D YOUNG & CO PATENT NEWSLETTER no.75

February 2020
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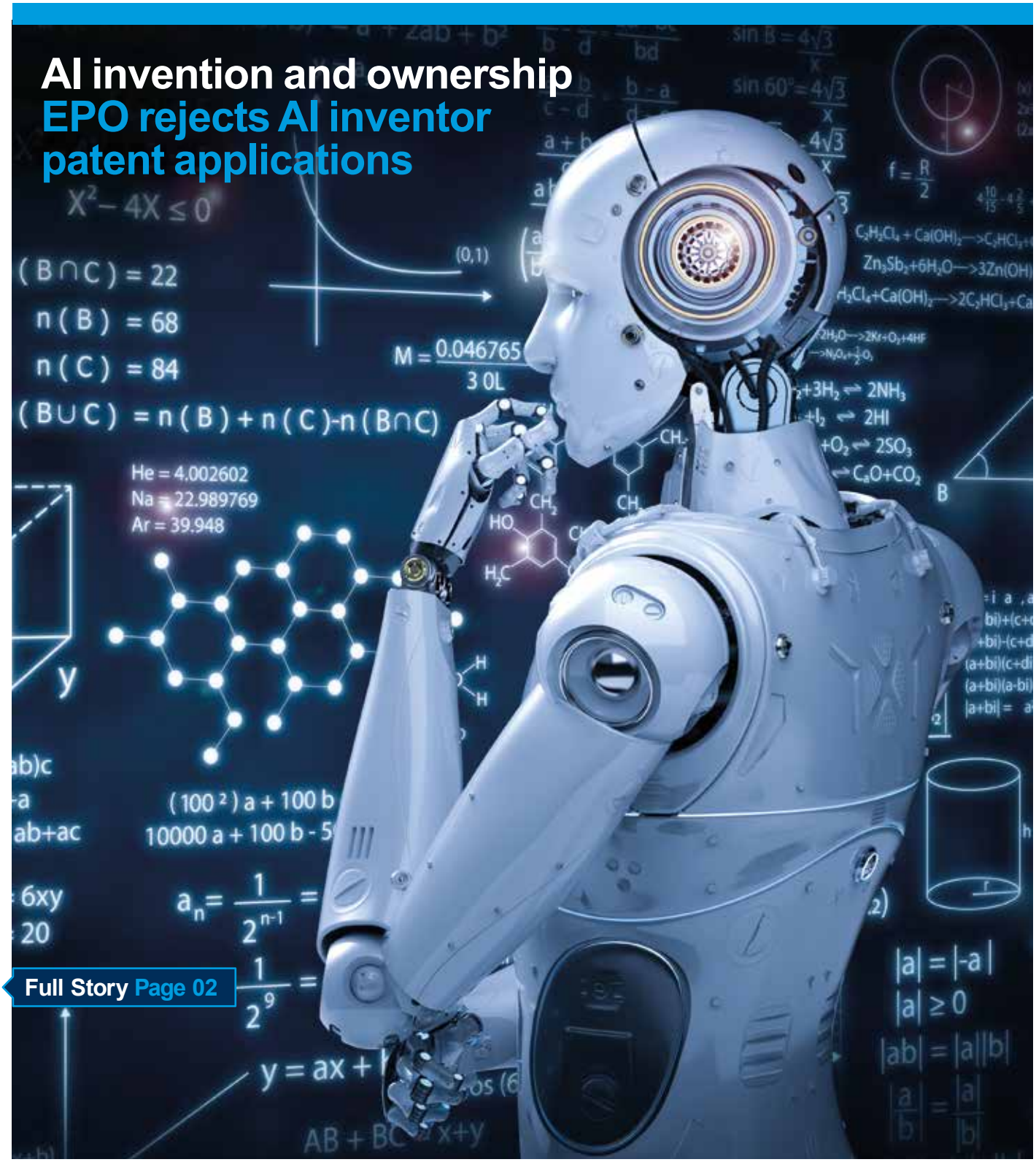

