

## PATENTS ACT 1977

APPLICANTS            Norman Paterson and Nicholas Jones

ISSUE                    Whether patent application number GB  
0706342.3 complies with sections 1(1)(c)  
and 14(3)

HEARING OFFICER            R C Kennell

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## DECISION

- 1    This application is directed to the production of energy from water. It was filed on 30 March 2007 with no claim to any earlier priority, but has not yet been searched or published. The examiner has however objected that because the invention contravenes well-established physical laws, it is neither “capable of industrial application” as required by section 1(1)(c) of the 1977 Act nor disclosed “in a manner which is clear enough and complete enough to be performed by a person skilled in the art” as required by section 14(3). (Section 4 of the Act states that an invention is capable of industrial application “if it can be made or used in any kind of industry, including agriculture”.)
- 2    The applicants, who are not professionally assisted, did not reply to the examiner’s first report. The examiner therefore wrote again repeating his objection and offering a hearing if the applicants did not wish to withdraw the application. In the continuing absence of any reply from the applicants, it falls to me to decide whether the application should proceed or be refused on the basis of the papers on file.
- 3    The invention claims to generate electricity by means of a pump submerged in water in a container, the pump directing a flow of water to drive an impeller attached to a generator and the water then being recycled. The device is said to become self-supporting once started, so that electricity is continuously produced without any need for other than minimal topping up of the water. However, the examiner considers that, because there is no fuel or power supply to the device after the starting power source is disconnected, it will quickly come to a stop because of frictional losses – and that, rather than generating power, the device will consume power just to keep it going.

- 4 I agree entirely with the examiner. In the absence of any further explanation from the applicants about how their device works, they appear to be suggesting that a fixed body of water can be continuously circulated to generate electricity without relying on a source of power. The device is therefore alleged to operate contrary to well-established physical laws; accordingly it is not capable of industrial application, as explained in paragraph 4.05 of the Office's "Manual of Patent Practice".<sup>1</sup>
- 5 It follows that the disclosure in the specification is insufficient to enable the person skilled in the art of power generation to make a device which actually generates electrical power.
- 6 I therefore agree with the examiner that the invention is neither capable of industrial application nor sufficiently disclosed. Since it is not possible to add new information to the specification in order to overcome these defects, I refuse the application under section 18(3) of the Act with the consequence under section 16(1) that it will not be published.

### **Appeal**

- 7 If the applicants disagree with my decision they have a right of appeal to the Patents Court. Under the Practice Direction to Part 52 of the Civil Procedure Rules, any such appeal must be lodged within 28 days of the date of the decision stated above.

**R C KENNEL**

Deputy Director acting for the Comptroller

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<sup>1</sup> <http://www.ipo.gov.uk/practice-sec-004.pdf>