

Accelerating patent prosecution in the UK via the Green Channel

Early grant of a patent can be desirable not only for enforcement purposes but also for businesses for whom it is crucial to attract investors and secure funding.

In addition, early grant in the UK specifically can give patent applicants options for accelerating their overseas applications via the UK Intellectual Property Office's (UKIPO's) numerous Patent Prosecution Highway (PPH) agreements with its foreign counterparts (see [here](#)). The UKIPO's Green Channel provides an attractive route to early grant for patent applicants with inventions that have environmental benefits.

What is the Green Channel?

The Green Channel was introduced back in May 2009 to encourage and fast-track green technologies, by accelerating the prosecution procedure for these applications, with the aim to getting these technologies onto the market more quickly. Typically, prosecution of a UK patent application may take 2-3 years, or longer in certain technological areas. Applications in the Green Channel proceed like any other UK patent application, except at a faster pace. As a result, a patent application navigating the Green Channel may be granted in as little as nine months from the application filing date according to UKIPO.

How do I enter the Green Channel?

A great attraction of the Green Channel is the simplicity of entering it. All that is required is a written request, filed at any stage in prosecution, indicating how the invention relates to "green" or "environmentally-friendly" technology, and stating which actions the applicant wishes to accelerate (i.e. search, examination, and/or

publication). There are no forms or, significantly, any fees to pay.

The ability to choose which actions to accelerate also gives applicants more control over the course of their applications. For instance, if accelerated search and examination are requested then, with a following wind, a final verdict on patentability might be received before an application is prepared for publication, giving the applicant the chance to withdraw it and thus avoid revealing their technology if the verdict was unfavourable.

How "environmentally-friendly" does the invention need to be?

There is no specific environmental standard to meet in order to proceed via the Green Channel. In fact, the UKIPO takes the generous view that an environmental benefit can arise in any area of technology. Thus, as well as technologies that immediately spring to mind when the word "green" is mentioned (e.g. wind power, solar power etc.) the technologies which can benefit from the Green Channel include processes which produce less waste or use recycled streams, devices which work more efficiently, and materials which are made from recycled or environmentally friendly substances. Applicants must simply provide an explanation, which may be as long or as short as the circumstance require (e.g. "it's a solar panel"), to convince the UKIPO that there is an environmental benefit.

Who uses the Green Channel?

The UKIPO's statistics illustrate that the Green Channel is attractive to the sole inventor, start-up and multinational companies alike. The majority of applicants currently using the Green Channel are UK-based applicants. However, the number of foreign applicants using the Green Channel has increased in recent years.

To sum up, requesting accelerated prosecution via the Green Channel is straightforward and free. The Green Channel is open to all types of applicants and for any technology which has an environment benefit. The Green Channel therefore continues to provide an attractive route for applicants wishing to obtain early grant and to access the PPH.

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Need advice?

For more information, please contact email@carpmaels.com.

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