street,
MANCHESTER, M2 7BD, United Kingdom

[ADP No. 00008144001]

to

WILSON GUNN M'CAW, 41-51 Royal Exchange, Cross Street, MANCHESTER,
M2 7BD, United Kingdom

[ADP No. 07153927001]

dated 28.02.1997. Official evidence filed on GB230761

- 12.06.2001 Application under Section 32 filed on 30.05.2001
- 09.07.2001 SENSE-SONIC LIMITED, Incorporated in the United Kingdom, 3rd Floor, King Edward House, Jordangate, Macclesfield, Cheshire, SK10 1EE, United Kingdom [ADP No. 08162679001] registered as Applicant/Proprietor in place of SELECT HEARING SYSTEMS LIMITED, Incorporated in the United Kingdom, Audio House, Grindleton, CLITHEROE, Lancashire, BB7 4RL, United Kingdom [ADP No. 06384085001] by virtue of assignment dated 06.04.2001. Form 21/77 and supporting documents filed on GB2267412.
- 23.10.2001 Application to amend specification under Section 27 filed on 11.10.2001
- 18.06.2002 Specification amended under Section 27 on 18.06.2002
- 29.12.2003 Notification of change of Address For Service address of WILSON GUNN M'CAW, 41-51 Royal Exchange, Cross Street, MANCHESTER, M2 7BD, United Kingdom [ADP No. 07153927001] to WILSON GUNN M'CAW, 5th Floor, Blackfriars House, The Parsonage, MANCHESTER, M3 2JA, United Kingdom [ADP No. 07153927001] dated 29.12.2003. Written notification filed on GB2357445
- 08.09.2004 Application under Section 32 filed on 03.09.2004
- 13.09.2004 Application under Section 32 filed on 09.09.2004
- 19.09.2004 The assignment below to Select Hearing Systems Ltd was subject to an earlier agreement dated 31st July 1991.
- 20.09.2004 On the 18.12.1991 Northern Light Music Limited of Aurora Studios, Grindleton, Clitheroe, Lancashire assigned the rights of priority application GB9027784.9 to Select Hearing Systems Limited of Audio house, Grindleton, Clitheroe, Lancashire. Official evidence filed on GB2267412.
- 20.09.2004 TONEWEAR LIMITED, Incorporated in the United Kingdom, 37 Warren Street, LONDON, W1T 6AD, United Kingdom [ADP No. 08948580001] registered as Applicant/Proprietor in place of SENSE-SONIC LIMITED, Incorporated in the United Kingdom, 3rd Floor, King Edward House, Jordangate, Macclesfield, Cheshire, SK10 1EE, United Kingdom [ADP No. 08162679001] by virtue of assignment dated 15.09.2004. Form 21/77 filed on GB2267412.
- 27.09.2004 This entry is to note Northern Light Music Limited have changed their address to Noya Lodge, Manor Road, Colne, Lancashire. BB8 7AS. Evidence filed on GB2267412.
- 11.10.2004 Application under Section 32 filed on 08.10.2004
- 22.11.2004 Application under Section 32 filed on 19.11.2004
- 16.12.2004 Notification of change of Applicant/Proprietor name of TONEWEAR LIMITED, Incorporated in the United Kingdom, 37 Warren Street, LONDON, W1T 6AD, United Kingdom [ADP No. 08948580001] to CONVERSOR PRODUCTS LIMITED, Incorporated in the United Kingdom, 37 Warren Street, LONDON, W1T 6AD, United Kingdom [ADP No. 09001629001] dated 29.10.2004. Official evidence filed on GB2267412
- 14.01.2005 By virtue of the terms of assignments dated 31.07.1991 and

"M"

18.12.1991 Northern Light Music Limited is due royalty payments from any subsequent assignee. Evidence filed on GB2267412.

"N"

13.07.2005 The assignment entry on the Register dated 20.09.2004 contained an error. For the avoidance of doubt, transfer of ownership from Sense-Sonic Limited to Tonewear Limited was by virtue of an assignment dated 15.09.2003.

"O"

13.07.2005 The entry on the Register dated 16.12.2004 contained an error. For the avoidance of doubt the change of proprietors name from Tonewear Limited to Conversor Products Limited was dated 09.12.2003.

04.04.2006 Reference as to entitlement under Section 37(1) filed on 23 March 2006

16.05.2006 Notification of change of Address For Service name and address of WILSON GUNN M'CAW, 5th Floor, Blackfriars House, The Parsonage, MANCHESTER, M3 2JA, United Kingdom [ADP No. 07153927001] to D YOUNG & CO, 120 Holborn, LONDON, EC1N 2DY, United Kingdom [ADP No. 00000059006] dated 12.05.2006. Written notification filed on GB2267412

05.11.2007 Reference as to entitlement under Section 37(1)a filed on 24.10.2007

08.11.2007 Application under Section 32 filed on 26.10.2006

06.12.2007 Application under Section 32(2)(d) filed on 29 November 2007.

20.12.2007 Application under Section 32 filed on 19.12.2007

20.12.2007 In a decision of the comptroller dated 5 October 2007, under section 37(8) the comptroller declined to deal with the entitlement dispute filed on 23 March 2006.

21.12.2007 Reference as to entitlement under Section 37(1) filed on 24.10.2007 withdrawn on 04.12.2007.

21.12.2007 Application under Section 72 by Conversor Products Ltd filed on 11 December 2007

04.01.2008 Notification of change of Address For Service name and address of D YOUNG & CO, 120 Holborn, LONDON, EC1N 2DY, United Kingdom [ADP No. 00000059006] to CONVERSOR PRODUCTS LTD, The Lansbury Estate, Lower Guildford Road, Knaphill, Woking, Surrey, GU21 2EP, United Kingdom [ADP No. 09697962001] dated 19.12.2007. Written notification filed on GB2267412

23.06.2008 In a decision of the comptroller dated 16 May 2008, the comptroller concluded that the patent was invalid for want of novelty. With no prospect of any amendment, he therefore ordered the patent to be revoked.

**** END OF REGISTER ENTRY ****

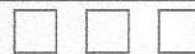
RENEWALS DATA

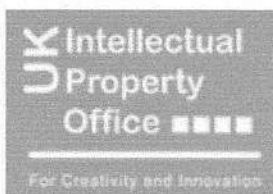
Date Filed	23.12.1991
Date Not in Force	23.06.2008

Date of Last Renewal	19.12.2006
Year of Last Renewal	16
Next Renewal Date	23.12.2007
Status	REVOKED

New enquiry

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Designs Full Details

REGISTER ENTRY FOR DESIGN NUMBER 2027609

Date of Application. 7th December 1992

Divided from Application No. 2022759 under Rule 34(1)(b) and treated for novelty purposes as having been made: 8th May 1992

^{"A"} Date as of which design registered 8th May 1992

Certificate of registration granted 11th March 1993

Design Expired 8th May 2007

Product in respect of which design registered:
'Radio receiver

Edition Pri. Class'n First Duplicate Second Duplicate Third Duplicate
06 At Issue 14-03 10

^{"B"} Name(s) and Address(es) of Proprietor(s):
ADP NUMBER: 00028581001

SELECT HEARING SYSTEMS LIMITED
Audio House
Grindleton
Clitheroe
Lancashire
BB7 4RL

Address for Service
ADP NUMBER: 00028581001

SELECT HEARING SYSTEMS LIMITED
Audio House
Grindleton
Clitheroe
Lancashire
BB7 4RL

10th June 1997

In pursuance of an application filed on 9th Jun 1997, period of protection extended for second period of five years ending 8th May 2002.
Time for payment of extension fee increased by 1 months.

22nd February 1999

^{"C"} 4th June 2001

In pursuance of an application filed on 30th May 2001
ADP NUMBER: 00055966001

Sense-Sonic Limited
3rd Floor King Edward House
Jordangate
Macclesfield
Cheshire
SK10 1EE

has been registered as PROPRIETOR
by virtue of an assignment dated 6th April 2001

4th June 2001

In pursuance of an application filed on 30th May 2001
ADP NUMBER: 00028581001

SELECT HEARING SYSTEMS LIMITED
Audio House
Grindleton
Clitheroe
Lancashire
BB7 4RL

is no longer registered as PROPRIETOR
by virtue of an assignment dated 6th April 2001

2nd July 2001

Address for Service changed to / continues as
ADP NUMBER: 00042535001

Wilson Gunn
41-51 Royal Exchange
Cross Street
Manchester
M2 7BD

by notification received on 29th June 2001

9th May 2002

In pursuance of an application filed on 8th May 2002, period of protection
extended for third period of five years ending 8th May 2007.

