

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c.18) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union in relation to patents and connected areas including supplementary protection certificates.

Part 1 of the Regulations contains introductory provisions.

Part 2 of the Regulations makes amendments to the Patents Act 1977.

Part 3 of the Regulations makes an amendment to the Copyright, Designs and Patents Act 1988.

Part 4 makes amendments to the Patents and Plant Variety Rights (Compulsory Licensing) Regulations 2002.

Part 5 of the Regulations makes an amendment to the Patents Rules 2007.

Part 6 of the Regulations makes amendments to 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.

Part 7 makes amendments to 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.

Part 8 of the Regulations amends Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Patents (Amendment) (EU Exit) Regulations 2019.