

SCHEDULE

Modifications of the Patents Act 1977 in its application to the Isle of Man

34. After section 128 insert—

[^{F1}“**Compulsory pharmaceutical**] licences

128A.—(1) In this Act [^{F2}a “compulsory pharmaceutical licence”] means a compulsory licence granted under Regulation (EC) No 816/2006 of the European Parliament and of the Council of 17 May 2006 on compulsory licensing of patents relating to the manufacture of pharmaceutical products for export to countries with public health problems⁽¹⁾ (referred to in this Act as “the Compulsory Licensing Regulation”).

(2) In the application to [^{F3}compulsory pharmaceutical] licences of the provisions of this Act listed in subsection (3)—

- (a) references to a licence under a patent,
- (b) references to a right under a patent, and
- (c) references to a proprietary interest under a patent,

include [^{F4}a compulsory pharmaceutical] licence.

(3) The provisions referred to in subsection (2) are—

- sections 32 and 33 (registration of patents etc);
- section 37 (determination of right to patent after grant);
- section 38 (effect of transfer etc of patent under section 37), apart from subsection (2) and subsections (3) to (5) so far as relating to subsection (2);
- section 41 (amount of compensation);
- section 46(2) (notice of application for entry that licences are available as of right);
- section 57(1) and (2) (rights of third parties in respect of Crown use).

(4) In the following provisions references to this Act include the Compulsory Licensing Regulation—

- sections 97 to 99B, 101 to 103, 105 and 107 (legal proceedings);
- section 119 (service by post);
- section 120 (hours of business and excluded days);
- section 121 (comptroller’s annual report);
- section 123 (rules);
- section 124A (use of electronic communications);
- section 130(8) (disapplication of Part 1 of Arbitration Act 1996⁽²⁾).

(5) In section 108 (licences granted by order of comptroller) the reference to a licence under section 11, 38, 48 or 49 includes [^{F5}a compulsory pharmaceutical] licence.

(6) References in this Act to the Compulsory Licensing Regulation are to that Regulation as amended from time to time.

(1) OJNo. L 157, 9.6.2006, p.1.

(2) 1996 c.23.

Changes to legislation: There are currently no known outstanding effects for the The Patents (Isle of Man) Order 2013, Paragraph 34. (See end of Document for details)

Supplementary protection certificates

128B.—(1) Schedule 4A contains provision about the application of this Act in relation to supplementary protection certificates and other provision about such certificates.

(2) In this Act a “supplementary protection certificate” means a certificate issued under—

- (a) [^{F6}“Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6th May 2009 concerning the supplementary protection certificate for medicinal products], or
- (b) Regulation (EC) No 1610/96 of the European Parliament and of the Council of 23 July 1996 concerning the creation of a supplementary protection certificate for plant protection products⁽³⁾.”.

Textual Amendments

- F1** Words in Sch. para. 34 substituted (31.12.2020) by The Patents (Isle of Man) (Amendment) (EU Exit) Order 2019 (S.I. 2019/1327), arts. 1, **2(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Sch. para. 34 substituted (31.12.2020) by The Patents (Isle of Man) (Amendment) (EU Exit) Order 2019 (S.I. 2019/1327), arts. 1, **2(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Sch. para. 34 substituted (31.12.2020) by The Patents (Isle of Man) (Amendment) (EU Exit) Order 2019 (S.I. 2019/1327), arts. 1, **2(3)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Sch. para. 34 substituted (31.12.2020) by The Patents (Isle of Man) (Amendment) (EU Exit) Order 2019 (S.I. 2019/1327), arts. 1, **2(3)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Sch. para. 34 substituted (31.12.2020) by The Patents (Isle of Man) (Amendment) (EU Exit) Order 2019 (S.I. 2019/1327), arts. 1, **2(3)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Sch. para. 34 substituted (1.6.2016) by The Patents (Isle of Man) (Amendment) Order 2016 (S.I. 2016/559), art. 1, **Sch. para. 3**

Commencement Information

- I1** Sch. para. 34 in force at 11.11.2013, see **art. 1**

(3) OJ No. L 198, 8.8.1996, p.30.

Changes to legislation:

There are currently no known outstanding effects for the The Patents (Isle of Man) Order 2013, Paragraph 34.