3rd August 2002

Registration, expiry & renewal dates, where appropriate, have been adjusted
in accord with EC Designs Directive.

14th January 2004

In pursuance of an application received on the 14th Jan 2004 the Address
of the registered SERVICE ADDRESS/AGT altered to
ADP NUMBER: 00042535005

Wilson Gunn
5th Floor
Blackfriars House
The Parsonage
Manchester
M3 2JA

An e-mail received 140104.

24th September 2004

In pursuance of an application filed on 17th Sep 2004
ADP NUMBER: 00065597001

Tonewear Limited
37 Warren Street
London
W1T 6AD

has been registered as PROPRIETOR
Assignment dated 15 September 2003. LF 2027609.

24th September 2004

In pursuance of an application filed on 17th Sep 2004
ADP NUMBER: 00055966001

Sense-Sonic Limited
3rd Floor King Edward House
Jordangate

Macclesfield
Cheshire
SK10 1EE

is no longer registered as PROPRIETOR

26th November 2004

In pursuance of an application received on the 19th Nov 2004 the Name and/or
Address of the registered PROPRIETOR altered to

ADP NUMBER: 00066029001

Conversor Products Limited
37 Warren Street
London
W1T 6AD

DF16A FILED 19.11.04, LF 2022759

16th February 2005

Classification amended

29th December 2006

Address for Service changed to / continues as

ADP NUMBER: 00000005006

D Young & Co
120 Holborn
London
EC1N 2DY

by notification received on 22nd December 2006

8th May 2007

Period of Protection Expired.

** END OF REGISTER DETAILS **

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Designs Full Details

REGISTER ENTRY FOR DESIGN NUMBER 2022759

Date of Application. 8th May 1992

Date as of which design registered 8th May 1992

^{"A"} Certificate of registration granted 11th February 1993

Design Expired 8th May 2007

Product in respect of which design registered:
'Radio-microphone

Edition	Pri. Class'n	First Duplicate	Second Duplicate	Third Duplicate
06 At Issue	14-01	06		

^{"B"} Name(s) and Address(es) of Proprietor(s):
ADP NUMBER: 00028581001

SELECT HEARING SYSTEMS LIMITED
Audio House
Grindleton
Clitheroe
Lancashire
BB7 4RL

Address for Service
ADP NUMBER: 00028581001

SELECT HEARING SYSTEMS LIMITED
Audio House
Grindleton
Clitheroe
Lancashire
BB7 4RL

10th June 1997

In pursuance of an application filed on 9th Jun 1997, period of protection extended for second period of five years ending 8th May 2002.
Time for payment of extension fee increased by 1 months.

18th January 1999

LOCARNO UPDATED

4th June 2001

In pursuance of an application filed on 30th May 2001
ADP NUMBER: 00055966001

Sense-Sonic Limited
3rd Floor King Edward House
Jordangate
Macclesfield
Cheshire
SK10 1EE

^{"C"} has been registered as PROPRIETOR
by virtue of an assignment dated 6th April 2001

4th June 2001

"D"
In pursuance of an application filed on 30th May 2001
ADP NUMBER: 00028581001

SELECT HEARING SYSTEMS LIMITED
Audio House
Grindleton
Clitheroe
Lancashire
BB7 4RL

is no longer registered as PROPRIETOR
by virtue of an assignment dated 6th April 2001

"E"
2nd July 2001
Address for Service changed to / continues as
ADP NUMBER: 00042535001

Wilson Gunn
41-51 Royal Exchange
Cross Street
Manchester
M2 7BD

by notification received on 29th June 2001

9th May 2002
In pursuance of an application filed on 8th May 2002, period of protection
extended for third period of five years ending 8th May 2007.

14th January 2004
In pursuance of an application received on the 14th Jan 2004 the Address
of the registered SERVICE ADDRESS/AGT altered to
ADP NUMBER: 00042535005

Wilson Gunn
5th Floor
Blackfriars House
The Parsonage
Manchester
M3 2JA

An e-mail received 140104.

"F"
24th September 2004
In pursuance of an application filed on 17th Sep 2004
ADP NUMBER: 00065597001

Tonewear Limited
37 Warren Street
London
W1T 6AD

has been registered as PROPRIETOR
Assignment dated 15 September 2003. LF 2027609.

24th September 2004
In pursuance of an application filed on 17th Sep 2004
ADP NUMBER: 00055966001

Sense-Sonic Limited
3rd Floor King Edward House
Jordangate
Macclesfield
Cheshire
SK10 1EE

is no longer registered as PROPRIETOR

26th November 2004
In pursuance of an application received on the 19th Nov 2004 the Name and/or

Address of the registered PROPRIETOR altered to
ADP NUMBER: 00066029001

Conversor Products Limited
37 Warren Street
London
W1T 6AD

DF16A FILED 19.11.04, LF 2022759

29th December 2006

Address for Service changed to / continues as
ADP NUMBER: 00000005006

D Young & Co
120 Holborn
London
EC1N 2DY

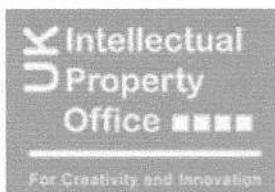
^v G ^v by notification received on 22nd December 2006

8th May 2007
Period of Protection Expired.

** END OF REGISTER DETAILS **

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**Trade Mark Details as at 30 July 2008****Case details for Trade Mark 1488225**Current Details**Historical Event**Date Actioned:
17 June 2008Details:
TM33 received L/F 1488225 JNL 6742**Previous Details:**Agent:
Conversor Limited
The Lansbury Estate, 102 Lower Guildford Road, Woking, Surrey, GU21 2EP
ADP Number:
0923736001Service:
Conversor Limited
The Lansbury Estate, 102 Lower Guildford Road, Woking, Surrey, GU21 2EP
ADP Number:
0923736001**Historical Event**Date Actioned:
21 May 2008Details:
Application referred to the Court under Section
64(2)(b)**Historical Event**Date Actioned:
21 May 2008Details:
Rectification Case Withdrawn
Rectification No.
083070**Historical Event**Date Actioned:
19 December 2007Details:
TM33 received L/F 1488225 JNL 6718**Previous Details:**

Agent:

D. Young & Co.
120 Holborn, London, EC1N 2DY
ADP Number:
0000059001

Service:

D. Young & Co.
120 Holborn, London, EC1N 2DY
ADP Number:
0000059001

Historical Event**Date Actioned:**

25 October 2007

Details:

Rectification Case Received

Rectification No.

083070

Historical Event**Date Actioned:**

2 March 2007

Details:

TM33 received L/F 1488225 JNL 6678

Previous Details:**Agent:**

Wilson Gunn
5th Floor, Blackfriars House, The Parsonage, Manchester, M3 2JA
ADP Number:
0001750001

Service:

Wilson Gunn
5th Floor, Blackfriars House, The Parsonage, Manchester, M3 2JA
ADP Number:
0001750001

Historical Event**Date Actioned:**

27 September 2004

Details:

Trade Mark Assigned in Full

Full History Text:

Assignment to Tonewear Limited from Sense-Sonic Ltd l/f 1488225 jnl 6553.

