

*These notes refer to the Patents Act 2004 (c.16)
which received Royal Assent on 22nd July 2004*

PATENTS ACT 2004

EXPLANATORY NOTES

BACKGROUND

Domestic issues – the enforcement of patent rights and updating of the 1977 Act

7. Patents provide a legally enforceable means by which a person (including a company) who has an innovative solution to a technical problem can prevent others from using this innovation without his permission. Such innovations, when patented, become intellectual property assets which can be exploited in much the same way as physical property assets, such as a house or a factory. The owner of a patent can decide to sell, license or mortgage it and so realise its economic value. Alternatively, he may exploit the invention himself and use the patent to prevent others from doing so. The unauthorised use of a patent is referred to as infringement.

8. The Act amends the 1977 Act to improve and update procedures that patent proprietors use to maintain and enforce their patents. In particular, it contains a number of provisions designed to give patent proprietors more opportunity to benefit from their patents and includes measures to facilitate the early settlement of patent disputes. Improvements related to the process of applying for patents are to be made by a Regulatory Reform Order – see paragraphs 10 and 11 below.