
DRAFT STATUTORY INSTRUMENTS

2020 No.

**The Intellectual Property (Amendment
etc.) (EU Exit) Regulations 2020**

PART 6

Amendments to the Patents (Amendment) (EU Exit) Regulations 2019

26. The Patents (Amendment) (EU Exit) Regulations 2019(1) are amended in accordance with this Part.

27. For regulation 3(a) and (b), substitute—

- “(a) in the heading for “EU compulsory”, substitute “Compulsory pharmaceutical”;
- (b) in subsection (1), for “an “EU compulsory”, substitute “a “compulsory pharmaceutical””.

28. Omit regulation 4.

29. For the definition of “plant breeders’ right” substituted by regulation 7(2)(c), substitute—
““plant breeders’ right” means—

- (a) any right granted under, or having effect as if granted under, section 3 of the 1997 Act (including existing rights as defined by section 40(4) of that Act); and
- (b) any right which by virtue of regulation 3 of the Plant Breeders’ Rights (Amendment etc.) (EU Exit) Regulations 2019(2) is treated as if it were a plant breeders’ right granted in accordance with the 1997 Act and as if the variety were registered in accordance with regulations under section 18(1)(c) of the 1997 Act”.

30. Omit regulation 17.

31. In the insertion after paragraph 10 of Regulation (EC) No 1610/96 made by regulation 20(3), for paragraph 12 substitute—

“**12.** ‘court’ means—

- (a) as respects England and Wales, the High Court;
- (b) as respects Scotland, the Court of Session;
- (c) as respects Northern Ireland, the High Court in Northern Ireland.”.

32. Omit regulation 21.

33. In regulation 24(3), in the insertion of paragraph 8(1)(b), for “Part A section 1, points 1 to 7 or Part B, Section 1 points 1 to 5”, substitute “Part A section 1, points 1.1 to 1.7 or Part B, Section 1 points 1.1 to 1.4.3”.

34. In Regulation 52(3) in the insertion after Article 1(e) of Regulation (EC) No 469/2009—

- (a) for paragraph (g), substitute—
 - “(g) ‘court’ means—
 - (i) as respects England and Wales, the High Court;
 - (ii) as respects Scotland, the Court of Session;
 - (iii) as respects Northern Ireland, the High Court in Northern Ireland;” and
 - (b) in paragraph (j), after “granted” insert “or having effect as if granted”.
- 35.** Omit regulation 53.
- 36.** In regulation 62, omit “before”.
- 37.** In regulation 69, for “exit day” in each place it occurs, substitute “IP completion day”.