Editorial

The year has begun with some interesting decisions and in this newsletter we consider important questions raised by the Broad Institute's appeal against revocation of its CRISPR-Cas9 patent at the EPO, and Gilead Sciences' SPC-related appeal at the UK Court of Appeal. We also take a look at the fascinating possibilities and challenges that AI brings to inventors and patent attorneys alike. Evidence of skills likely to be unique to us human attorneys, we are also glad to report that we have been shortlisted for five awards (the only UK firm to be nominated across the full range of patent, trade mark and design categories) in the Managing IP Global Awards 2020.

Editor:
Simon O'Brien

Events

On demand
European Patent prosecution & litigation webinars
Three webinars presented by European Patent Attorneys Garreth Duncan, Bénédicte Moulin and Catherine Keetch and Solicitor Advocate Antony Craggs are now available on request. Topics covered include SPCs, the amended Rules of Procedure of the Boards of Appeal, UK patent litigation cases Shanks v Unilever, BDI Holding v Argent, Actavis v ICOS and Unwired Planet v Huawei plus Enlarged Board decisions G1/18, G2/19, G3/19 and G1/19. See https://dycip.com/patent-webinars-2020 for further information including access details.

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AI invention and ownership
EPO rejects AI inventor patent applications

Many readers will be aware that the European Patent Office's most recent Guidelines for Examination contain specific sections on machine learning (ML) and artificial intelligence (AI). An interesting question has now been considered by the EPO relating to an invention that was said to be derived from artificial intelligence.

The case in question was European application number 18275163.6. The EPO Examining Division handling the case decided to refuse the application because the alleged inventor was a computer and not a natural person. In parallel with their decision the EPO released a news statement stating that "an inventor designated in the application has to be a human being, not a machine"

While the EPO appear quite confident in their decision (coming to a decision in oral proceedings after only 16 minutes of deliberation), a number of interesting moral and social arguments were raised in the proceedings of the application which will become ever more relevant as AI matures as a technology.

Interestingly, the UKIPO has come to a similar conclusion and has formally announced that listing an AI inventor is not permitted in the UK. To clarify their position the UKIPO has updated their Manual of Patent Practice to inform users that "Where the stated inventor is an 'AI Inventor', the Formalities Examiner request a replacement F7. An 'AI Inventor' is not acceptable as this does not identify 'a person' which is required by law. The consequence of failing to supply this is that the application is taken to be withdrawn under Section.13(2)."

Background

The European application in question was said by the applicant, Dr Stephen Thaler, to have been independently developed by an AI named "DABUS" – a type of connectionist artificial intelligence. The invention itself consists of a food container comprising walls having a fractal profile. Fractals are apparently a favourite subject for DABUS which has also "invented" a flashing light to be used in emergencies where the light randomly flashes according to a waveform satisfying a fractal dimension equation (covered by a separate EP application number 18275174.3).

According to Dr Thaler, DABUS was only given training in the form of general knowledge in the field of containers. The AI then independently conceived of the invention and identified it as novel and "salient". Dr Thaler's representative also notes that if this general teaching had been supplied to a person, that person would meet inventorship criteria as an inventor.

Interestingly, both the UKIPO and EPO independently found at least one of the claims to be both novel and inventive. Aside from the merits of industrial applicability, the DABUS AI did at least appear capable of producing the "inventiveness" required for patentability.

A question of ownership

In order for a patent to be granted, an applicant who is not the inventor is required (according to Article 81 EPC) to state how they derived the right to the invention from the inventor. As set out in Rule 19(2) EPC, the EPO does not make any investigation into the accuracy of the designation of inventor – this is a matter for national courts. Therefore, Dr Thaler could simply name himself as the inventor to proceed to grant. However, there would seem to be a vulnerability in this approach as it could be readily argued that the applicant did not themselves conceive of the specific invention, but merely assisted, and so are not the true inventor. Hence, it could be argued that they, and any successor in title, have no rights in the patent.

