STATUTORY INSTRUMENTS

1992 No. 3162

The Patents (Supplementary Protection Certificate for Medicinal Products) Rules 1992

PART I

GENERAL

Citation, commencement and extent

1.—(1) These Rules may be cited as the Patents (Supplementary Protection Certificate for Medicinal Products) Rules 1992 and shall come into force on 2nd January 1993.

(2) These Rules extend to Great Britain and Northern Ireland.

Interpretation

2.—(1) In these Rules—

"basic 1977 Act" means the Patents Act 1977;

"the patent" has the meaning assigned to it by paragraph (c) of Article 1 of the EC Regulation;

"certificate" has the meaning assigned to it in paragraph (d) of Article 1 of the EC Regulation;

"the comptroller" and "the journal" have the same meanings as they have in the 1977 Act;

"the court" has the same meaning as it has in the 1977 Act; and

"the EC Regulation" means Council Regulation (EEC) No. 1768/92 of 18th June 1992 concerning the creation of a supplementary protection certificate for medicinal products, the English language version of which is set out in Schedule 1 to these Rules(**1**), and any reference in these Rules to an Article followed by a number is a reference to the Article so numbered in the EC Regulation; and

"register of patents" means the register of patents maintained pursuant to section 32 of the 1977 Act.

(2) Subject to paragraph (3), the forms of which the use is required by these Rules are those set out in Schedule 2 to these Rules.

(3) A requirement under these Rules to use such a form is satisfied by the use either of a replica of that form or of a form which is acceptable to the comptroller and contains the information required by the form set out in Schedule 2 to these Rules.

(4) The fees to be paid in respect of any matter arising under these Rules shall be those (if any) prescribed in relation to such matter in Schedule 4 to these Rules; and any reference to "prescribed fee" and "fees" in these Rules shall be construed accordingly.

(**1**) OJ No L182, 2.7.92, page 1.