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STATUTORY INSTRUMENTS

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**2014 No. 2401**

**The Patents (Amendment) (No. 2) Rules 2014**

**Opinions on prescribed matters**

**10.** After rule 93(5), insert—

- “(6) The prescribed matters for the purposes of section 74A(1) are as follows—
- (a) whether a particular act constitutes, or (if done) would constitute, an infringement of the patent;
  - (b) whether, or to what extent, an invention for which the patent has been granted is not a patentable invention<sup>(1)</sup>;
  - (c) whether the specification of the patent discloses the invention clearly enough and completely enough for it to be performed by a person skilled in the art;
  - (d) whether the matter disclosed in the specification of the patent extends beyond that disclosed in the application for the patent as filed or, if the patent was granted on a new application, in the earlier application as filed;
  - (e) whether the protection conferred by the patent has been extended by an amendment which should not have been allowed;
  - (f) whether a supplementary protection certificate<sup>(2)</sup> is invalid under Article 15 of the Medicinal Products Regulation<sup>(3)</sup>; and
  - (g) whether a supplementary protection certificate is invalid under Article 15 of the Plant Protection Products Regulation<sup>(4)</sup>.”

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(1) See section 1(1) of the Patents Act 1977 for the meaning of “patentable invention” (section 1(1) was amended by the Patents Act 2004, Schedule 2, paragraphs 1 and 2).

(2) See section 128B(2) of the Patents Act 1977 for the definition of “supplementary protection certificate” (section 128B was inserted by [S.I. 2007/3293](#)).

(3) See paragraphs 6(2) and 7(a) of Schedule 4A to the Patents Act 1977 for the meaning of “the Medicinal Products Regulation” (Schedule 4A was inserted by [S.I. 2007/3293](#)).

(4) See paragraphs 6(2) and 7(b) of Schedule 4A to the Patents Act 1977 for the meaning of “the Plant Protection Products Regulation” (Schedule 4A was inserted by [S.I. 2007/3293](#)).