When designating the inventor in this application, the applicant indicated that he derived the rights to the invention from the AI by virtue of the AI being his employee.

In this regard, the applicant contested that the European Patent Convention does not explicitly prohibit protection for autonomous machine inventions, such that inventorship should not be restricted to natural persons. This raises the interesting question of whether EPO practice should restrict inventorship only to natural persons. The applicant asserted that the EPO's approach was intended to prevent

Related articles

EPO publishes grounds for its decision to refuse two patent applications naming a machine as an inventor: https://dycip.com/eponews-machine-inventor

G1/19 - comments by the President of the EPO: https:// dycip.com/g119-epo-president

G1/19: Enlarged Board of Appeal to consider the patentability of computer-implemented inventions: https://dycip.com/g1-19-eba-cii

company inventorship, and that it did not contemplate the new world of AI invention. He noted that allowing patents for the inventive output of AI would in turn incentivise the development of inventive AI, which ultimately promotes innovation - one of the core reasons for the patent system's existence.

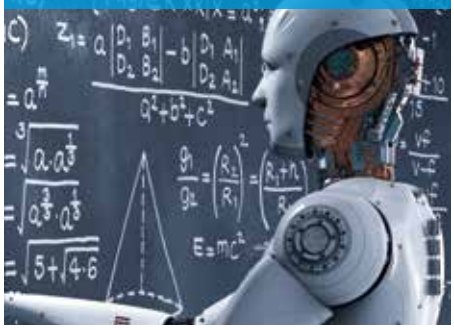
Additionally, it is worth noting that the applicant has not at any point tried to argue that the AI should actually own the patent. Machines do not have a legal personality or independent rights, and cannot therefore own property. Instead, he argues that the machine's owner should be the default owner of any intellectual property that it produces.

However, the EPO disagreed with this reasoning, stating that this was not a valid derivation of right, in particular because AI systems or machines cannot be employed as they have no legal personality and cannot be party to any employment agreement, which is limited to natural persons. The applicant subsequently filed another declaration of inventor form, this time stating that he was the successor in title of the AI as the AI's owner.

Again, the EPO disagreed and issued the summons to oral proceedings. In issuing their preliminary opinion before the oral hearing, the EPO stated that "Already during the preparatory works on the EPC the principles that the right to a patent shall belong to an inventor or his successor in title (cf. Article 60 EPC) and that the inventor has a moral right to be acknowledged as inventor (cf. Article 62 EPC) have been recognised as fundamental. The designation of inventor serves the purpose of safeguarding those rights […]. The right to an invention and a moral right to be designated as inventor can belong only to a natural person, since only natural persons can have both moral and property rights."

The EPO also asserted that because machines do not have legal personality and cannot own property, a machine cannot have a family name and given names as required for designating an inventor by Rule 19(1) EPC. As an aside, this raises a separate potential complication for inventors from parts of the world where, as a matter of culture, they do not subscribe to

Does an inventor have to be human?



the idea of given names and family names.

In the oral hearing, the applicant's representatives reiterated the points summarized above, with the additional point that even though AI systems have no moral rights or ownership rights, the same applies to certain categories of humans as well, such that it would not be right to deny these people the right to be named as inventor for this reason – the same should apply to AI.

After a very brief deliberation, the EPO declared that both applications developed by the DABUS AI "are refused in accordance with Article 90(5) EPC since the designations of inventor filed for each of the applications do not meet the requirements of Article 81 and Rule 19 EPC".

The EPO's decision

The EPO has now published its full reasoning for their decision. In parallel, the EPO released a news statement containing a summary of the decision: "In its decisions, the EPO considered that the interpretation of the legal framework of the European patent system leads to the conclusion that the inventor designated in a European patent must be a natural person. The Office further noted that the understanding of the term inventor as referring to a natural person appears to be an internationally applicable standard, and that various national courts have issued decisions to this effect. Moreover, the designation of an inventor is mandatory as it bears a series of legal consequences, notably to ensure that the designated inventor is the legitimate one and that he or she can benefit from rights linked to this status. To exercise these rights, the inventor must have a legal personality that AI systems or machines do not enjoy. Finally, giving a name to a machine is not sufficient to satisfy the requirements of the EPC mentioned above."

