



Intellectual Property Act 2014

2014 CHAPTER 18

PART 2

PATENTS

15 **Infringement: marking product with internet link**

- (1) In section 62 of the Patents Act 1977 (restrictions on recovery of damages for infringement), in subsection (1), after “the number of the patent” insert “or a relevant internet link”.
- (2) After that subsection insert—
 - “(1A) The reference in subsection (1) to a relevant internet link is a reference to an address of a posting on the internet—
 - (a) which is accessible to the public free of charge, and
 - (b) which clearly associates the product with the number of the patent.”

16 **Opinions service**

- (1) In section 74A of the Patents Act 1977 (the title to which becomes “Opinions on matters prescribed in the rules”), in subsection (1), for the words from “an opinion” to the end substitute “an opinion on a prescribed matter in relation to the patent”.
- (2) In section 74B of that Act (reviews of opinions under section 74A), omit subsection (2) (c) (power to make rules providing for review proceedings to be treated as other proceedings under the Act).
- (3) In Schedule 4A to that Act (application of Act to supplementary protection certificates), in paragraph 1(2), at the appropriate place insert—

“sections 74A and 74B (opinions by the Patent Office);”.
- (4) In section 73 of that Act (comptroller’s power to revoke patents), after subsection (1) insert—

- “(1A) Where the comptroller issues an opinion under section 74A that section 1(1) (a) or (b) is not satisfied in relation to an invention for which there is a patent, the comptroller may revoke the patent.
- (1B) The power under subsection (1A) may not be exercised before—
- (a) the end of the period in which the proprietor of the patent may apply under the rules (by virtue of section 74B) for a review of the opinion, or
 - (b) if the proprietor applies for a review, the decision on the review is made (or, if there is an appeal against that decision, the appeal is determined).
- (1C) The comptroller shall not exercise the power under subsection (1A) without giving the proprietor of the patent an opportunity to make any observations and to amend the specification of the patent without contravening section 76.”

17 Unified Patent Court

Before section 89 of the Patents Act 1977 (and before the preceding cross-heading) insert—

“Unified Patent Court

88A Implementation of Agreement on a Unified Patent Court

- (1) The Secretary of State may by order make provision for giving effect in the United Kingdom to the provisions of the Agreement on a Unified Patent Court made in Brussels on 19 February 2013.
- (2) An order under this section may, in particular, make provision—
 - (a) to confer jurisdiction on a court, remove jurisdiction from a court or vary the jurisdiction of a court;
 - (b) to require the payment of fees.
- (3) An order under this section may also make provision for varying the application of specified provisions of this Act so that they correspond to provision made by the Agreement.
- (4) An order under this section may—
 - (a) make provision which applies generally or in relation only to specified cases;
 - (b) make different provision for different cases.
- (5) An order under this section may amend this Act or any other enactment.
- (6) An order under this section may not be made unless a draft of the order has been laid before, and approved by resolution of, each House of Parliament.
- (7) The meaning of “court” in this section is not limited by the definition of that expression in section 130(1).

88B Designation as international organisation of which UK is member

The Unified Patent Court is to be treated for the purposes of section 1 of the International Organisations Act 1968 (organisations of which the United Kingdom is a member) as an organisation to which that section applies.”

18 Sharing information with overseas patent offices

(1) In section 118 of the Patents Act 1977 (information on patent applications etc.), in subsection (3), after paragraph (a) (but before the following “or”) insert—

“(aa) sending any patent office outside the United Kingdom such information about unpublished applications for patents as that office requests;”.

(2) After that subsection insert—

“(3A) Information may not be sent to a patent office in reliance on subsection (3) (aa) otherwise than in accordance with the working arrangements that the comptroller has made for that purpose with that office.

(3B) Those arrangements must include provision for ensuring that the confidentiality of information of the kind referred to in subsection (3)(aa) sent by the comptroller to the patent office in question is protected.”

(3) After subsection (3B) insert—

“(3C) The reference in subsection (3)(aa) to a patent office is to an organisation which carries out, in relation to patents, functions of the kind carried out at the Patent Office.”

19 Minor amendments to the Patents Act 1977

The Schedule (which makes minor amendments to the Patents Act 1977) has effect.