

STATUTORY INSTRUMENTS

2019 No. 801

The Patents (Amendment) (EU Exit) Regulations 2019

PART 4

AMENDMENTS TO THE PATENTS AND PLANT VARIETY RIGHTS (COMPULSORY LICENSING) REGULATIONS 2002

6. The Patents and Plant Variety Rights (Compulsory Licensing) Regulations 2002 ^{M1} are amended as set out in this Part.

Commencement Information

- II** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

Marginal Citations

- M1** [S.I. 2002/247](#)

7.—(1) Regulation 2 (interpretation) is amended as follows.

(2) In paragraph (1)—

- (a) omit the definition of “Community plant variety right”;
- (b) omit the definition of “Council Regulation”;
- (c) for the definition of “plant breeders' rights”, substitute—

[^{F1}“plant breeders’ right” means—

- (a) any right granted under, or having effect as if granted under, section 3 of the 1997 Act (including existing rights as defined by section 40(4) of that Act); and
- (b) any right which by virtue of regulation 3 of the Plant Breeders’ Rights (Amendment etc.) (EU Exit) Regulations 2019 is treated as if it were a plant breeders’ right granted in accordance with the 1997 Act and as if the variety were registered in accordance with regulations under section 18(1)(c) of the 1997 Act;”].

Textual Amendments

- F1** Words in reg. 7(2)(c) substituted (31.12.2020 immediately before IP completion day) by [The Intellectual Property \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1050\)](#), regs. 1(2), **29**

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Patents
(Amendment) (EU Exit) Regulations 2019, PART 4. (See end of Document for details)

Commencement Information

I2 Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

8.—(1) Regulations 3 (applications) and 6 (grant) are amended as follows.

(2) Omit “or a Community plant variety right” and “or Community plant variety right” wherever they occur.

Commencement Information

I3 Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

9. In regulation 7 (conditions), omit paragraphs (4) and (5).

Commencement Information

I4 Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

10. Omit regulation 15 (Community plant variety rights).

Commencement Information

I5 Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

11. In regulation 16 (variation and revocation), omit paragraphs (4) to (7).

Commencement Information

I6 Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

12. In regulation 17, for paragraph (2), substitute—

“(2) Where a decision of the controllers relates to a compulsory patent licence or cross licence ordered to be granted under regulation 7(2) or 7(3), an appeal may be made to the court.”.

Commencement Information

I7 Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

13.—(1) Regulation 20 (extension of powers to make rules and regulations) is amended as follows.

(2) In paragraph (a), for “regulations 3(1) and 15(1)”, substitute “ regulation 3(1) ”.

(3) In paragraph (b)—

(a) for “regulations 8 and 16(4)” substitute “ regulation 8 ”; and

(b) for “regulations 9 and 16(5)”, substitute “ regulation 9 ”.

Commencement Information

I8 Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

14.—(1) Regulation 22 (application of existing rules and regulations) is amended as follows.

(2) In paragraph (1), for “regulations 7(2), 7(3) and 15(3)”, substitute “ regulation 7(2) and 7(3) ”.

(3) In paragraph (2), for “other than in relation to an application under regulation 15(1), and with any other necessary modifications”, substitute “ with any necessary modifications ”.

Commencement Information

I9 Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

15. In regulation 24, omit “or 15(1)”.

Commencement Information

I10 Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

16.—(1) Regulation 26 (application of 1977 and 1997 Acts) is amended as follows.

(2) In paragraph (1), in both places where it occurs, for “regulations 7(2), 7(3) and 15(3)”, substitute “ regulation 7(2) and 7(3) ”.

(3) In paragraph (3), for “regulations 15(1), 16(3) and 16(4)” substitute “ regulation 16(3) ”.

Commencement Information

I11 Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Patents
(Amendment) (EU Exit) Regulations 2019, PART 4. (See end of Document for details)

PROSPECTIVE

Transitional provision

^{F2}17.

Textual Amendments

F2 [Reg. 17](#) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Intellectual Property \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1050\)](#), regs. 1(2), **30**

Status:

This version of this part contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the The Patents (Amendment) (EU Exit) Regulations 2019, PART 4.