

Changes to legislation: There are currently no known outstanding effects for the Intellectual Property Act 2014. (See end of Document for details)

SCHEDULE

Section 19

MINOR AMENDMENTS TO THE PATENTS ACT 1977

Patent applications in or for WTO members

- 1 (1) In section 5 of the Patents Act 1977 (priority date), in subsection (5), after paragraph (a) insert—
- “(aa) an application in or for a country (other than the United Kingdom) which is a member of the World Trade Organisation for protection in respect of an invention which, in accordance with the law of that country or a treaty or international obligation to which it is a party, is equivalent to an application for a patent under this Act;”.
- (2) In that subsection, for “such an application” substitute “ an application for a patent under this Act ”.
- (3) In that section, omit subsection (6).

Commencement Information

II Sch. para. 1 in force at 1.10.2014 by S.I. 2014/2330, art. 3, Sch.

Assertion of third party rights where application terminated

- 2 In section 20B of that Act (effect of reinstatement of patent application), after subsection (4) insert—
- “(4A) The right conferred by subsection (4) does not become exercisable until the end of the period during which a request may be made under this Act, or under the rules, for an extension of the period referred to in section 20A(1).”

Commencement Information

I2 Sch. para. 2 in force at 1.10.2014 by S.I. 2014/2330, art. 3, Sch.

Adjustment of certain time periods to anniversary date model

- 3 (1) In each of the following provisions of that Act, for “the end of the period of two years beginning with” substitute “ the second anniversary of ”
- (a) section 37(5) and (9) (determination of right to patent after grant), and
- (b) section 72(2)(b) (application to revoke patent).
- (2) In section 74(4)(b) of that Act (proceedings where validity of patent may be in issue), for “before the end of the period of two years beginning with” substitute “ on or before the second anniversary of ”.

Commencement Information

I3 Sch. para. 3 in force at 1.10.2014 by S.I. 2014/2330, art. 3, Sch.

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References to “counsel”

- 4 (1) In section 52(4) of that Act (appeals), for “such other counsel” substitute “such other person who has a right of audience”.
- (2) In section 58(2) of that Act (disputes as to Crown use), for “counsel for the other party” substitute “the other party’s legal representative”.

Commencement Information

I4 Sch. para. 4 in force at 1.10.2014 by S.I. 2014/2330, art. 3, Sch.

Correction of typographical error

- 5 In section 60(7) of that Act (meaning of infringement: interpretation), in the definition of “Directive 2001/82/EC”, for “Directive 2004/28” substitute “Directive 2004/28/EC”.

Commencement Information

I5 Sch. para. 5 in force at 1.10.2014 by S.I. 2014/2330, art. 3, Sch.

European patent (UK): payment of renewal fee following restoration

- 6 In section 77 of that Act (European patents (UK)), after subsection (5) insert—
- “(5A) Where, under the European Patent Convention, a European patent (UK) is revoked and subsequently restored (including where it is revoked by the Board of Appeal and subsequently restored by the Enlarged Board of Appeal), any fee that would have been imposed in relation to the patent after the revocation but before the restoration is payable within the prescribed period following the restoration.”

Commencement Information

I6 Sch. para. 6 in force at 1.10.2014 by S.I. 2014/2330, art. 3, Sch. (with art. 8)

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