

SCHEDULE 1

BIOLOGICAL MATERIAL

Restriction of availability of biological material to experts

6.—(1) Where the first or the second condition is met (except in relation to Crown use), paragraph 7 applies until the end of the relevant period.

(2) The first condition is—

- (a) the applicant requests on Patents Form 8A that a sample of the biological material should only be made available to an expert; and
- (b) that request is made before the preparations for the application's publication have been completed by the Patent Office.

(3) The second condition is that, in relation to an international application for a patent (UK), the applicant made a reference to the deposited biological material in accordance with the Patent Co-operation Treaty.

(4) Where the first condition is met, the comptroller shall, when he publishes the application, include a notice that the provisions of paragraph 7 apply.

(5) In paragraph 6(1) "the relevant period" is—

- (a) where the patent is granted, the period ending with the date on which the patent was granted; and
- (b) where the application is terminated or withdrawn, twenty years beginning with the date of filing.

(6) Nothing in this or the following paragraph affects the rights under section 55 of any government department or any person authorised in writing by a government department.