



Patents Act 1977

1977 CHAPTER 37

PART II

PROVISIONS ABOUT INTERNATIONAL CONVENTIONS

Miscellaneous

91 Evidence of conventions and instruments under conventions.

- (1) Judicial notice shall be taken of the following, that is to say—
 - (a) the European Patent Convention, the Community Patent Convention [^{F1}, the Agreement on a Unified Patent Court] and the Patent Co-operation Treaty (each of which is hereafter in this section referred to as the relevant convention);
 - (b) any bulletin, journal or gazette published under the relevant convention and the register of European [^{F2}patents kept under the European Patent Convention]; and
 - (c) any decision of, or expression of opinion by, the relevant convention court on any question arising under or in connection with the relevant convention.
- (2) Any document mentioned in subsection (1)(b) above shall be admissible as evidence of any instrument or other act thereby communicated of any convention institution.
- (3) Evidence of any instrument issued under the relevant convention by any such institution, including any judgment or order of the relevant convention court, or of any document in the custody of any such institution or reproducing in legible form any information in such custody otherwise than in legible form, or any entry in or extract from such a document, may be given in any legal proceedings by production of a copy certified as a true copy by an official of that institution; and any document purporting to be such a copy shall be received in evidence without proof of the official position or handwriting of the person signing the certificate.
- (4) Evidence of any such instrument may also be given in any legal proceedings—
 - (a) by production of a copy purporting to be printed by the Queen's Printer;

Changes to legislation: Patents Act 1977, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 30 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) where the instrument is in the custody of a government department, by production of a copy certified on behalf of the department to be a true copy by an officer of the department generally or specially authorised to do so; and any document purporting to be such a copy as is mentioned in paragraph (b) above of an instrument in the custody of a department shall be received in evidence without proof of the official position or handwriting of the person signing the certificate, or of his authority to do so, or of the document being in the custody of the department.
- (5) In any legal proceedings in Scotland evidence of any matter given in a manner authorised by this section shall be sufficient evidence of it.
- (6) In this section—
- “convention institution” means an institution established by or having functions under the relevant convention;
- “relevant convention court” does not include a court of the United Kingdom or of any other country which is a party to the relevant convention [^{F3}but does include the Unified Patent Court]; and
- “legal proceedings”, in relation to the United Kingdom, includes proceedings before the comptroller.

Textual Amendments

- F1** Words in s. 91(1)(a) inserted (coming into force in accordance with art. 1(2)) by [The Patents \(European Patent with Unitary Effect and Unified Patent Court\) Order 2016 \(S.I. 2016/388\)](#), arts. 1(2), **2(7)(a)** (with art. 3)
- F2** Words in s. 91(1) substituted (1.1.2005) by [Patents Act 2004 \(c. 16\)](#), s. 17(1), **Sch. 2 para. 20**; [S.I. 2004/3205](#), art. 2(k) (with art. 9)
- F3** Words in s. 91(6) inserted (coming into force in accordance with art. 1(2)) by [The Patents \(European Patent with Unitary Effect and Unified Patent Court\) Order 2016 \(S.I. 2016/388\)](#), arts. 1(2), **2(7)(b)** (with art. 3)

92 Obtaining evidence for proceedings under the European Patent Convention.

- (1) Sections 1 to 3 of the ^{M1}Evidence (Proceedings in Other Jurisdictions) Act 1975 (provisions enabling United Kingdom courts to assist in obtaining evidence for foreign courts) shall apply for the purpose of proceedings before a relevant convention court under the European Patent Convention [^{F4}or proceedings before the Unified Patent Court] as they apply for the purpose of civil proceedings in a court exercising jurisdiction in a country outside the United Kingdom.
- (2) In the application of those sections by virtue of this section any reference to the High Court, the Court of Session or the High Court of Justice in Northern Ireland shall include a reference to the comptroller.
- (3) Rules under this Act may include provision—
- (a) as to the manner in which an application under section 1 of the said Act of 1975 is to be made to the comptroller for the purpose of proceedings before a relevant convention court under the European Patent Convention; and
- (b) subject to the provisions of that Act, as to the circumstances in which an order can be made under section 2 of that Act on any such application.