Previous Details:

Proprietor:

"D"
Sense-Sonic Limited
3rd Floor, King Edward House, Jordangate, Macclesfield, Cheshire, SK10 1EE
Residence Country:
United Kingdom
ADP Number:
0806127001

Agent:

"E"
Wilson Gunn
5th Floor, Blackfriars House, The Parsonage, Manchester, M3 2JA
ADP Number:
0001750001

Service:

"F"
Wilson Gunn
5th Floor, Blackfriars House, The Parsonage, Manchester, M3 2JA
ADP Number:
0001750001

Historical Event

Date Actioned:

"G"
2 July 2001

Details:

Trade Mark Assigned in Full

Full History Text:

ASSIGNMENT FROM SELECT HEARING SYSTEMS LIMITED TO SENSE-SONIC LIMITED LEAD FILE 1488225 JNL 6390 SN 42898

Previous Details:

Proprietor:

"H"
Select Hearing Systems Limited
Unit 20, Glenfield Park, Lomeshaye Business Village, Nelson, Lancashire, BB9 7DR
Residence Country:
United Kingdom
ADP Number:
0668750001

Service:

"I"
A J J Hall
Audio House, Grindleton, Clitheroe, Lancashire, BB7 4RL
ADP Number:
0668751001

Historical Event

Date Actioned:

13 January 1999

Details:

Trade Mark Renewed

Historical Event

Date Actioned:

26 October 1998

Details:

Renewal Reminder Sent

Historical Event

Date Actioned:

15 October 1993

Details:

Trade Mark Registered

Historical Event

Date Actioned:

13 October 1993

Details:

Pre-Reg Check

Historical Event

Date Actioned:

27 July 1993

Details:

Published for Opposition Purposes

Historical Event

Date Actioned:

29 June 1993

Details:

PROOF CORRECTIONS JNL 5985.

Previous Details:

Consent:

By consent No.1473156(5950,8368).

Historical Event

Date Actioned:

28 May 1993

Details:

READY FOR ADVERT

Historical Event

Date Actioned:

27 May 1993

Details:

Draft First Advert Produced

Previous Details:

Class 09 Amendment:

Hearing aid apparatus and parts therefor; all included in class 9; but not including any such goods for use with telephone equipment.

Historical Event

Date Actioned:

25 May 1993

Details:

Draft First Advert Produced

Previous Details:

Class 09 Amendment:

Hearing aid apparatus and parts therefor; all included in class 9; but not including any such goods for use with telephone equipment.

Historical Event

Date Actioned:

21 May 1993

Details:

Draft First Advert Produced

Previous Details:

Class 09 Amendment:

Hearing aid systems and parts therefor; all included in class 9; but not including any such goods for use with telephone equipment.

Historical Event

Date Actioned:

21 May 1993

Details:

Draft First Advert Produced

Previous Details:

Consent:

By consent No.1473156().

Historical Event

Date Actioned:

21 May 1993

Details:

Draft First Advert Produced

Previous Details:

Class 09 Amendment:

Hearing aid systems and parts thereof.

Consent:

By consent text inserted:

Historical Event

Date Actioned:

23 December 1992

Details:

Hearing Held

Historical Event

Date Actioned:

10 July 1992

Details:

Trade Mark Examined

Historical Event

Date Actioned:

24 January 1992

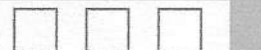
Details:

Application Details Captured

- [Explanation of terms used on this page](#)

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REGISTER ENTRY FOR GB2387656

Form 1 Application No GB0208693.2 filing date 16.04.2002

Title TRANSFORMER PROBE

Applicant/Proprietor

WESTON AEROSPACE, Incorporated in the United Kingdom, 124 Victoria Road,
FARNBOROUGH, Hants, GU14 7PW, United Kingdom [ADP No. 08293334001]

Inventor

KENNETH W PROCTOR, Weston Aerospace, 124 Victoria Road, FARNBOROUGH,
Hants, GU14 7PW, United Kingdom [ADP No. 08603763001]

Classified to

G1N U1S
G01P

Address for Service

REDDIE & GROSE, 16 Theobalds Road, LONDON, WC1X 8PL, United Kingdom
[ADP No. 00000091001]

Publication No GB2387656 dated 22.10.2003

Examination requested 16.04.2002

Grant of Patent (Notification under Section 18(4)) 03.02.2004

Publication of notice in the Patents and Designs Journal (Section 25(1))
03.03.2004

Title of Granted Patent TRANSFORMER PROBE

15.09.2004 Application under Section 32 filed on 14.09.2004

Entry Type 8.1 Staff ID. JHUR Auth ID. F21

22.09.2004 ANGELCHANCE LIMITED, Incorporated in the United Kingdom, Mitre
House, 160 Aldersgate Street, LONDON, EC1 4DD, United Kingdom

[ADP No. 08950016001]

registered as Applicant/Proprietor in place of

WESTON AEROSPACE, Incorporated in the United Kingdom, 124 Victoria
Road, FARNBOROUGH, Hants, GU14 7PW, United Kingdom

[ADP No. 08293334001]

by virtue of assignment dated 11.06.2003. Form 21/77 and documents
filed on GB2387656.

Entry Type 8.4 Staff ID. SB Auth ID. F21

22.09.2004 Notification of change of Applicant/Proprietor name of

ANGELCHANCE LIMITED, Incorporated in the United Kingdom, Mitre
House, 160 Aldersgate Street, LONDON, EC1 4DD, United Kingdom

[ADP No. 08950016001]

to

WESTON AEROSPACE LIMITED, Incorporated in the United Kingdom, Mitre
House, 160 Aldersgate Street, LONDON, EC1A 4DD, United Kingdom

[ADP No. 08950024001]

dated 14.06.2004. Official evidence filed on GB2387656

Entry Type 7.2 Staff ID. SB Auth ID. F20

01.12.2005 Application under Section 32 filed on 29.11.2005

Entry Type 8.1 Staff ID. ASPR Auth ID. F21

REGISTER ENTRY FOR GB2387656 (Cont.)

TIMED: 02/09/08 13:47:44

PAGE: 2

**** END OF REGISTER ENTRY ****

REGISTER ENTRY FOR GB2381876

Form 1 Application No GB0303313.1 filing date 27.09.1999

Lodged on 13.02.2003

Priority claimed:

30.09.1998 in United Kingdom - doc: 9821151

Earlier Application Under Section 15(4): GB9922689.6 Pubn. No GB2342178 filed on 27.09.1999

Title METHOD AND APPARATUS FOR AUTOMOTIVE AND OTHER BATTERY TESTING

Applicant/Proprietor

SNAP-ON EQUIPMENT LIMITED, Incorporated in the United Kingdom, Unit 12, Horsleys Fields, KING'S LYNN, Norfolk, PE30 5DD, United Kingdom

[ADP No. 07749286003]

Inventors

BARBARA LYNN JONES, Snap-on Equipment Limited, Unit 12, Horsleys Fields, KING'S LYNN, Norfolk, PE30 5DD, United Kingdom

[ADP No. 07749294002]

PAUL SMITH, Snap-on Equipment Limited, Unit 12, Horsleys Fields, KING'S LYNN, Norfolk, PE30 5DD, United Kingdom

[ADP No. 07749302002]

Classified to

G1U

G01R

Address for Service

URQUHART-DYKES & LORD, New Priestgate House, 57 Priestgate, PETERBOROUGH, PE1 1JX, United Kingdom

[ADP No. 00001644009]

Publication No GB2381876 dated 14.05.2003

Examination requested 13.02.2003

Grant of Patent (Notification under Section 18(4)) 24.05.2003

Publication of notice in the Patents and Designs Journal (Section 25(1)) 25.06.2003

Title of Granted Patent METHOD AND APPARATUS FOR AUTOMOTIVE AND OTHER BATTERY TESTING

05.05.2004 Name and address maintenance action has taken place and the address for Address For Service is

URQUHART-DYKES & LORD LLP, New Priestgate House, 57 Priestgate, PETERBOROUGH, PE1 1JX, United Kingdom

[ADP No. 08857187001]

this change is effective from 05.05.2004

Entry Type 7.5 Staff ID. AR Auth ID. NA20

15.09.2004 Application under Section 32 filed on 09.09.2004

Entry Type 8.1 Staff ID. JHUR Auth ID. F21

21.09.2004 SNAP-ON INCORPORATED, Incorporated in USA - Delaware, 10801
Corporate Drive, Pleasant Prairie, Wisconsin 53158-1603, United
States of America [ADP No. 06648356002]
registered as Applicant/Proprietor in place of
SNAP-ON EQUIPMENT LIMITED, Incorporated in the United Kingdom, Unit
12, Horsleys Fields, KING'S LYNN, Norfolk, PE30 5DD, United Kingdom
[ADP No. 07749286003]
by virtue of assignment dated 09.08.2004. Form 21/77 and documents
filed on GB2381876.

