
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify the Patents Act 1977, the Patents Rules 1995 (S.I.1995/2093) and the Trade Marks Act 1994 in pursuance of the United Kingdom's obligations under the Agreement establishing the World Trade Organisation signed at Marrakesh on 15th April 1994 and the Agreement on Trade-Related Aspects of Intellectual Property Rights which is an integral part of the WTO Agreement.

The principal amendments are to those provisions of—

- (a) the Patents Act 1977 (regulations 3 to 8), and
- (b) the Patents Rules 1995 (regulations 9 to 12), which concern the application for and the grant of compulsory licences. Where the proprietor of the patent in respect of which such an application is made is a national of, or is domiciled or has a real and effective industrial or commercial establishment in, a country which is a member of the World Trade Organisation, the grounds upon which a compulsory licence may be granted are more restricted than the grounds which would otherwise be available to an applicant (regulation 4).

Amendments are also made to the Patents Act 1977 and to the Trade Marks Act 1994 to permit any country which becomes a member of the World Trade Organisation to be treated automatically as a Convention country (regulations 7(1) and 13).

A Regulatory Impact Assessment is not required for this Instrument.