



# Patents Act 2004

## 2004 CHAPTER 16

### *Other amendments of the 1977 Act*

#### **8 Term of patent and periods allowed for payment of renewal fees**

(1) In section 25 of the 1977 Act (term of patent), for subsection (3) there is substituted—

“(3) Where any renewal fee in respect of a patent is not paid by the end of the period prescribed for payment (the “prescribed period”) the patent shall cease to have effect at the end of such day, in the final month of that period, as may be prescribed.”

(2) In subsection (4) of that section, for “the period of six months immediately following the end of the prescribed period” there is substituted “the period ending with the sixth month after the month in which the prescribed period ends”.

(3) In section 28 of that Act (restoration of lapsed patents), in subsection (3), for the words from the second “within” to “that period” there is substituted “within the period ending with the sixth month after the month in which the prescribed period ended”.

(4) In section 46 of that Act (patentee’s application for entry in register that licences are available as of right)—

(a) for paragraph (d) of subsection (3) there is substituted—

“(d) if the expiry date in relation to a renewal fee falls after the date of the entry, that fee shall be half the fee which would be payable had the entry not been made.”;

(b) after subsection (3A) there is inserted—

“(3B) For the purposes of subsection (3)(d) above the expiry date in relation to a renewal fee is the day at the end of which, by virtue of section 25(3) above, the patent in question ceases to have effect if that fee is not paid.”