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Official Notice

Patents: Amendment of the Manual of Practice and Procedure

In December 2004, amendments were made to the Manual of Practice and Procedure Volume 2 - National.

The principal changes relate to:

- Inserting reference to a change of practice requiring that a statement be placed at the end of each national examination third and subsequent report stating that the supervising examiner has approved the report (para 1.2.2.3, 25.4.2.1).
- Clarifying that where a standard application is a divisional application of a pre-existing parent patent but the inventor(s) of the standard application are not yet stipulated in the patent request or notice of entitlement, the inventor(s) of the divisional application should be assumed to be the same as those of the parent for the purposes of consideration of the application in relation to section 64(2). (para 17.6.4).
- Stipulating that where a patentee is to be advised by letter that a section 104 request to amend will not be examined having regard to the provisions section 112, OH&L is to be apprised of the situation before the letter is sent out (para 22.3.5.3).

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