
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Patents Rules 2007 to make changes consequential to the amendments made to the Patents Act 1977 (“the Act”) by the Patents (European Patent with Unitary Effect and Unified Patent Court) Order 2016 (S.I. 2016/388) (“the Order”).

Rule 2(2) amends Rule 44(5) to make clear that information in relation to a request for an opinion under section 74A of the Act will not be entered in the register of patents maintained under section 32 of the Act. This is because the European patent with unitary effect will not be registered by the comptroller but by the European Patent Office in the Register for unitary patent protection kept under the Unitary Patent Regulation.

Rule 2(3) amends Rule 95(1)(b) to require the comptroller to notify any holder of a licence or sub-licence under a European patent with unitary effect registered in the Register for unitary patent protection of a request for an opinion under section 74A of the Act 1977 in relation to the European patent.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. The impact assessment prepared for the Order deals with the impact of extending the opinions service to European patents with unitary effect. This impact assessment is available on the Legislation UK website at www.legislation.gov.uk.