"B"

Entry Type 8.4 Staff ID. SUM1 Auth ID. F21

02.05.2008 Patent ceased on 27.09.2007

Entry Type 12.1 Staff ID. RM86 Auth ID. RM86

**** END OF REGISTER ENTRY ****

REGISTER ENTRY FOR GB2208202

Form 1 Application No GB8516871.4 filing date 03.07.1985

Priority claimed:

03.07.1984 in United Kingdom - doc: 8416904

Title ANAESTHETIC GAS SCAVENGING SYSTEMS

Applicant/Proprietor

AUTOMATED PROCESS AND CONTROL (MEDICAL) CO LTD, Incorporated in the United Kingdom, 13 De Walden Street, London, W1M 7PJ, United Kingdom

[ADP No. 03966884001]

Inventor

DR J A GIL-RODRIGUEZ, 13 De Walden Street, London, W1M 7PJ, United Kingdom

[ADP No. 03966827001]

Classified to

A5T

A61M

Address for Service

STEVENS HEWLETT & PERKINS, 5 Quality Court, Chancery Lane, LONDON, WC2A 1HZ, United Kingdom

[ADP No. 00001545001]

Publication No GB2208202 dated 15.03.1989

Examination requested 10.11.1988

Patent Granted with effect from 14.06.1989 (Section 25(1)) with title ANAESTHETIC GAS SCAVENGING SYSTEMS

12.06.1991 Notification of change of Address For Service address of STEVENS HEWLETT & PERKINS, 5 Quality Court, Chancery Lane, LONDON, WC2A 1HZ, United Kingdom [ADP No. 00001545001]

to

STEVENS HEWLETT & PERKINS, 1 St Augustine's Place, BRISTOL, BS1 4UD, United Kingdom [ADP No. 00001545002]

dated 09.05.1991. Official evidence filed on GB2223985

Entry Type 7.3 Staff ID. TR Auth ID. EO

21.06.1999 Notification of change of Address For Service name and address of STEVENS HEWLETT & PERKINS, 1 St Augustine's Place, BRISTOL, BS1 4UD, United Kingdom [ADP No. 00001545002]

to

BOULT WADE TENNANT, 27 Furnival Street, LONDON, EC4A 1PQ, United Kingdom [ADP No. 00000042001]

dated 08.06.1999. Official evidence filed on GB2145336

Entry Type 7.1 Staff ID. AREA Auth ID. A1

01.07.1999 Application under Section 32 filed on 29.06.1999

Entry Type 8.1 Staff ID. CFOR Auth ID. F21

- 21.07.1999 BLEASE MEDICAL EQUIPMENT LIMITED, Incorporated in the United Kingdom, Deans Way, CHESHAM, Bucks., HP5 2NX, United Kingdom [ADP No. 06356463001]
registered as Applicant/Proprietor in place of
AUTOMATED PROCESS AND CONTROL (MEDICAL) CO LTD, Incorporated in the United Kingdom, 13 De Walden Street, London, W1M 7PJ, United Kingdom [ADP No. 03966884001]
by virtue of deed of assignment dated 22.06.1999. Certified copy filed on GB2208202
Entry Type 8.4 Staff ID. PH Auth ID. F21
- 14.03.2000 Notification of change of Address For Service address of BOULT WADE TENNANT, 27 Furnival Street, LONDON, EC4A 1PQ, United Kingdom [ADP No. 00000042001]
to
BOULT WADE TENNANT, Verulam Gardens, 70 Gray's Inn Road, LONDON, WC1X 8BT, United Kingdom [ADP No. 00000042001]
dated 13.03.2000. Written notification filed on GB2340960
Entry Type 7.3 Staff ID. MH1 Auth ID. C1
- 14.09.2004 Application under Section 32 filed on 10.09.2004
Entry Type 8.1 Staff ID. JHUR Auth ID. F21
- 21.09.2004 Notice of non-exclusive licence to MEC MEDICAL LIMITED, Incorporated in the United Kingdom, 76 Stapleton Hall Road, LONDON, N4 4QA, United Kingdom [ADP No. 08949240001]
dated 13.08.2004. Form 21/77 and documents filed on GB2208202.
Entry Type 8.7 Staff ID. SB Auth ID. F21
- 01.07.2005 Patent expired on 02.07.2005
Entry Type 24.1 Staff ID. RM87 Auth ID. RM87

**** END OF REGISTER ENTRY ****

REGISTER ENTRY FOR GB2196799

Form 1 Application No GB8720838.5 filing date 04.09.1987

Priority claimed:

04.09.1986 in United States of America - .doc: 903470

Title LOW PROFILE ELECTRIC MOTOR

Applicant/Proprietor

TRI-TECH INC, Incorporated in USA - Delaware, 1500 Meriden Road,
Waterbury, Connecticut 06705, United States of America

[ADP No. 00787432001]

Inventors

ALBERT PALMERO, 18 Oakwood Drive, Harwinton, Connecticut 06791, United
States of America

[ADP No. 00120600001]

CHARLES HANSEN, 16 Ivy Lane, Wolcott, Connecticut 06716, United States of
America

[ADP No. 00120618001]

Classified to

H2A U1S

H02K

Address for Service

ELKINGTON AND FIFE, High Holborn House, 52-54 High Holborn, LONDON, WC1V
6SH, United Kingdom

[ADP No. 00000067001]

Publication No GB2196799 dated 05.05.1988

Patent Granted with effect from 04.07.1990 (Section 25(1)) with title AN
ELECTRIC ROTATING MACHINE

30.04.1990 Notification of change of Address For Service address of
ELKINGTON AND FIFE, High Holborn House, 52-54 High Holborn, LONDON,
WC1V 6SH, United Kingdom [ADP No. 00000067001]

to

ELKINGTON AND FIFE, Beacon House, 113 Kingsway, LONDON, WC2B 6PN,
United Kingdom [ADP No. 00000067002]

dated 30.04.1990. Official evidence filed on GB2199061

Entry Type 7.3 Staff ID. 6IY1 Auth ID. AO

16.09.1991 Notification of change of Address For Service address of
ELKINGTON AND FIFE, Beacon House, 113 Kingsway, LONDON, WC2B 6PN,
United Kingdom [ADP No. 00000067002]

to

ELKINGTON AND FIFE, Prospect House, 8 Pembroke Road, SEVENOAKS,
Kent, TN13 1XR, United Kingdom [ADP No. 00000067004]

dated 02.05.1991. Official evidence filed on GB2241627

Entry Type 7.3 Staff ID. 3PB1 Auth ID. EO

27.05.2004 Name and address maintenance action has taken place and the address
for Address For Service is

ELKINGTON AND FIFE LLP, Prospect House, 8 Pembroke Road, SEVENOAKS,
Kent, TN13 1XR, United Kingdom [ADP No. 08875429001]

this change is effective from 27.05.2004

Entry Type 7.5 Staff ID. AR Auth ID. NA20

15.09.2004 Application under Section 32 filed on 13.09.2004

Entry Type 8.1 Staff ID. JHUR Auth ID. F21

22.09.2004 TRITEX CORPORATION, Incorporated in USA - Delaware, 1500 Meriden Road, Waterbury, Connecticut 06705, United States of America

[ADP No. 08949596001]

registered as Applicant/Proprietor in place of

TRI-TECH INC, Incorporated in USA - Delaware, 1500 Meriden Road, Waterbury, Connecticut 06705, United States of America

[ADP No. 00787432001]

by virtue of merger dated 16.04.2004. Form 21/77 and documents filed on GB2196799.

