
STATUTORY INSTRUMENTS

2002 No. 247

**The Patents and Plant Variety Rights
(Compulsory Licensing) Regulations 2002**

PART III

COMPULSORY PLANT VARIETY LICENCES

Grant

13. Where, having considered the application under regulation 11(1), the controllers are satisfied that—

- (a) the proprietor of a patent for a biotechnological invention cannot exploit the biotechnological invention protected by the patent without infringing prior plant breeders' rights,
- (b) the proprietor of the patent has unsuccessfully applied to the holder of the prior plant breeders' rights for a licence, and
- (c) the biotechnological invention protected by the patent constitutes significant technical progress of considerable economic interest in relation to the plant variety protected by the prior plant breeders' rights,

the controllers shall grant to the proprietor of the patent for the biotechnological invention (or, where the proprietor is a government department, to any person specified in the application) a licence to use the plant variety protected by prior plant breeders rights on the conditions set out in regulation 14 and on such other terms as the controllers see fit.