



Patents Act 1977

CHAPTER 37

PATENTS ACT 1977

PART I

NEW DOMESTIC LAW

Patentability

- 1 Patentable inventions
- 2 Novelty
- 3 Inventive step
- 4 Industrial application
- 5 Priority date
- 6 Disclosure of matter, etc., between earlier and later applications

Right to apply for and obtain a patent and be mentioned as inventor

- 7 Right to apply for and obtain a patent
- 8 Determination before grant of questions about entitlement to patents, etc.
- 9 Determination after grant of questions referred before grant
- 10 Handling of application by joint applicants
- 11 Effect of transfer of application under s. 8 or 10
- 12 Determination of questions about entitlement to foreign and convention patents, etc.
- 13 Mention of inventor

Applications

- 14 Making of application
- 15 Date of filing application
- 16 Publication of application

Status: This is the original version (as it was originally enacted).

Examination and search

- 17 Preliminary examination and search
- 18 Substantive examination and grant or refusal of patent
- 19 General power to amend application before grant
- 20 Failure of application
- 21 Observations by third party on patentability

Security and safety

- 22 Information prejudicial to defence of realm or safety of public
- 23 Restrictions on applications abroad by United Kingdom residents

Provisions as to patents after grant

- 24 Publication and certificate of grant
- 25 Term of patent
- 26 Patent not to be impugned for lack of unity
- 27 General power to amend specification after grant
- 28 Restoration of lapsed patents
- 29 Surrender of patents

Property in patents and applications, and registration

- 30 Nature of, and transactions in, patents and applications for patents
- 31 Nature of, and transactions in, patents and applications for patents in Scotland
- 32 Register of patents, etc.
- 33 Effect of registration, etc., on rights in patents
- 34 Rectification of register
- 35 Evidence of register, documents, etc.
- 36 Co-ownership of patents and applications for patents
- 37 Determination of right to patent after grant
- 38 Effect of transfer of patent under s. 37

Employees' inventions

- 39 Right to employees' inventions
- 40 Compensation of employees for certain inventions
- 41 Amount of compensation
- 42 Enforceability of contracts relating to employees' inventions
- 43 Supplementary

Contracts as to patented products, etc.

- 44 Avoidance of certain restrictive conditions
- 45 Determination of parts of certain contracts

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- 46 Patentee's application for entry in register that licences are available as of right
- 47 Cancellation of entry made under s. 46
- 48 Compulsory licences
- 49 Provisions about licences under s. 48
- 50 Exercise of powers on applications under s. 48

- 51 Application by Crown in cases of monopoly or merger
- 52 Opposition, appeal and arbitration
- 53 Compulsory licences; supplementary provisions
- 54 Special provisions where patented invention is being worked abroad

Use of patented inventions for services of the Crown

- 55 Use of patented inventions for services of the Crown
- 56 Interpretation, etc., of provisions about Crown use
- 57 Rights of third parties in respect of Crown use
- 58 References of disputes as to Crown use
- 59 Special provisions as to Crown use during emergency

Infringement

- 60 Meaning of infringement
- 61 Proceedings for infringement of patent
- 62 Restrictions on recovery of damages for infringement
- 63 Relief for infringement of partially valid patent
- 64 Right to continue use begun before priority date
- 65 Certificate of contested validity of patent
- 66 Proceedings for infringement by a co-owner
- 67 Proceedings for infringement by exclusive licensee
- 68 Effect of non-registration on infringement proceedings
- 69 Infringement of rights conferred by publication of application
- 70 Remedy for groundless threats of infringement proceedings
- 71 Declaration or declarator as to non-infringement

Revocation of patents

- 72 Power to revoke patents on application
- 73 Comptroller's power to revoke patents on his own initiative

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- 74 Proceedings in which validity of patent may be put in issue

General provisions as to amendment of patents and applications

- 75 Amendment of patent in infringement or revocation proceedings
- 76 Amendments of applications and patents not to include added matter

PART II

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European patents and patent applications

- 77 Effect of European patent (UK)
- 78 Effect of filing an application for a European patent (UK)
- 79 Operation of s. 78 in relation to certain European patent applications
- 80 Authentic text of European patents and patent applications
- 81 Conversion of European patent applications
- 82 Jurisdiction to determine questions as to right to a patent
- 83 Effect of patent decisions of competent authorities of other states
- 84 Patent agents and other representatives
- 85 European patent attorneys

Status: This is the original version (as it was originally enacted).