Entry Type 8.4 Staff ID. SUM1 Auth ID. F21

22.09.2004 Notification of change of Address For Service name and address of ELKINGTON AND FIFE LLP, Prospect House, 8 Pembroke Road, SEVENOAKS, Kent, TN13 1XR, United Kingdom

[ADP No. 08875429001]

to

WITHERS & ROGERS, Goldings House, 2 Hays Lane, LONDON, SE1 2HW, United Kingdom

[ADP No. 00001776001]

dated 13.09.2004. Official evidence filed on GB2196799

Entry Type 7.1 Staff ID. RIB Auth ID. F51

14.04.2005 Name and address maintenance action has taken place and the address for Address For Service is

WITHERS & ROGERS LLP, Goldings House, 2 Hays Lane, LONDON, SE1 2HW, United Kingdom

[ADP No. 09070111001]

this change is effective from 14.04.2005

Entry Type 7.5 Staff ID. AR Auth ID. NA20

31.08.2007 Patent expired on 03.09.2007

Entry Type 24.1 Staff ID. RM87 Auth ID. RM87

**** END OF REGISTER ENTRY ****

REGISTER ENTRY FOR GB2388919

Form 1 Application No GB0305866.6 filing date 14.03.2003

Priority claimed:

12.04.2002 in United Kingdom - doc: 0208464

Title FIBRE OPTIC LIGHTING ASSEMBLY

Applicant/Proprietor

SCHOTT FIBRE OPTICS (UK) LIMITED, Incorporated in the United Kingdom, Shaw Lane Industrial Estate, Ogden Road, DONCASTER, DN2 4SQ, United Kingdom
[ADP No. 07104391001]

Inventors

STEPHEN FRAZER BELAFONTE, 49 Whirlowdale Crescent, Millhouses, SHEFFIELD, S7 2NB, United Kingdom [ADP No. 08667768001]

WILLIAM LOUIS HEYSHAM, 33 Hanbury Close, Balby, DONCASTER, S Yorkshire, DN4 9AN, United Kingdom [ADP No. 08667784001]

Classified to

G2J
G02B

Address for Service

BAILEY WALSH & CO LLP, 5 York Place, LEEDS, LS1 2SD, United Kingdom
[ADP No. 00000224001]

Publication No GB2388919 dated 26.11.2003

Application/Patent Terminated before grant 13.10.2006

Examination requested 16.01.2004

 13.09.2004 Application under Section 32 filed on 09.09.2004

Entry Type 8.1 Staff ID. JHUR Auth ID. F21

21.09.2004 SCHOTT UK LIMITED, Incorporated in the United Kingdom, Drummond Road, Astonfields Industrial Estate, STAFFORD, ST16 3EL, United Kingdom [ADP No. 08948929001]

registered as Applicant/Proprietor in place of

SCHOTT FIBRE OPTICS (UK) LIMITED, Incorporated in the United Kingdom, Shaw Lane Industrial Estate, Ogden Road, DONCASTER, DN2 4SQ, United Kingdom [ADP No. 07104391001]

by virtue of assignment dated 08.09.2004. Form 21/77 and documents filed on GB2388919.

Entry Type 8.4 Staff ID. SUM1 Auth ID. F21

11.01.2005 Application under Section 32 filed on 07.01.2005

Entry Type 8.1 Staff ID. JHUR Auth ID. F21

18.01.2005 SCHOTT AG, Incorporated in the Federal Republic of Germany,
Hattenbergstrasse 10, 55122 Mainz, Federal Republic of Germany
[ADP No. 08971533001]
registered as Applicant/Proprietor in place of
SCHOTT UK LIMITED, Incorporated in the United Kingdom, Drummond
Road, Astonfields Industrial Estate, STAFFORD, ST16 3EL, United
Kingdom [ADP No. 08948929001]
by virtue of assignment dated 17.12.2004. Form 21/77 and documents
filed on GB2388919.

Entry Type 8.4 Staff ID. CS Auth ID. F21

**** END OF REGISTER ENTRY ****



REGISTER ENTRY FOR GB2287427

Form 1 Application No GB9404975.6 filing date 15.03.1994

Title RUBBER ARTICLES

Applicants/Proprietors

MARGARET PAMELA RICHARDSON, Maes-y-Coed, Meidrim, ST CLEARS, Dyfed, SA33 5QA, United Kingdom [ADP No. 04051827004]

PHILIP RICHARDSON, Maes-y-Coed, Meidrim, ST CLEARS, Dyfed, SA33 5QA, United Kingdom [ADP No. 04051843004]

Inventors

MARGARET PAMELA RICHARDSON, Maes-y-Coed, Meidrim, ST CLEARS, Dyfed, SA33 5QA, United Kingdom [ADP No. 04051827004]

PHILIP RICHARDSON, Maes-y-Coed, Meidrim, ST CLEARS, Dyfed, SA33 5QA, United Kingdom [ADP No. 04051843004]

Classified to

B5A A3V A5R U1S
B29C A41D A61F

Address for Service

URQUHART-DYKES & LORD, Alexandra House, 1 Alexandra Road, SWANSEA, SA1 5ED, United Kingdom [ADP No. 00001644005]

Publication No GB2287427 dated 20.09.1995

Examination requested 11.01.1996

Grant of Patent (Notification under Section 18(4)) 10.02.1998

Publication of notice in the Official Journal (Patents) (Section 25(1))
11.03.1998

Title of Granted Patent RUBBER ARTICLES

20.01.2004 Notification of change of Address For Service name and address of
URQUHART-DYKES & LORD, Alexandra House, 1 Alexandra Road, SWANSEA,
SA1 5ED, United Kingdom [ADP No. 00001644005]

to

WYNNE-JONES, LAINÉ & JAMES, Morgan Arcade Chambers, 33 St Mary
Street, CARDIFF, CF10 1AB, United Kingdom [ADP No. 00001792002]

dated 16.01.2004. Official evidence filed on GB2287427

Entry Type 7.1 Staff ID. MJON Auth ID. F51

04.08.2004 Application under Section 32 filed on 03.08.2004

Entry Type 8.1 Staff ID. JHUR Auth ID. F21

21.09.2004 MEDICATH LIMITED, Incorporated in the United Kingdom, The Spinney,
Errox Hill, SAUNDERSFOOT, SA69 9BD, United Kingdom

[ADP No. 08949281001]

registered as Applicant/Proprietor in place of

MARGARET PAMELA RICHARDSON, Maes-y-Coed, Meidrim, ST CLEARS, Dyfed,
SA33 5QA, United Kingdom [ADP No. 04051827004]

P.T.O.

" F "
(CONTINUED)

PHILIP RICHARDSON, Maes-y-Coed, Meidrim, ST CLEARS, Dyfed, SA33
5QA, United Kingdom [ADP No. 04051843004]
by virtue of assignment dated 08.07.2004. Form 21/77 and documents
filed on GB2287427.

Entry Type 8.4 Staff ID. PTH2 Auth ID. F21

14.05.2007 Name and address maintenance action has taken place and the address
for Address For Service is

WYNNE-JONES, LAINÉ & JAMES LLP, Morgan Arcade Chambers, 33 St Mary
Street, CARDIFF, CF10 1AB, United Kingdom [ADP No. 09550393001]

this change is effective from 14.05.2007

Entry Type 7.5 Staff ID. CHUG Auth ID. NA20

**** END OF REGISTER ENTRY ****

REGISTER ENTRY FOR GB2262241

Form 1 Application No GB9216704.8 filing date 06.08.1992

Priority claimed:

11.12.1991 in United States of America - doc: 805595

Title GOLF BALL

Applicant/Proprietor

BEN HOGAN CO, Incorporated in USA - Texas, 2912 West Pafford Street, Fort Worth, Texas 76110, United States of America [ADP No. 06173702001]

Inventors

LANE D LEMONS, 3725 Lenox, Fort Worth, Texas 76107, United States of America [ADP No. 06173728001]

JOHN W JEPSON, 102 Wilderness Drive, Apt 3114, Naples, Florida 33942, United States of America [ADP No. 06173736001]

Classified to

A6D
A63B

Address for Service

KILBURN & STRODE, 30 John Street, LONDON, WC1N 2DD, United Kingdom [ADP No. 00000125001]

Publication No GB2262241 dated 16.06.1993

Examination requested 06.08.1992

Patent Granted with effect from 18.01.1995 (Section 25(1)) with title GOLF BALL

06.02.1998 Notification of change of Address For Service address of KILBURN & STRODE, 30 John Street, LONDON, WC1N 2DD, United Kingdom [ADP No. 00000125001]

to

KILBURN & STRODE, 20 Red Lion Street, LONDON, WC1R 4PJ, United Kingdom [ADP No. 00000125001]

dated 02.02.1998. Written notification filed on GB9726680.3

Entry Type 7.3 Staff ID. AS1 Auth ID. HEO

10.12.2002 Application under Section 32 filed on 06.12.2002

Entry Type 8.1 Staff ID. JHUR Auth ID. F21

06.01.2003 Notification of security agreement between

BEN HOGAN CO, Incorporated in USA - Texas, 2912 West Pafford Street, Fort Worth, Texas 76110, United States of America [ADP No. 06173702001]

and

BANK OF AMERICA, NATIONAL ASSOCIATION (FEDERALLY INCORPORATED), 1455 Market Street, San Francisco, California 94103, United States of America [ADP No. 08535890001]

dated 09.11.1998. Form 21/77 filed on GB2262241.