This decision is interesting because it highlights an apparent gap in the law between different types of IP. For example, copyright law in the UK has a specific provision (Section 9(3) of the Copyright, Designs and Patents Act) for authorship of works generated by computers such as weather maps which can be created with no human intervention. In such circumstances, the author of the computer-generated work is taken to be the person who made the arrangements necessary for the creation of the work.

By way of analogy, in the present case the training set and the process used to create the AI would have been carefully selected by Dr Thaler and his team in order to arrive at the invention – a person must make the arrangements necessary for the creation of the idea. Therefore, a similar provision to that used in copyright law could in future prove to be a solution to the problem of AI inventors.

Conclusion

While this application is seen by some as a publicity stunt, it raises interesting issues which may not be fully resolved while AI is still in its infancy. Moreover, this issue is likely to become more relevant over time as machine learning and AI techniques are used to exhaustively explore problem areas. They are already used in the pharmaceutical field for drug discovery and it would be reasonable to expect them to be used in other fields such as circuit design in due course.

It is understood that Dr Thaler intends to appeal the EPO's decision. The case would then be heard by the more senior Boards of Appeal. It is uncertain whether the moral arguments used at first instance would be more effective before the Boards of Appeal. However, a decision from a more authoritative board should lead to more clarity on the subject of AI inventors.

Author:
Harry Ventress

Is the fog finally clearing? Truvada SPC invalidation confirmed by Court of Appeal

The UK Court of Appeal recently dismissed Gilead Sciences' appeal of the Patents Court's decision to invalidate the SPC for Gilead's HIV combination drug Truvada®.

After years of uncertainty on eligibility of basic patents for SPC protection in the EU, the Court of Appeal's decision may finally begin to provide some clarity on this vital issue for the pharmaceutical industry.

Clarity at last for the pharmaceutical industry?

Background – what is meant by "protected" by a basic patent?

Article 3(a) of the EU medicines SPC Regulation (469/200) requires the approved medicinal product to be "protected" by a basic patent in force in order for it to be eligible for SPC protection. However, ever since the CJEU decision in Medeva (C-322/10) almost a decade ago, what is meant by "protected" has been unclear. The only matter on which there is consensus is that the CJEU has rejected a simple infringement test. It is not therefore sufficient for the product to simply fall within the claims of the basic patent.

Teva v Gilead - the facts of the case

The dispute between Gilead Sciences and a number of generic pharmaceutical companies relates to the combination drug Truvada® which is approved in the EU for treating HIV. The two active ingredients of the combination are tenofovir disoproxil ("TD") and emtricitabine.

The parties are agreed that the basic patent describes and claims TD specifically, but combinations only generally. The sole claim relating to combinations reads as follows: "A pharmaceutical composition comprising a compound of claims …and optionally other therapeutic ingredients."

However, the patent does not include any specific examples of combination products, and does not disclose emtricitabine anywhere.

The first instance and CJEU decisions

The SPC was granted by the UKIPO in 2008. However, in view of Medeva and the subsequent line of case law which rejected the "infringement test", a number of generics companies sought revocation of the SPC before the Patents Court of England and Wales in 2016.

The Patents Court was unsure on whether Article 3(a) was complied with. The judge (Mr Justice Arnold) stated "more is required, but it is not clear what more is required", over and above the product simply falling within the claims of the basic patent. In view of this uncertainty, he referred the matter to the CJEU.

