

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 states 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.

U 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?

V 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