
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(1) are amended as set out in this Part.

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—

““plant breeders’ right” means 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);”.

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.

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

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

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

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.”.

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”.

- 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”.

15. In regulation 24, omit “or 15(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)”.

Transitional provision

17.—(1) In this regulation “former regulations” means the Patents and Plant Variety Rights (Compulsory Licensing) Regulations 2002 without the amendments made by these Regulations.

(2) The former regulations continue to apply for the purposes of—

- (a) any application pursuant to regulation 15 made but not determined before exit day; and
- (b) a cross licence granted—
- (i) before exit day pursuant to regulation 15; or
- (ii) after exit day pursuant to an application falling within sub-paragraph (a).