



# Intellectual Property Act 2014

## 2014 CHAPTER 18

### PART 2

#### PATENTS

#### 15 **Infringement: marking product with internet link**

(1) In section 62 of the Patents Act 1977 (restrictions on recovery of damages for infringement), in subsection (1), after “the number of the patent” insert “ or a relevant internet link ”.

(2) After that subsection insert—

“(1A) The reference in subsection (1) to a relevant internet link is a reference to an address of a posting on the internet—

- (a) which is accessible to the public free of charge, and
- (b) which clearly associates the product with the number of the patent.”

#### **Commencement Information**

**II** S. 15 in force at 1.10.2014 by S.I. 2014/2330, art. 3, Sch. (with art. 5)

#### 16 **Opinions service**

(1) In section 74A of the Patents Act 1977 (the title to which becomes “ Opinions on matters prescribed in the rules ”), in subsection (1), for the words from “an opinion” to the end substitute “ an opinion on a prescribed matter in relation to the patent ”.

(2) In section 74B of that Act (reviews of opinions under section 74A), omit subsection (2) (c) (power to make rules providing for review proceedings to be treated as other proceedings under the Act).

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*Changes to legislation: There are currently no known outstanding effects for the Intellectual Property Act 2014, Part 2. (See end of Document for details)*

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- (3) In Schedule 4A to that Act (application of Act to supplementary protection certificates), in paragraph 1(2), at the appropriate place insert— “ sections 74A and 74B (opinions by the Patent Office); ”.
- (4) In section 73 of that Act (comptroller's power to revoke patents), after subsection (1) insert—
- “(1A) Where the comptroller issues an opinion under section 74A that section 1(1) (a) or (b) is not satisfied in relation to an invention for which there is a patent, the comptroller may revoke the patent.
- (1B) The power under subsection (1A) may not be exercised before—
- (a) the end of the period in which the proprietor of the patent may apply under the rules (by virtue of section 74B) for a review of the opinion, or
- (b) if the proprietor applies for a review, the decision on the review is made (or, if there is an appeal against that decision, the appeal is determined).
- (1C) The comptroller shall not exercise the power under subsection (1A) without giving the proprietor of the patent an opportunity to make any observations and to amend the specification of the patent without contravening section 76.”

**Commencement Information**

**I2** S. 16 in force at 1.10.2014 by S.I. 2014/2330, art. 3, Sch. (with art. 6)

**<sup>F1</sup>17 Unified Patent Court**

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**Textual Amendments**

**F1** S. 17 repealed (coming into force in accordance with reg. 1(3) of the amending S.I.) by [The Patents \(European Patent with Unitary Effect and Unified Patent Court\) \(Repeal and Revocation\) Regulations 2021 \(S.I. 2021/355\)](#), reg. 1(2), [Sch. para. 1](#)

**18 Sharing information with overseas patent offices**

- (1) In section 118 of the Patents Act 1977 (information on patent applications etc.), in subsection (3), after paragraph (a) (but before the following “or”) insert—
- “(aa) sending any patent office outside the United Kingdom such information about unpublished applications for patents as that office requests;”.
- (2) After that subsection insert—
- “(3A) Information may not be sent to a patent office in reliance on subsection (3) (aa) otherwise than in accordance with the working arrangements that the comptroller has made for that purpose with that office.

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(3B) Those arrangements must include provision for ensuring that the confidentiality of information of the kind referred to in subsection (3)(aa) sent by the comptroller to the patent office in question is protected.”

(3) After subsection (3B) insert—

“(3C) The reference in subsection (3)(aa) to a patent office is to an organisation which carries out, in relation to patents, functions of the kind carried out at the Patent Office.”

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**Commencement Information**

**I3** S. 18 in force at 1.10.2014 by S.I. 2014/2330, art. 3, Sch. (with art. 7)

**19 Minor amendments to the Patents Act 1977**

The Schedule (which makes minor amendments to the Patents Act 1977) has effect.

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**Commencement Information**

**I4** S. 19 in force at 1.10.2014 by S.I. 2014/2330, art. 3, Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Intellectual Property Act 2014, Part 2.