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- (4) Rules of court and rules under this Act may provide for an officer of the European Patent Office to attend the hearing of an application under section 1 of that Act before the court or the comptroller, as the case may be, and examine the witnesses or request the court or comptroller to put specified questions to the witnesses.
- (5) Section 1(4) of the ^{M2}Perjury Act 1911 and [^{F5}Article 3(4) of the Perjury (Northern Ireland) Order 1979] (statements made for the purposes, among others, of judicial proceedings in a tribunal of a foreign state) shall apply in relation to proceedings before a relevant convention court under the European Patent Convention [^{F6}or proceedings before the Unified Patent Court] as they apply to a judicial proceeding in a tribunal of a foreign state.

Textual Amendments

- F4** Words in s. 92(1) inserted (coming into force in accordance with art. 1(2)) by [The Patents \(European Patent with Unitary Effect and Unified Patent Court\) Order 2016 \(S.I. 2016/388\)](#), arts. 1(2), **2(8)** (with art. 3)
- F5** Words substituted by [S.I. 1979/1714 \(N.I. 19\)](#), **Sch. 1 para. 28**
- F6** Words in s. 92(5) inserted (coming into force in accordance with art. 1(2)) by [The Patents \(European Patent with Unitary Effect and Unified Patent Court\) Order 2016 \(S.I. 2016/388\)](#), arts. 1(2), **2(8)** (with art. 3)

Marginal Citations

- M1** 1975 c. 34.
M2 1911 c. 6.

93 Enforcement of orders for costs.

If the European Patent Office orders the payment of costs in any proceedings before it—

- (a) in England and Wales the costs shall, if [^{F7}the county court] so orders, be recoverable [^{F8}under section 85 of the County Courts Act 1984] or otherwise as if they were payable under an order of that court;
- (b) in Scotland the order may be enforced in like manner as [^{F9}a recorded decree arbitral][^{F9}an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.]
- (c) in Northern Ireland the order may be enforced as if it were a money judgment.

Textual Amendments

- F7** Words in s. 93(a) substituted (E.W.S.) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 52**; [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F8** Words in s. 93(a) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 13 para. 42** (with s. 89); [S.I. 2014/768](#), art. 2(1)(b)
- F9** Words commencing “an extract registered” substituted (S.) for the words “a recorded decree arbitral” by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), s. 108(1), **Sch. 6 paras. 1, 20**

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94 Communication of information to the European Patent Office, etc.

It shall not be unlawful by virtue of any enactment to communicate the following information in pursuance of the European Patent Convention to the European Patent Office or the competent authority of any country which is party to the Convention, that is to say—

- (a) information in the files of the court which, in accordance with rules of court, the court authorises to be so communicated;
- (b) information in the files of the Patent Office which, in accordance with rules under this Act, the comptroller authorises to be so communicated.

95 Financial provisions.

- (1) There shall be paid out of moneys provided by Parliament any sums required by any Minister of the Crown or government department to meet any financial obligation of the United Kingdom under the European Patent Convention, ^{F10}... or the Patent Co-operation Treaty.
- (2) Any sums received by any Minister of the Crown or government department in pursuance of [^{F11}that convention] or that treaty shall be paid into the Consolidated Fund.

Textual Amendments

- F10** Words in s. 95(1) repealed (1.1.2005) by [Patents Act 2004 \(c. 16\)](#), s. 17(1), [Sch. 2 para. 21\(a\)](#), [Sch. 3](#); [S.I. 2004/3205](#), [art. 2\(g\)\(k\)](#) (with [art. 9](#))
- F11** Words in s. 95(2) substituted (1.1.2005) by [Patents Act 2004 \(c. 16\)](#), s. 17(1), [Sch. 2 para. 21\(b\)](#); [S.I. 2004/3205](#), [art. 2\(k\)](#) (with [art. 9](#))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 56(4)(a)(iiia) and word added by [S.I. 2006/1056 Sch. para. 2\(b\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))
- s. 63(3)(a) words in s. 63(3) renumbered as s. 63(3)(a) by [2004 c. 16 s. 2\(4\)](#) (Amendment not applied to legislation.gov.uk. S. 2(4) was repealed (29.4.2006) by S.I. 2006/1028, art. 2(4), Sch. 4)
- s. 63(3)(b) and word inserted by [2004 c. 16 s. 2\(4\)](#) (Amendment not applied to legislation.gov.uk. S. 2(4) was repealed (29.4.2006) by S.I. 2006/1028, art. 2(4), Sch. 4)