The CJEU issued its decision (case C-121/17) in summer 2018[1] (reported in our previous newsletter[1]), formulating a two-part test to decide if Article 3(a) was complied with:

- **Test 1:** the **combination** of active ingredients must necessarily, in the light of the description and drawings of that patent, fall under "the invention covered by that patent", and
- **Test 2**: **each** of those actives must be **specifically identifiable**, in the light of all the information disclosed by that patent.

The case then returned to the Patents Court to apply the CJEU decision. The court interpreted test 1 to mean that the product must "embody the technical contribution made by the patent" in other words, at the filing date, had the patentee actually invented the product? The court was less certain on how test 2 was to be interpreted, but noted that emtricitabine was not specifically identified anywhere in the patent. On these grounds, the court ruled that the SPC was invalid.

The Advocate General intervenes …

Before Gilead's appeal could be heard before the Court of Appeal, the Advocate General had issued his legal opinion on the related cases C-650/17 and C-114/18 (as reported in our previous newsletter[2]). The Advocate General opined that the tests of C-121/17 should apply both to combination medicinal products and those consisting of a single active.

The Advocate General considered that test 1 was not met by a product if, at the filing date of the basic patent, the claims in a patent in relation to that product "are not required" for the solution of the technical problem disclosed by the patent. On test 2, the Advocate General's view is this was not met if, in the light of all the information contained in a patent, a product or constituent element of the product "remains unknown" to a person skilled in the art on the basis of the prior art at the filing date of the patent.

Although the Advocate General did not elaborate on what was meant by the claims being "not required", for the purposes of test 1, the Advocate General seemingly distinguished this from the "core inventive advance" test adopted by previous CJEU case law. The Advocate General opined this test

Brexit update
IP after Brexit

Related articles

1. *"CJEU thickens the fog on SPC eligibility", July 2018: https://dycip.com/c121-17*
2. *"SPCs: Advocate General points the specific way", December 2019: https://dycip.com/AG-SPCs-dec19*

was "of no relevance" in assessing whether Article 3(a) is met. The Advocate General's opinion was seemingly taken into account by the Court of Appeal, which ruled that the "inventive advance" test must now be regarded as wrong, and that express mention of the active ingredient(s) in the claim is enough.

… and the Court of Appeal listens

In the light of the Advocate General's opinion, the Court of Appeal interpreted test 1 such that **each** component of a combination product must be **required** by the claim. They considered this to be a reformulation of the test in Eli Lilly v HGS (C-493/12), which required that "the claims relate … necessarily … to the active ingredient in question".

Based on this, the court considered test 1 meant that, for a combination drug A+B to be "protected" by a basic patent, the claim must "require" **both** compounds (A and B) to be present. The court clearly distinguished this test from normal "extent of protection" claim interpretation rules, under which a claim to "a formulation comprising compound A" also covers the combination A+B.

The Court of Appeal ruled that this was not met by the claim wording "… and **optionally** other therapeutic ingredients". The Court of Appeal considered that the express indication that the second ingredient was optional meant there was nothing to suggest to the skilled person that the claim "required" the presence of another active ingredient. Therefore, the Court of Appeal considered there was no basis for the skilled person to conclude that a combination product was specified as required for the solution of the technical problem disclosed by the patent. On these grounds, the Court of Appeal ruled that test 1 above was failed and the appeal dismissed.

In view of its decision on test 1, the Court of Appeal did not reach a view on whether test 2 was met. *In obiter* comments, the court raised the question of whether the breadth of the term "other therapeutic ingredients" meant that the "specifically identifiable" arm of the test was not met, and also took note of the fact that, at the priority date, it was not yet known that emtricitabine was effective in humans against HIV. However, the court decided to leave those issues to a case in which their resolution affected the result.

What does "required" require?

In many ways, the Court of Appeal's decision in this case merely confirms previous UK case law on SPCs. Even before the CJEU's Medeva decision, it has been UK law since Takeda (2004) that a claim which recites only a mono-product A and does not recite any combinations with other active ingredients does not "protect" a combination product for the purpose of SPC eligibility under Article 3(a). A claim which recites an "other active ingredient" but expressly states it is only optional is arguably no different from this in scope, so the decision in this respect is not surprising.