Entry Type 8.5 Staff ID. CSTE Auth ID. F21

- 21.11.2003 Notification of change of Address For Service name and address of KILBURN & STRODE, 20 Red Lion Street, LONDON, WC1R 4PJ, United Kingdom [ADP No. 00000125001]
to
MARKS & CLERK, 4220 Nash Court, Oxford Business Park South, OXFORD, OX4 2RU, United Kingdom [ADP No. 07271125001]
dated 20.11.2003. Official evidence filed on GB2262241
Entry Type 7.1 Staff ID. NKNO Auth ID. F51
- 21.11.2003 Application under Section 32 filed on 20.11.2003
Entry Type 8.1 Staff ID. JHUR Auth ID. F21
- 16.03.2004 Application under Section 32 filed on 12.03.2004
Entry Type 8.1 Staff ID. JHUR Auth ID. F21
- 23.03.2004 Application under Section 32 filed on 12.03.2004
Entry Type 8.1 Staff ID. JHUR Auth ID. F20
- 23.03.2004 Application under Section 32 filed on 12.03.2004
Entry Type 10.1 Staff ID. JHUR Auth ID. F21
- "G"
20.09.2004 Notification of termination of a security agreement, whose registration is entered at 06.01.2003 . Form 21/77 and documents filed on GB2262241.
Entry Type 10.1 Staff ID. PTH2 Auth ID. F21
- "H"
20.09.2004 LISCO INC, Incorporated in USA - Delaware, 601 S Harbour Island Boulevard, Suite 200, Tampa, Florida 33602-3141, United States of America [ADP No. 06047849004]
registered as Applicant/Proprietor in place of
BEN HOGAN CO, Incorporated in USA - Texas, 2912 West Pafford Street, Fort Worth, Texas 76110, United States of America [ADP No. 06173702001]
by virtue of assignment dated 26.11.1997. Form 21/77 and documents filed on GB2262241.
Entry Type 8.4 Staff ID. PTH2 Auth ID. F21
- "I"
21.09.2004 SPALDING SPORTS WORLDWIDE INC, Incorporated in USA - Delaware, P.O. Box 901, 425 Meadow Street, Chicopee, MA 01021-0901, United States of America [ADP No. 07585326005]
registered as Applicant/Proprietor in place of
LISCO INC, Incorporated in USA - Delaware, 601 S Harbour Island Boulevard, Suite 200, Tampa, Florida 33602-3141, United States of America [ADP No. 06047849004]
by virtue of merger dated 18.09.1998. Form 21/77 and documents filed on GB2262241.
Entry Type 8.4 Staff ID. PTH2 Auth ID. A3
- 21.09.2004 Notification of change of Applicant/Proprietor name and address of SPALDING SPORTS WORLDWIDE INC, Incorporated in USA - Delaware, P.O. Box 901, 425 Meadow Street, Chicopee, MA 01021-0901, United States of America [ADP No. 07585326005]
to
THE TOP-FLITE GOLF COMPANY, Incorporated in USA - Delaware, 425 Meadow Street, P O Box 901, Chicopee, MA 01021-0901, United States of America [ADP No. 08645715001]
dated 16.05.2003. Official evidence filed on GB2392104
Entry Type 7.1 Staff ID. PTH2 Auth ID. F20

22.09.2004 CALLAWAY GOLF COMPANY, Incorporated in USA - Delaware, 2180
Rutherford Road, Carlsbad, California 92008-7328, United States of
America [ADP No. 08127136003]
registered as Applicant/Proprietor in place of
THE TOP-FLITE GOLF COMPANY, Incorporated in USA - Delaware, 425
Meadow Street, P O Box 901, Chicopee, MA 01021-0901, United States
of America [ADP No. 08645715001]
by virtue of assignment dated 15.09.2004. Form 21/77 and documents
filed on GB2392104.

Entry Type 8.4 Staff ID. PTH2 Auth ID. F21

**** END OF REGISTER ENTRY ****

REGISTER ENTRY FOR GB2228419

Form 1 Application No GB9001959.7 filing date 29.01.1990

Priority claimed:

27.01.1989 in United Kingdom - doc: 8901776

Title ANAESTHETIC SYSTEM PRESSURE AND FLOW INHIBITOR

Applicant/Proprietor

AUTOMATED PROCESS AND CONTROL (MEDICAL) COMPANY LIMITED, Incorporated in
the United Kingdom, 13 De Walden Street, London, W1M 7PJ, United Kingdom
[ADP No. 04015046001]

Inventor

DR J. A GIL-RODRIGUEZ, 13 DE WALDEN STREET, LONDON, W1M 7PJ, United
Kingdom
[ADP No. 05618012001]

Classified to

A5T
A61M

Address for Service

STEVENS HEWLETT & PERKINS, 5 Quality Court, Chancery Lane, LONDON, WC2A
1HZ, United Kingdom
[ADP No. 00001545001]

Publication No GB2228419 dated 29.08.1990

Examination requested 21.03.1991

Patent Granted with effect from 09.09.1992 (Section 25(1)) with title
ANAESTHETIC SYSTEM PRESSURE AND FLOW INHIBITOR

-
- 04.06.1991 Notification of change of Address For Service address of
STEVENS HEWLETT & PERKINS, 5 Quality Court, Chancery Lane, LONDON,
WC2A 1HZ, United Kingdom [ADP No. 00001545001]
to
STEVENS HEWLETT & PERKINS, 1 Serjeant's Inn, Fleet Street, LONDON,
EC4Y 1LL, United Kingdom [ADP No. 00001545003]
dated 09.05.1991. Official evidence filed on GB2237901
Entry Type 7.3 Staff ID. CT Auth ID. EO
- 19.04.1999 Notification of change of Address For Service address of
STEVENS HEWLETT & PERKINS, 1 Serjeant's Inn, Fleet Street, LONDON,
EC4Y 1LL, United Kingdom [ADP No. 00001545003]
to
STEVENS HEWLETT & PERKINS, 1 Serjeants'Inn, Fleet Street, LONDON,
EC4Y 1NT, United Kingdom [ADP No. 00001545003]
dated 13.04.1999. Written notification filed on GB9819578.7
Entry Type 7.3 Staff ID. MH1 Auth ID. C1

- 21.06.1999 Notification of change of Address For Service name and address of STEVENS HEWLETT & PERKINS, 1 Serjeants'Inn, Fleet Street, LONDON, EC4Y 1NT, United Kingdom [ADP No. 00001545003]
to
BOULT WADE TENNANT, 27 Furnival Street, LONDON, EC4A 1PQ, United Kingdom [ADP No. 00000042001]
dated 08.06.1999. Official evidence filed on GB2145336
Entry Type 7.1 Staff ID. AREA Auth ID. A1
- 24.08.1999 Application under Section 32 filed on 29.06.1999
Entry Type 8.1 Staff ID. PH Auth ID. F21
- 24.08.1999 BLEASE MEDICAL EQUIPMENT LIMITED, Incorporated in the United Kingdom, Deans Way, CHESHAM, Bucks., HP5 2NX, United Kingdom [ADP No. 06356463001]
registered as Applicant/Proprietor in place of
AUTOMATED PROCESS AND CONTROL (MEDICAL) COMPANY LIMITED,
Incorporated in the United Kingdom, 13 De Walden Street, London, W1M 7PJ, United Kingdom [ADP No. 04015046001]
by virtue of deed of assignment dated 22.06.1999. Certified copy
filed on GB2202202
Entry Type 8.4 Staff ID. PH Auth ID. F21
- 14.03.2000 Notification of change of Address For Service address of BOULT WADE TENNANT, 27 Furnival Street, LONDON, EC4A 1PQ, United Kingdom [ADP No. 00000042001]
to
BOULT WADE TENNANT, Verulam Gardens, 70 Gray's Inn Road, LONDON, WC1X 8BT, United Kingdom [ADP No. 00000042001]
dated 13.03.2000. Written notification filed on GB2340960
Entry Type 7.3 Staff ID. MH1 Auth ID. C1
- 14.09.2004 Application under Section 32 filed on 10.09.2004
Entry Type 8.1 Staff ID. JHUR Auth ID. F21
- 21.09.2004 Notice of non-exclusive licence to
MEC MEDICAL LIMITED, Incorporated in the United Kingdom, 76
Stapleton Hall Road, LONDON, N4 4QA, United Kingdom [ADP No. 08949240001]
dated 13.08.2004. Form 21/77 and documents filed on GB2208202.
Entry Type 8.7 Staff ID. SB Auth ID. F21
- 07.02.2008 Application under Section 32 filed on 04.02.2008
Entry Type 8.1 Staff ID. VWAL Auth ID. F20
- 25.02.2008 Notification of change of Applicant/Proprietor name and address of BLEASE MEDICAL EQUIPMENT LIMITED, Incorporated in the United Kingdom, Deans Way, CHESHAM, Bucks., HP5 2NX, United Kingdom [ADP No. 06356463001]
to
SPACELABS HEALTHCARE LIMITED, Incorporated in the United Kingdom, Unit 3, Beech House, Chiltern Court, Asheridge Road, Chesham, Buckinghamshire, HP5 2PX, United Kingdom [ADP No. 09733031001]
dated 04.02.2008. Written notification filed on GB2279016
Entry Type 7.1 Staff ID. CTHO Auth ID. F20

