
Changes to legislation: There are currently no known outstanding effects for the Patents Act 2004, Paragraph 4. (See end of Document for details)

SCHEDULES

SCHEDULE 1

AMENDMENTS RELATING TO INTERNATIONAL OBLIGATIONS

- 4 In section 80 (authentic text of European patents and patent applications), for subsection (4) there is substituted—

“(4) Where a correction of a translation is published under subsection (3) above and before it is so published a person—

- (a) begins in good faith to do an act which would not constitute an infringement of the patent as originally translated, or of the rights conferred by publication of the application as originally translated, but would do so under the amended translation, 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 the publication of the corrected translation and notwithstanding the grant of the patent.

- (5) Subsections (5) and (6) of section 28A above have effect for the purposes of subsection (4) above as they have effect for the purposes of that section and as if—

- (a) the references to subsection (4) of that section were references to subsection (4) above;
- (b) the reference to the registered proprietor of the patent included a reference to the applicant.

- (6) Subject to subsection (5) above, the right conferred by subsection (4) above does not extend to granting a licence to another person to do the act in question.

- (7) Subsections (4) to (6) 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 patent or of the rights conferred by the publication of the application.

“Patented invention” has the same meaning as in section 55 above.”

Commencement Information

- II** Sch. 1 para. 4 in force at 13.12.2007 by S.I. 2007/3396, art. 2(j)

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