Of greater interest is how the courts will interpret the ruling of "required for the solution of the technical problem". Will this assessment be purely based on whether both active ingredients are mandatory requirements (as opposed to optional) in the claim, or will further analysis and data be required to show that the combination solves a technical problem? The Advocate General's and the Court of Appeal's rejection of the previous "inventive advance" test would appear to indicate they favour the former.

Brexit and SPCs – the same, but different?

The UK left the EU on 31 January 2020. The transition period, under which all existing EU legislation will remain in force and CJEU decisions will continue to apply to the UK, will end on 31 December 2020. After the end of the transition period, UK legislation on SPCs will largely mirror the existing EU Regulations (see our "IP After Brexit" guide: https://dycip.com/post-brexit-ip). However, CJEU decisions will no longer be binding on UK courts. Given the difficulties the CJEU has encountered with formulating clear judgments on SPCs, and in particular on compliance with Article 3(a), it will be interesting to see whether the UK patents courts continue to follow the CJEU line of case law or choose to follow a different path.

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IP after Brexit

The UK left the EU on 31 January 2020. A transition period, during which the UK will abide by EU legislation, began at this point and is likely to end on 31 December 2020.

There is an option to extend the transition period for a further two years but the UK Government has already indicated that it has no desire to do so, although formal clarification on this is not expected until July this year.

D Young & Co's services will remain unaffected by the UK's departure from the EU due to having offices in both the UK and Germany. If you have any queries about your intellectual property rights during or after the transition period please do not hesitate to get in touch with your usual D Young & Co advisor or email us at brexit@dyoung.com.

The UK Government has put in place legislation which will guide how IP rights affected by the UK's departure from the EU will be dealt with from the end of the transition period. For more information see: www.dyoung.com/knowledgebank/ip-brexit.

Intelligent (patent) agents
Should the patent profession be afraid of AI?

There's been lots of interest in patenting artificial intelligence recently. But what happens when AI does the patenting? Although the EPO has so far rejected the notion of AI being an inventor (see EP 18275163 and EP 18275174), what about when AI is able to do the job of a patent attorney? Should patent attorneys be afraid their skills might be made redundant?

If this sounds a bit far fetched, don't be so sure. A number of organisations are looking into creating AI which can draft patent applications.

> California-based Specifio, Inc. were recently awarded a US patent (US 10417341) for a machine-learning and rule-based technique for creating patent specifications.

The technology works by analysing claims written by a patent attorney, breaking the claims up into "language units", converting the language units from "patentese" to prose using natural language processing and using the converted language units with appropriate data structures to generate the patent description. Apparently, the description of US 10417341 itself was written without human intervention using this technique.

Are the days of the human patent attorney numbered?

This seems unlikely. Tools like those of Specifio are more likely to complement the skills of a human rather than replace them (in fact, Specifio itself asserts this is the purpose of their product). This is because AI is very good at some tasks but finds other tasks very difficult.

Although there are many variants, AI essentially works by analysing known data with certain characteristics and using that analysis to recognise or classify new data. For example, AI can be trained to recognise new pictures of cats by being provided with lots of previous pictures, some of cats and some of other objects, and being told which pictures have cats and which don't. With a sufficient number and variation of pictures during training, the AI can then be presented with a previously unseen picture and can determine, surprisingly accurately, whether or not that picture has a cat in it. AI in other applications, such as natural language processing, works in a similar way.

This approach works very well for certain tasks. For example, when drafting a patent application, natural language processing may be very effective at turning claim language into readable prose. It may be good at using wording which is most appropriate for the technical field and/or jurisdictions of interest (for example, to try to avoid USC 101 objections for software in the US). It may allow the rote tasks of patent drafting (for example, the generation of corresponding apparatus claims from method claims and generation of the title, technical field and abstract) to be successfully automated.