Community patents

- 86 Implementation of Community Patent Convention
- 87 Decisions on Community Patent Convention
- 88 Jurisdiction in legal proceedings in connection with Community Patent Convention

International applications for patents

- 89 Effect of filing international application for a patent

Convention countries

- 90 Orders in Council as to convention countries

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- 91 Evidence of conventions and instruments under conventions
- 92 Obtaining evidence for proceedings under the European Patent Convention
- 93 Enforcement of orders for costs
- 94 Communication of information to the European Patent Office, etc.
- 95 Financial provisions

PART III

MISCELLANEOUS AND GENERAL

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- 100 Burden of proof in certain cases
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- 102 Right of audience in patent proceedings
- 103 Extension of privilege for communications with solicitors relating to patent proceedings
- 104 Privilege for communications with patent agents relating to patent proceedings
- 105 Extension of privilege in Scotland for communications relating to patent proceedings
- 106 Costs and expenses in proceedings before the Court under s. 40
- 107 Costs and expenses in proceedings before the comptroller
- 108 Licences granted by order of comptroller

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- 109 Falsification of register, etc.
- 110 Unauthorised claim of patent rights
- 111 Unauthorised claim that patent has been applied for
- 112 Misuse of title " Patent Office "
- 113 Offences by corporations

Patent agents

- 114 Restrictions on practice as patent agent
- 115 Power of comptroller to refuse to deal with certain agents

Immunity of department

- 116 Immunity of department as regards official acts

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- 117 Correction of errors in patents and applications
- 118 Information about patent applications and patents, and inspection of documents
- 119 Service by post
- 120 Hours of business and excluded days
- 121 Comptroller's annual report

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- 123 Rules
- 124 Rules, regulations and orders; supplementary
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- 126 Stamp duty
- 127 Existing patents and applications
- 128 Priorities between patents and applications under 1949 Act and this Act
- 129 Application of Act to Crown
- 130 Interpretation
- 131 Northern Ireland
- 132 Short title, extent, commencement, consequential amendments and repeals

SCHEDULES

SCHEDULE 1 — Application of 1949 Act to existing patents and applications

- 1 (1) The provisions of the 1949 Act referred to in...
- 2 (1) In section 6 of the 1949 Act, at the...
- 3 (1) This paragraph and paragraph 4 below shall have effect...
- 4 (1) The term of every new existing patent under section...
- 5 In section 26(3) of the 1949 Act (no patent of...
- 6 Notwithstanding anything in section 32(1)(j) of the 1949 Act (ground...
- 7 (1) In section 33 of the 1949 Act (revocation of...
- 8 In section 101(1) of the 1949 Act (interpretation) there shall...

SCHEDULE 2 — Application of this Act to Existing Patents and Applications

- 1 (1) Without prejudice to those provisions of Schedule 4 below...
- 2 In those provisions as they apply by virtue of this...

SCHEDULE 3 — Repeals of Provisions of 1949 Act

- 1 Subject to the provisions of Schedule 4 below, the provisions...
- 2 The provisions are:— (a) section 14 (opposition to grant of...

SCHEDULE 4 — Transitional Provisions

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General

1 In so far as any instrument made or other thing...

Use of patented invention for services of the Crown

2 (1) Any question whether— (a) an act done before the...

Infringement

3 (1) Any question whether an act done before the appointed...

Notice of opposition

4 (1) Where notice of opposition to the grant of a...

Secrecy

5 (1) Where directions given under section 18 of the 1949...

Revocation

6 (1) Where before the appointed day an application has been...

7 (1) This paragraph applies where an application has been made...

Licences of right and compulsory licences

8 (1) Sections 35 to 41 and 43 to 45 of...

Convention countries

9 (1) Without prejudice to paragraph 1 above, an Order in...

Appeals from court on certain petitions for revocation

10 Where the court has given judgment on a petition under...

Appeals from comptroller under continuing provisions of 1949 Act

11 (1) In this paragraph "the continuing 1949 Act provisions"...

Appeals from comptroller under repealed provisions of 1949 Act

12 (1) This paragraph applies where an appeal to the Appeal...

Appeals from Appeal Tribunal to Court of Appeal

13 Section 87(1) of the 1949 Act shall continue to apply...

Rules

14 The power to make rules under section 123 of this...

Supplementary

15 Section 97(2) of this Act applies to—

16 In this Schedule "the old law" means the 1949...

17 For the purposes of this Schedule— (a) issue is joined...

18 (1) Nothing in the repeals made by this Act in...

SCHEDULE 5 — Consequential Amendments

Crown Proceedings Act 1947 (c. 44)

- 1 In section 3 of the Crown Proceedings Act 1947, for...

Registered Designs Act 1949 (c. 88)

- 2 In section 32(1) of the Registered Designs Act 1949—
- 3 In sections 42 and 44(1) of the Registered Designs Act...

Defence Contracts Act 1958 (c. 38)

- 4 In subsection (4) of section 4 of the Defence Contracts...

Administration of Justice Act 1970 (c. 31)

- 5 (1) In subsections (2) and (3) of section 10 of...

Atomic Energy Authority (Weapons Group) Act 1973 (c. 4)

- 6 In section 5(2) of the Atomic Energy Authority (Weapons Group)...

Fair Trading Act 1973 (c. 41)

- 7 (1) In paragraph 10 of Schedule 4 to the Fair...

Restrictive Trade Practices Act 1976 (c. 34)

- 8 (1) In paragraph 10 of Schedule 1 to the Restrictive...

SCHEDULE 6 — Enactments Repealed