REGISTER ENTRY FOR GB2145336

Form 1 Application No GB8421120.0 filing date 20.08.1984

Priority claimed:

18.08.1983 in United Kingdom - doc: 8322263

Title ANAESTHETIC GAS SCAVENGING EXHAUST VALVE

Applicant/Proprietor

AUTOMATED PROCESS AND CONTROL (MEDICAL) CO LTD, Incorporated in the United Kingdom, 63 Duke Street, London W1M 5DH, United Kingdom

[ADP No. 00321208001]

Inventor

DR J A GIL-RODRIQUEZ, 63 Duke Street, London W1M 5DH, United Kingdom

[ADP No. 03392750001]

Classified to

A5T F2V U1S

A62B F16K

Address for Service

STEVENS HEWLETT & PERKINS, 5 Quality Court, Chancery Lane, LONDON, WC2A 1HZ, United Kingdom

[ADP No. 00001545001]

Publication No GB2145336 dated 27.03.1985

Examination requested 02.04.1985

Patent Granted with effect from 06.07.1988 (Section 25(1)) with title
ANAESTHETIC GAS SCAVENGING EXHAUST VALVE

06.06.1991 Notification of change of Address For Service address of
STEVENS HEWLETT & PERKINS, 5 Quality Court, Chancery Lane, LONDON,
WC2A 1HZ, United Kingdom [ADP No. 00001545001]

to

STEVENS HEWLETT & PERKINS, 1 St Augustine's Place, BRISTOL, BS1
4UD, United Kingdom [ADP No. 00001545002]

dated 09.05.1991. Official evidence filed on GB2223985

Entry Type 7.3 Staff ID. MH Auth ID. EO

21.06.1999 Notification of change of Address For Service name and address of
STEVENS HEWLETT & PERKINS, 1 St Augustine's Place, BRISTOL, BS1
4UD, United Kingdom [ADP No. 00001545002]

to

BOULT WADE TENNANT, 27 Furnival Street, LONDON, EC4A 1PQ, United
Kingdom [ADP No. 00000042001]

dated 08.06.1999. Official evidence filed on GB2145336

Entry Type 7.1 Staff ID. AREA Auth ID. A1

01.07.1999 Application under Section 32 filed on 29.06.1999

Entry Type 8.1 Staff ID. CFOR Auth ID. F21

21.07.1999 BLEASE MEDICAL EQUIPMENT LIMITED, Incorporated in the United Kingdom, Deans Way, CHESHAM, Bucks., HP5 2NX, United Kingdom [ADP No. 06356463001]
registered as Applicant/Proprietor in place of
AUTOMATED PROCESS AND CONTROL (MEDICAL) CO LTD, Incorporated in the United Kingdom, 63 Duke Street, London W1M 5DH, United Kingdom [ADP No. 00321208001]
by virtue of deed of assignment dated 22.06.1999. Certified copy filed on GB2208202

Entry Type 8.4 Staff ID. PH Auth ID. F21

14.03.2000 Notification of change of Address For Service address of BOULT WADE TENNANT, 27 Furnival Street, LONDON, EC4A 1PQ, United Kingdom [ADP No. 00000042001]
to
BOULT WADE TENNANT, Verulam Gardens, 70 Gray's Inn Road, LONDON, WC1X 8BT, United Kingdom [ADP No. 00000042001]
dated 13.03.2000. Written notification filed on GB2340960

Entry Type 7.3 Staff ID. MH1 Auth ID. C1

18.08.2004 Patent expired on 19.08.2004

Entry Type 24.1 Staff ID. RM87 Auth ID. RM87

14.09.2004 Application under Section 32 filed on 10.09.2004

Entry Type 8.1 Staff ID. JHUR Auth ID. F21

"L"

**** END OF REGISTER ENTRY ****

REGISTER ENTRY FOR GB2374117

Form NP1 Application No GB0219002.3 filing date 08.02.2001

Lodged on 15.08.2002

Priority claimed:

10.02.2000 in United States of America - doc: 09501616

PCT NATIONAL PHASE

PCT Application PCT/US2001/004392 filed on 08.02.2001 in English

Publication No WO2001/059241 on 16.08.2001 in English

Title IMPROVED DOOR LATCH ASSEMBLY WITH ACCELERATED BOLT MOTION, DEADBOLT AND REPLACEMENT FACE PLATES

Applicant/Proprietor

WEISER LOCK CORPORATION, Incorporated in USA - Arizona, 6700 Weiser Lock,
TUCSON, Arizona 85746, United States of America [ADP No. 08446296001]

Inventor

GRAHAM JOHN WHEATLAND, 1660 N. Foxrun Place, TUCSON, AZ 85715, United
States of America [ADP No. 08446668001]

Classified to

E2A
E05C

Address for Service

URQUHART-DYKES & LORD, 8th Floor, Tower House, Merrion Way, LEEDS, LS2
8PA, United Kingdom [ADP No. 00001644004]

Publication No GB2374117 dated 09.10.2002

Application/Patent Terminated before grant 11.08.2004

Examination requested 15.08.2002

26.11.2003 Notification of change of Address For Service address of
URQUHART-DYKES & LORD, 8th Floor, Tower House, Merrion Way, LEEDS,
LS2 8PA, United Kingdom [ADP No. 00001644004]

to

URQUHART-DYKES & LORD, Tower North Central, Merrion Way, LEEDS, LS2
8PA, United Kingdom [ADP No. 00001644004]

dated 18.11.2003. Written notification filed on GB2379955

Entry Type 7.3 Staff ID. AS2 Auth ID. B3

05.05.2004 Name and address maintenance action has taken place and the address
for Address For Service is

URQUHART-DYKES & LORD LLP, Tower North Central, Merrion Way, LEEDS,
LS2 8PA, United Kingdom [ADP No. 08857138001]

this change is effective from 05.05.2004

Entry Type 7.5 Staff ID. AR Auth ID. NA20

14.09.2004 Application under Section 32 filed on 10.09.2004

Entry Type 8.1 Staff ID. JHUR Auth ID. F21

21.09.2004 NEWFREY LLC, Incorporated in USA - Delaware, 1207 Drummond Plaza,
Newark, Delaware 19711, United States of America

[ADP No. 08521536002]

registered as Applicant/Proprietor in place of

" M "

WEISER LOCK CORPORATION, Incorporated in USA - Arizona, 6700 Weiser
Lock, TUCSON, Arizona 85746, United States of America

[ADP No. 08446296001]

by virtue of assignment dated 03.06.2004. Form 21/77 and documents
filed on GB2374117.

