

SCHEDULES

SCHEDULE 5

PATENTS: MISCELLANEOUS AMENDMENTS

Effect of European patent (UK)

- 21 (1) Section 77 of the Patents Act 1977 (effect of European patent (UK)) is amended as follows.
- (2) For subsection (3) (effect of finding of partial validity on pending proceedings) substitute—
- “(3) Where in the case of a European patent (UK)—
- (a) proceedings for infringement, or proceedings under section 58 above, have been commenced before the court or the comptroller and have not been finally disposed of, and
- (b) it is established in proceedings before the European Patent Office that the patent is only partially valid,
- the provisions of section 63 or, as the case may be, of subsections (7) to (9) of section 58 apply as they apply to proceedings in which the validity of a patent is put in issue and in which it is found that the patent is only partially valid.”.
- (3) For subsection (4) (effect of amendment or revocation under European Patent Convention) substitute—
- “(4) Where a European patent (UK) is amended in accordance with the European Patent Convention, the amendment shall have effect for the purposes of Parts I and III of this Act as if the specification of the patent had been amended under this Act; but subject to subsection (6)(b) below.
- (4A) Where a European patent (UK) is revoked in accordance with the European Patent Convention, the patent shall be treated for the purposes of Parts I and III of this Act as having been revoked under this Act.”.
- (4) In subsection (6) (filing of English translation), in paragraph (b) (amendments) for “a translation of the amendment into English” substitute “a translation into English of the specification as amended”.
- (5) In subsection (7) (effect of failure to file translation) for the words from “a translation” to “above” substitute “such a translation is not filed”.

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Paragraph 21.