

Fast-track scheme makes queue-jumping acceptable at the UK Intellectual Property Office

Despite being a nation renowned for its love of queuing, the UK has become one of the first countries to offer a fast-track scheme for International (PCT) patent applications. The UK's new Prime Minister, David Cameron, unveiled the scheme which aims to reduce a backlog of pending patent applications and to cut waiting times for patents to be granted.

International Patent Applications

An International patent application completes an “international phase”, before becoming a bundle of separate patent applications in a “national phase” and/or “regional phase”. The patentability of the invention is considered initially during the international phase, and an International Preliminary Report on Patentability (IPRP) is issued. The patentability of the invention is considered again during the national/regional phase, by the patent offices of each country or region where a patent is required, before a patent can be granted.

How will the fast-track system work?

Any applicant who has filed an International application, and has received a favorable IPRP, i.e. an IPRP which indicates that the invention is new and inventive, may ask the UK Intellectual Property Office (UKIPO) to accelerate the examination of their application in the UK national phase. There is no official fee involved, and the patent application will be moved closer to the head of the queue of patent applications waiting to be examined by the UKIPO. The UKIPO's aim is to issue a first examination report within 2 months of the acceleration request being filed. Thus, the length of time taken to obtain a granted patent could be shortened significantly.

The fast-track scheme is available for all applications which have already entered the UK national phase, as well as those which enter the UK national phase in the future.

Advice for applicants

If an IPRP has already been issued on your application, you may wish to consider whether the fast-track route will be possible.

If you are considering filing an International application, and would like to obtain a UK national application quickly, take as many steps as possible,

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when filing the application, to obtain a favorable IPRP, so that your application can be accelerated when it enters the UK national phase.

If you would like any further information relating to the acceleration of patent applications in the UK, please get in touch with your usual Forresters contact, or Emma Johnson, ejohnson@forresters.co.uk, who will be pleased to assist you.