Entry Type 8.4 Staff ID. SUM1 Auth ID. F21

**** END OF REGISTER ENTRY ****



The Patent Office

Cardiff Road
Newport
South Wales
NP10 8QQ

Application to register or give notice of rights acquired in a patent or in an application for a patent

(See the notes on the back of this form)

1. Your reference

2. Patent application or patent number(s)
(see notes (c) & (f))

"A"
3. Full name and address of the or of each patent applicant or proprietor (as currently on the register or application(s))

Patents ADP number (if you know it)

"B"
4. Full name and address of the or of each person making this application (leave blank if this is the same as given in part 3 above)

Patents ADP number (if you know it)

"C"
5. Give details of the transaction, instrument or event which affects the rights in the or each patent application or patent identified in part 2 above, including its date and the names of all the parties involved, including for corporate bodies the country and, if appropriate, state of incorporation.
(see note (d))

"D"
6. Name of your agent (if you have one)

"E"
"Address for service" in the United Kingdom to which all correspondence should be sent (including the postcode)

Patents ADP number (if you know it)

^uF

7. (Name of each signatory should also be entered, and status if relevant) (see note e)

^uG

I/we hereby confirm that rights as indicated in part 5 above have been acquired and that any necessary stamp duty has been paid.

Signature(s)

"H"

Date

8. Name and daytime telephone number of person to contact in the United Kingdom

Notes

- a) If you need help to fill in this form or you have any questions, please contact the Patent Office on 08459 500505.
- b) Write your answers in capital letters using black ink or you may type them.
- c) You may use this form for more than one application or patent if the same transaction, instrument or event is involved.
- d) Section 33 (3) of the Patents Act 1977 specifies the relevant transactions, instruments and events (which include assignments, licences and mortgages).
- e) Part 7 should be signed and dated by or on behalf of the person(s) making this application. Documentary evidence sufficient to establish the transaction should accompany this form if:
 - in the case of an assignment, part 7 is not also signed by or on behalf of the other parties named in part 5, or
 - in the case of a mortgage or the grant of a licence or security, it is not also signed by or on behalf of the mortgagor or grantor of the licence or security (if not the person named in part 4).
- f) If there is not enough space for all the relevant details on any part of this form, please continue on a separate sheet of paper and write "see continuation sheet" in the relevant part(s) of the form. Any continuation sheets should be attached to this form.
- g) For details of the fee and ways to pay, please contact the Patent Office.

^uI



EXAMPLE
ONLY

12A

FILED
17TH SEPTEMBER
2004

The Patent Office
Designs Registry

Cardiff Road
Newport
South Wales
NP10 8QQ

Application to register or give notice of rights acquired in a registered design or in an application to register a design

(See the notes on the back of this form)

1. Your reference

2. Design application or registered design number (s)
(See note (c))

Give the total number if more than one

3. Full name, address and postcode of the or of each applicant or proprietor as currently appears on the register or application (s)

Designs ADP number *(if you know it)*

4. Full name, address and postcode of the or of each person making this application
(Leave blank if this is the same as given at part 3)

Designs ADP number *(if you know it)*

5. Basis for this application:
Give details of the assignment, transmission or operation of law affecting the rights in the or in each registered design or application identified in part 2 above including its date and the names of all the parties involved, including for corporate bodies the country and, if appropriate, state of incorporation.
(See notes (d) and (e))

TRANSFER DUE TO:
"AN AGREEMENT DATED 15/09/03 BETWEEN (INTER ALIA) SENSE-SONIC LTD (IN RECEIVERSHIP) AND TONEWEAR LTD, BOTH COMPANIES INCORPORATED IN ENGLAND AND WALES"

6. Name of your agent *(if you have one)*

"Address for service" in the United Kingdom to which all correspondence should be sent
(including the postcode)

Designs ADP number *(if you know it)*

7. Declaration

(Name of each signatory should also be entered, and status if relevant. See note (d))

I/we declare that where design right exists in the or in each design mentioned at part 2 above, the person(s) entitled to any interest which the applicant is seeking to register by this application is/are also entitled to the corresponding interest in the design right:

I/we also confirm that rights as shown in part 5 above have been acquired, and that any necessary stamp duty has been paid.

Signature(s)

Date

"B"

THIS WAS SIGNED BY
WILSON GUNN MCAW ON
BEHALF OF TOMWEAR LTD
(ACCORDING TO THE COMPTROLLER)

8. Name and daytime telephone number of person to contact in the United Kingdom

Notes

- a) If you need help to fill in this form or you have any questions, please contact the Patent Office on 08459 500505.
- b) Write your answers in capital letters using black ink or you may type them.
- c) You may use this form for more than one design if the same request is involved.
- d) Part 7 should be signed and dated by or on behalf of the person(s) making this application. Documentary evidence sufficient to establish the assignment, transmission or operation of law should accompany this form if:
 - in the case of an assignment, part 7 is not also signed by or on behalf of the other parties named in part 5, or
 - in the case of a mortgage or the grant of a licence, it is not also signed by or on behalf of the mortgagor or grantor of the licence (if not the person named in part 4).
- e) If there is not enough space for all the relevant details on any part of this form, please continue on a separate sheet of paper and write "see continuation sheet" in the relevant part(s). Any continuation sheet should be attached to this form.
- f) The certificate of registration of any design mentioned in part 2 of this form will not be amended because of an application on this form. So do not return the certificate(s) with this form.
- g) For details of the fee and ways to pay please contact the Designs Registry of the Patent Office.
- h) Once you have filled in the form you must remember to sign and date it.



Application to register a change of proprietor

The Patent Office
Trade Marks Registry
Cardiff Road, Newport
South Wales NP10 8QQ

Please refer to notes for guidance on completing this form

1. Give details of the applications or registrations for which a change in ownership is to be recorded	Number(s)	(Lowest) Class
<p>"A"</p> <p>2. Full name of current applicant/registered proprietor</p>		
<p>"B"</p> <p>3. Full name, address and postcode of new proprietor</p> <p>Trade Marks ADP number <i>(if you know it)</i></p>		
<p>"C"</p> <p>4. If the new proprietor is a corporate body give country and if applicable State of Incorporation</p> <p><i>If the name of the new proprietor is the same as the old proprietor, then provide both the new and old company registration numbers:</i></p> <p style="text-align: right;">old number</p> <p style="text-align: right;">new number</p>		
<p>"D"</p> <p>5. Date new proprietor took over ownership</p>		
<p>6. If only part of the ownership has been transferred give the rights or goods or services transferred</p>		



"E"

7. Indicate whether you wish to be:-
 a) Address for service
 b) Agent
 c) Both

for

d) This transaction only
 e) All transactions
(indicate a) to e) as appropriate)
[see note b]

If you have indicated d) please note that original Agent and Address for Service will be re-entered into our records as soon as this transaction has been completed

If you have completed this section please provide details and ADP Number

Your reference

8. Provide below an authorisation to change the record or send separate documentary evidence
[see note a]

} "F"

Signature of the registered proprietor
(or his or her representative)

} "G"

Status of Signatory

"H"

Name *(block capitals)*

Date

Signature of the new proprietor
(or his or her representative)

"I"

Status of Signatory

"J"

Name *(block capitals)*

Date

Name, signature and daytime telephone number
(of person completing these forms)

State number of sheets attached to this form



Specific notes

- a) *This form is used to record the details of the transfer of ownership of a Trade Mark (Section 25 of the Trade Marks Act 1994 refers). The form must be signed by the assignor and the assignee (or his or her representative). It is acceptable for this to be signed in the name of the firm or company. If you cannot do this, you may send us documentary evidence to support this transaction. Any documentary evidence submitted with this form will be open to public inspection.*
- b) *If no address for service is shown in Box 7, or, if the address for service is for this transaction only, the existing address for service (if any) will be re-entered on the register.*
- c) *In order to claim the date the transaction took effect this form must be filed at the Trade Mark Registry within six months of that date (Section 25(4) of the Trade Mark Act 1994 refers). If the transaction is not registered within the six month period, the effective date will be recorded as the actual date of filing the form.*

General notes

- d) *Complete the form in capital letters or type it.*
- e) *If there is not enough space for your answer to any section of this form, use separate sheets. Number each one and write on the form how many extra sheets you have used.*
- f) *Once you have completed the form you must remember to sign and date it.*
- g) *If your address for service is different from your agent, please give us full details of both.*
- h) *If you need help or have any questions, please contact the Trade Marks Registry on 08459 500505.*