



The UKIPO Green Channel

What is the UKIPO Green Channel?

The UK Intellectual Property Office offers accelerated processing for patent applications if the invention has an environmental benefit, via the Green Channel scheme. Applicants can request to accelerate any of the following: search, examination, search and examination, and/or publication. There is no official fee for applying to use this service.

How to Apply:

The main point to note about the Green Channel is that there is no automatic entry; the applicant must request accelerated processing under the scheme in writing.

Any request for accelerated processing under the Green Channel must indicate:

1. How the application in question is environmentally-friendly
2. Which actions they wish to accelerate.

The written request can be filed electronically in a letter using the UKIPO's online patent filing service, or can be filed by post. The request can be made at any time during prosecution, either at the same time as filing the application or at a later date, quoting the application number.

Requirements for Entry:

There is no specific environmental standard that needs to be met in order to be eligible for acceleration under the Green Channel. The UKIPO will reject any requests that are clearly unfounded, but will not do any detailed investigation into assertions made in a Green Channel application. As a result, the Green Channel is available to any applicant who makes a reasonable assertion that the invention has some environmental benefit.

For example, if the invention is a solar panel or a wind turbine then a simple statement to that effect accompanying the application should be enough. If the environmental benefits of the invention are less immediately obvious, more explanation may be needed. Examples of such technologies include processes which produce less waste or use recycled or locally sourced materials, devices which operate more efficiently and so require less energy, and materials which are made from recycled or environmentally friendly substances.



Green Channel Database:

An additional factor to consider when using the scheme is that the UKIPO keeps a database of all published applications and granted patents which have been accelerated under the Green Channel.

Why Choose the Green Channel?

If the invention you are seeking to protect has a clear environmental benefit, the Green Channel is a straightforward way of ensuring accelerated prosecution for your patent application. For most applicants, the UKIPO offers accelerated processing if the applicant can provide a viable commercial reason as to why they require accelerated search or examination. By using the Green Channel, you avoid having to provide a commercial reason to the UKIPO as to why your application should be prioritised. Those who are looking to get accelerated prosecution have very little to lose by applying, as there are no fees associated with applying. The Green Channel can also be combined with other informal methods of accelerating prosecution, such as promptly replying to communications from the UKIPO, to expedite prosecution even further.

There are many ways an applicant can benefit from having their application granted faster. Faster grant can help bring inventions to market sooner, and for smaller businesses a granted patent may be more attractive to potential investors than a pending application. Similarly, licensees may feel more secure if their licence is for a granted patent rather than a pending application. Applicants entering the UK national phase of a PCT application may also find that using the Green Channel can reduce delay in the processing of the application.

Applicants looking to gain protection in multiple jurisdictions using the Patent Prosecution Highway (PPH) may wish to pursue protection in the UK first in order to make use of the Green Channel. In our experience, by using the Green Channel it is possible to have an application granted or receive a notice of intention to grant within the priority year (sometimes as quickly as nine months). Priority claiming applications can then be made with offices that have PPH agreements with the UK, and a request for accelerated processing can be made in those countries based on the granted GB patent.

Applicants using PPH may feel more confident in filing priority claiming applications knowing that their GB application has already gone to grant. However, it should be noted that using any of the PPH programmes does not necessarily guarantee rapid grant in other jurisdictions; rather, it can simplify and shorten the procedure for examination and grant. Thus, applicants should carefully consider if other options for accelerating prosecution in particular jurisdictions would be more appropriate. For further discussion on the PPH system, see [here](#).

However, there may be some disadvantages with using the Green Channel to accelerate processing. For example, applicants should be aware that accelerated processing may result in bringing costs forward. Additionally, applicants may wish to consider if early publication is desirable as the application will then be registered on the Green Channel database and this may bring the invention to the attention of competitors sooner. Pending applications may also be more useful for those who are aware of a potential infringer, as once an application is granted it can no longer be tailored to the activities or products of the potential infringer, and the option of filing divisional applications directly targeting the potential infringement is no longer open.

This is for general information only and does not constitute legal advice. Should you require advice on this or any other topic then please contact hk@hk-ip.com or your usual HLK advisor.