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**Changes to legislation:** Patents Act 1977, Cross Heading: Modifications of law applicable where UPC has jurisdiction is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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## SCHEDULES

### [<sup>F1</sup>SCHEDULE A4

#### THE UNIFIED PATENT COURT

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##### Textual Amendments

- F1** Schs. A3, A4 inserted (coming into force in accordance with art. 1(2)) by [The Patents \(European Patent with Unitary Effect and Unified Patent Court\) Order 2016 \(S.I. 2016/388\)](#), arts. 1(2), **2(10)** (with art. 3)

##### *Modifications of law applicable where UPC has jurisdiction*

3. (1) In the case of an Article 32(1) action relating to—
- (a) a European patent with unitary effect, or
  - (b) a European patent (UK),
- the provisions of this Act listed in sub-paragraph (2) do not apply in relation to the action where the Unified Patent Court has jurisdiction in accordance with paragraph 1.
- (2) The provisions referred to in sub-paragraph (1) are—
- section 58(7) to (9) (references of disputes as to Crown use);
  - section 61 (proceedings for infringement of patent);
  - section 62 (restrictions on recovery of damages for infringement);
  - section 63 (relief for infringement of partially valid patent);
  - section 65 (certificate of contested validity of patent);
  - section 66 (proceedings for infringement by a co-owner);
  - section 67 (proceedings for infringement by exclusive licensee);
  - section 68 (effect of non-registration on infringement proceedings);
  - section 69 (infringement of rights conferred by publication of application);
  - section 71 (declaration or declarator as to non-infringement);
  - section 72 (power to revoke patents on application);
  - section 73(1) to (1C) (comptroller's power to revoke patents on his own initiative);
  - section 74 (proceedings in which validity of patent may be put in issue);
  - section 75 (amendment of patent in infringement or revocation proceedings);
  - section 77(3) (effect of European patent (UK)).
- (3) In the case of an Article 32(1) action relating to a supplementary protection certificate for which the basic patent is—
- (a) a European patent with unitary effect, or
  - (b) a European patent (UK),

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the provisions of this Act listed in sub-paragraph (4) do not apply in relation to the action where the Unified Patent Court has jurisdiction in accordance with paragraph 1.

- (4) The provisions referred to in sub-paragraph (3) are—
- section 58(7) to (9) (references of disputes as to Crown use);
  - section 61 (proceedings for infringement of patent);
  - section 62 (restrictions on recovery of damages for infringement);
  - section 63 (relief for infringement of partially valid patent);
  - section 65 (certificate of contested validity of patent);
  - section 66 (proceedings for infringement by a co-owner);
  - section 67 (proceedings for infringement by exclusive licensee);
  - section 68 (effect of non-registration on infringement proceedings);
  - section 69 (infringement of rights conferred by publication of application);
  - section 71 (declaration or declarator as to non-infringement);
  - section 74 (proceedings in which validity of patent may be put in issue);
  - section 75 (amendment of a patent in infringement or revocation proceedings).]

**Changes to legislation:**

Patents Act 1977, Cross Heading: Modifications of law applicable where UPC has jurisdiction is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 56(4)(a)(iiia) and word added by [S.I. 2006/1056 Sch. para. 2\(b\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))
- s. 63(3)(a) words in s. 63(3) renumbered as s. 63(3)(a) by [2004 c. 16 s. 2\(4\)](#) (Amendment not applied to legislation.gov.uk. S. 2(4) was repealed (29.4.2006) by S.I. 2006/1028, art. 2(4), Sch. 4)
- s. 63(3)(b) and word inserted by [2004 c. 16 s. 2\(4\)](#) (Amendment not applied to legislation.gov.uk. S. 2(4) was repealed (29.4.2006) by S.I. 2006/1028, art. 2(4), Sch. 4)