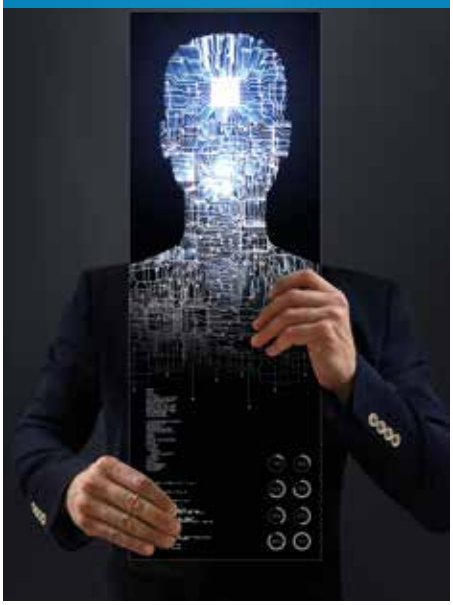
For inventions implemented using computer software, where each feature of the invention is essentially one of a sequence of steps in an algorithm, it may even be able to automatically write about functionally defined "modules" or "circuitry" which carry out each respective step.

The AI approach is unlikely to work well for other tasks, however. The nature of a patentable invention is that it has at least one feature which is new and inventive. It is difficult to see how an AI algorithm might define such a feature in a claim based on previous information since, by virtue of this feature being new and inventive, it won't have been adequately defined before.

Writing novel and inventive claims is therefore likely something that only a human patent attorney can do by talking to an inventor, seeing a prototype and/or reading written documentation from an inventor so they **understand** the invention.

Embodiments of the invention must also be defined in the description. This includes providing more details about the claimed novel and inventive features and thus also requires an understanding of the claimed features and non-limiting examples of how they might be implemented.

What is the future for AI patent drafting?



AI trips up because it lacks the understanding required to both define the novel and inventive features of an invention in the claims and to elaborate by discussing detailed examples of those features in the description. These tasks require, for the time being at least, a human patent attorney who can understand a new invention at a conceptual level rather than an AI algorithm which has been trained to replicate and arrange patent semantics (no matter how well) by looking at lots of previous patent applications and by following a set of rules.

Such an AI algorithm is akin to a person being shown lots of previous patent applications so they learn by rote what a patent application contains (description, drawings, claims and abstract), the format, the style of writing, and suchlike, and then being asked to write a new patent application for an invention from scratch without an understanding of what the new invention is, how it works and why it is better than what came before. The patent application might look good and read well, especially if the person is a diligent student. However, it will be missing the information which **defines** and **elaborates** on the new and inventive features of the invention, since the understanding necessary to create this information was never there.

So, is AI patent drafting dead in the water?
Well, no. There are lots of parts of the patent drafting process which may arguably be improved using well designed AI.
Lots of parts of a patent application involve repetition or near repetition of the claim wording (for example, to ensure sufficient support for the claim wording in the description, to map features of the embodiments to features of the claims, to generate corresponding apparatus claims from method claims and to generate suitable title, technical field and abstract information). Any AI which successfully sees to this automatically should be welcomed, since it frees up time for the patent attorney to concentrate on claiming and describing the novel and inventive features of the invention as well as possible. If the AI were able to do this whilst creating a suitable structure of the description wording, this would also be beneficial.

One can imagine an attorney drafting a set of claims which the AI then compiles into well-reading prose in a matter of seconds. The attorney could then simply read through the prose and elaborate on specific embodiments of the described features (in particular, the novel and inventive features) as and when necessary as opposed to writing the entire description from scratch. This would save valuable time for the attorney and money for the client.

It therefore seems the future of good-quality, efficiently-drafted patent applications may be achieved through a partnership between human patent attorneys and AI in the coming years. If we humans stick to what we are good at and the AI sticks to what the AI is good at, the result will hopefully be a successful partnership in which the result is better than what either might achieve individually.

