



# The Patent Office

"fewer than all the parties"



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Our Ref: FM/128/leg/3  
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Dear [redacted] [Archie \(Brown\)](#)

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.

TAKE NOTE THAT THE PATENT OFFICE WAS CONCEALING A CONCURRENT ATTEMPT ON THE PART OF THE EXECUTIVE TO PROCURE AN AMENDMENT TO RULE 46(2)

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.