



Beware of Firms Requesting Payment for Registering or Publishing Patent Applications and Patents

These firms do not act on behalf of the official offices and the services they offer cannot replace processing that is carried out by the official offices. To the extent that these firms offer to replicate such processing, applicants and proprietors are therefore under no obligation to pay any invoices issued by such firms.

In relation to publication of applications and registration of patents in particular, it is noted that only the official offices themselves can carry out these acts with the proper legal effect. The UK IPO, EPO and WIPO all publish pending applications automatically without additional steps needing to be taken, or fees paid, by applicants. Similarly, any patent which is duly granted by one of these authorities will automatically be published. Any payment which is made to third party firms in relation to publication or registration will therefore have no legal effect in proceedings before the UK IPO, EPO or WIPO.

Further information and examples of invoices received in relation to UK, European and PCT applications and patents can be found respectively at:

UK IPO

- <https://www.gov.uk/guidance/avoiding-misleading-payment-requests>

For more information, please contact:

Jimmy Nicholls – jnicholls@jakemp.com

uests

EPO - www.epo.org/warning.html

WIPO - www.wipo.int/pct/en/warning/pct_warning.html

These websites provide examples of communications from firms who do not perform official processing of patents and patent applications.

The UK IPO takes this matter very seriously and takes steps to prevent such firms from misleading the public. The UK IPO was for example successful in its legal action against Intellectual Property Agency Ltd (IPA). IPA was found to be liable of trade mark infringement and passing off and ordered to pay £500,000 plus legal costs (the maximum legal penalty under the circumstances). Further details can be found at: <https://www.gov.uk/government/news/ip-scammers-face-record-financial-liability>.

If you are in any doubt about the authenticity of a letter or invoice you have received, please do not hesitate to get in touch with your contact at J A Kemp.