



# Patents Act 1977

## 1977 CHAPTER 37

### PART I

#### NEW DOMESTIC LAW

##### *General provisions as to amendment of patents and applications*

#### **75 Amendment of patent in infringement or revocation proceedings**

- (1) In any proceedings before the court or the comptroller in which the validity of a patent is put in issue the court or, as the case may be, the comptroller may, subject to section 76 below, allow the proprietor of the patent to amend the specification of the patent in such manner, and subject to such terms as to advertising the proposed amendment and as to costs, expenses or otherwise, as the court or comptroller thinks fit.
- (2) A person may give notice to the court or the comptroller of his opposition to an amendment proposed by the proprietor of the patent under this section, and if he does so the court or the comptroller shall notify the proprietor and consider the opposition in deciding whether the amendment or any amendment should be allowed.
- (3) An amendment of a specification of a patent under this section shall have effect and be deemed always to have had effect from the grant of the patent.
- (4) Where an application for an order under this section is made to the court, the applicant shall notify the comptroller, who shall be entitled to appear and be heard and shall appear if so directed by the court.

#### **76 Amendments of applications and patents not to include added matter**

- (1) An application for a patent (the later application) shall not be allowed to be filed under section 8(3), 12, or 37(4) above or as mentioned in section 15(4) above, in respect of any matter disclosed in an earlier application or the specification of a patent which

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*Status: This is the original version (as it was originally enacted).*

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has been granted, if the later application discloses matter which extends beyond that disclosed in the earlier application, as filed, or the application for the patent, as filed.

- (2) No amendment of an application or the specification of a patent shall be allowed under any of the provisions of this Act to which this subsection applies if it—
  - (a) results in the application or specification disclosing any such matter, or
  - (b) (where a patent has been granted) extends the protection conferred by the patent.
- (3) Subsection (2) above applies to the following provisions of this Act, namely, sections 17(3), 18(3), 19(1), 27(1), 73 and 75.