
Changes to legislation: There are currently no known outstanding effects for the Patents Act 2004, Paragraph 3. (See end of Document for details)

SCHEDULES

SCHEDULE 1

AMENDMENTS RELATING TO INTERNATIONAL OBLIGATIONS

- 3 (1) Section 78 (effect of filing an application for a European patent (UK)) is amended as follows.
- (2) In subsection (5A), at the end there is inserted “ ; and the occurrence of any event mentioned in subsection (5)(b) shall not prevent matter contained in an application for a European patent (UK) becoming part of the state of the art by virtue of section 2(3) above as regards other inventions where the event occurs before the publication of that application. ”
- (3) For subsection (6) there is substituted—
- “(6) Where, between subsections (1) to (3) above ceasing to apply to an application for a European patent (UK) and the re-establishment of the rights of the applicant, a person—
- (a) begins in good faith to do an act which would constitute an infringement of the rights conferred by publication of the application if those subsections then applied, or
- (b) makes in good faith effective and serious preparations to do such an act,
- he shall have the right to continue to do the act or, as the case may be, to do the act, notwithstanding subsections (1) to (3) applying again and notwithstanding the grant of the patent.
- (6A) Subsections (5) and (6) of section 20B above have effect for the purposes of subsection (6) above as they have effect for the purposes of that section and as if the references to subsection (4) of that section were references to subsection (6) above.
- (6B) Subject to subsection (6A) above, the right conferred by subsection (6) above does not extend to granting a licence to another person to do the act in question.
- (6C) Subsections (6) to (6B) above apply in relation to the use of a patented invention for the services of the Crown as they apply in relation to an infringement of the rights conferred by publication of the application (or, as the case may be, infringement of the patent).
- “Patented invention” has the same meaning as in section 55 above.”

Commencement Information

II Sch. 1 para. 3 in force at 13.12.2007 by S.I. 2007/3396, art. 2(j) (with art. 3)

Changes to legislation:

There are currently no known outstanding effects for the Patents Act 2004, Paragraph 3.