Perhaps we will eventually have AI which can sit down with an inventor, understand the invention, think of additional embodiments and join everyone for dinner before knuckling down to drafting the patent application the next day. Until then, however, it'll be business as usual for your D Young & Co advisor.

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CRISPR

Broad Institute CRISPR patent appeal Revocation upheld for lack of priority

The EPO recently reported that the Board of Appeal dismissed the Broad Institute's appeal against revocation of one of its key CRISPR-Cas9 patents, EP2771468B.

The eagerly awaited appeal proceedings (T 0844/18) focused on entitlement to claim priority from an application filed by multiple applicants. As we reported previously (see https://dycip.com/crispr-2018), EP2771468B claimed priority from multiple US provisional applications, the earliest two of which included an applicant-inventor (Professor Luciano Marraffini) who was not an applicant of the subsequent PCT application.

According to standard EPO practice and established case law of the Boards of Appeal, all applicants of the priority application, or their successors in title, must be applicants of the subsequent application for a valid claim to priority. In addition, any transfer of rights to claim priority must have occurred in advance of the filing date of the subsequent application. However, no evidence that Professor Marraffini had assigned his rights to an applicant of the subsequent application before its filing date was submitted in the proceedings.

For these reasons, the Opposition Division decided that the patent's claim to priority from the earliest two priority documents was invalid. Consequently, the patent was revoked in light of novelty-destroying intervening disclosures.

The Board of Appeal's preliminary comments during the written proceedings indicated that it would consider referring questions to the Enlarged Board of Appeal, and that the Board of Appeal had recognised advantages and disadvantages for altering the EPO's practice. For example, the Board of Appeal acknowledged that the EPO's current practice may protect joint applicants from a sub-group of the joint applicants filing subsequent applications without them, and may avoid the risk of multiple subsequent applications. The Board of Appeal also acknowledged that changing the EPO's practice to allow joint applicants to exercise their priority rights individually may favour the omitted joint applicant(s), and may be more in line with the Paris Convention's aim of facilitating international patenting.

The Board of Appeal's written decision has not been published yet. However, the minutes of the hearing report that the Board of Appeal considered the patentee's three main arguments, namely:

1. Entitlement to priority should not be assessed by the EPO.
2. The term "any person" in Article 87(1) EPC and Article 4A(1) of the Paris Convention means that any one person who has filed a priority application, or their successor in title, can validly claim priority.
3. National law of the state in which the priority application was filed should determine who qualifies as "any person" in Article 87(1) EPC.

Although the Board of Appeal considered referring questions to the Enlarged Board of Appeal during the hearing, it was able to reach its decision to dismiss the patentee's appeal without doing so.

This decision may not be the end of the battle for the Broad Institute. The revoked patent has five divisional applications, and there are numerous other families with European counterparts that claim priority from the same priority applications without naming Professor Marraffini as an applicant. If any of these patents/applications are relying on Professor Marraffini's priority documents for patentability, they may face a similar fate to EP2771468B.

Given that the decision is in line with the EPO's standard practice and well established case law of the Boards of Appeal, this case is a clear reminder to verify that all applicants of a priority application are listed on the subsequent application, or otherwise that the transfer of rights to claim priority takes place before the filing date.

Author:
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And finally...

24/7 renewals
UKIPO common renewals service

Automatic extensions for weekend or public holiday deadlines will no longer be available

The United Kingdom Intellectual Property Office's new common renewals service will launch in Spring 2020. This will allow the UKIPO to process renewals 24 hours a day, seven days a week.

Once launched, the UKIPO will always be open for the processing of renewal payments, so automatic extensions for renewal deadlines, which fall on weekends or public holidays, will no longer be available.

Customers should update their records and diary systems to reflect this change, as failure to pay a renewal fee on time could result in additional charges, and in some cases may lead to the loss of your intellectual property rights.

The change will apply to renewal payments submitted digitally and on paper. Currently there is no intention for the UKIPO's hours of business to change for any other services they provide.

The UKIPO will send out reminders about this process when the date of the launch has been confirmed.

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