DRAFT STATUTORY INSTRUMENTS

2018 No. XXXX

EXITING THE EUROPEAN UNION
PATENTS

The Patents (Amendment) (EU Exit) Regulations 2018

Made - - - - ***

Coming into force in accordance with Regulation 1

THE PATENTS (AMENDMENT) (EU EXIT) REGULATIONS 2018

PART 1

INTRODUCTORY

1. These Regulations may be cited as the Patents (Amendment) (EU...

PART 2

AMENDMENTS TO THE PATENTS ACT 1977

2. The Patents Act 1977 is amended follows.
3. In section 128A (EU compulsory licences)— (a) in the heading...
4. In paragraph 1 of Schedule A1 (derogation from patent protection...

PART 3

AMENDMENT TO THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

5. (1) Section 281 (power of comptroller to refuse to deal...

PART 4

AMENDMENTS TO THE PATENTS AND PLANT VARIETY RIGHTS (COMPULSORY LICENSING) REGULATIONS 2002

6. The Patents and Plant Variety Rights (Compulsory Licensing) Regulations 2002...
7. (1) Regulation 2 (interpretation) is amended as follows.
8. (1) Regulations 3 (applications) and 6 (grant) are amended as...
9. In regulation 7 (conditions), omit paragraphs (4) and (5).
10. Omit regulation 15 (Community plant variety rights.).
11. In regulation 16 (variation and revocation), omit paragraphs (4) to...

12. In regulation 17, for paragraph (2), substitute—
13. (1) Regulation 20 (extension of powers to make rules and...
14. (1) Regulation 22 (application of existing rules and regulations) is...
15. In regulation 24, omit “or 15(1)”.
16. (1) Regulation 26 (application of 1977 and 1997 Acts) is...
17. Transitional provision

PART 5

AMENDMENTS TO THE PATENTS RULES 2007

18. (1) The Patents Rules 2007 are amended as follows.

PART 6

SUPPLEMENTARY PROTECTION CERTIFICATES FOR PLANT PROTECTION PRODUCTS – AMENDMENTS TO REGULATION (EC) No 1610/96

19. Regulation (EC) No 1610/96 of the European Parliament and of...
20. (1) Article 1 (definitions) is amended as follows.
21. After Article 1, insert— Article 1A Meaning of court In this Regulation, ‘court’ is to be interpreted in accordance...
22. For Article 2, substitute— Article 2 Scope A plant protection...
23. For Article 3(1), substitute— Where an application is submitted under Article 7, a certificate...
24. (1) Article 8 (contents of the application for a certificate)...
25. (1) Article 9 (lodging of an application for a certificate)...
26. (1) Article 10 (grant of the certificate or rejection of...
27. (1) Article 11 (publication) is amended as follows.
28. Omit Article 12 (annual fees).
29. In paragraph 1 of Article 13 (duration of the certificate),...
30. (1) Article 14 (expiry of the certificate) is amended as...
31. In paragraph (2) of Article 15 (invalidity of certificate), for...
32. In Article 16 (notification of lapse or invalidity), for “the...
33. In Article 17 (appeals), omit paragraph 1.
34. In Article 18 (procedure), for paragraph 1 substitute— In the absence of procedural provisions in this Regulation, the...
35. Omit Articles 19 and 20 (transitional provisions).
36. After Article 21 (entry into force), omit “This Regulation shall...

PART 7

COMPULSORY LICENSING OF PHARMACEUTICAL PATENTS - AMENDMENTS TO REGULATION (EC) NO 816/2006

37. Regulation (EC) No 816/2006 of the European Parliament and of...
38. (1) Article 1 (scope) is amended as follows.
39. (1) Article 2 (definitions) is amended as follows.
40. In Article 4 (eligible importing countries), for “Commission”, substitute “United...
41. (1) Article 5 (extension to least-developed and developing countries which...
42. (1) Article 6 (application for a compulsory licence) is amended...
43. In Article 8 (verification), for “Commission”, wherever it occurs, substitute...
44. (1) Article 10 (compulsory licence conditions) is amended as follows....

45. (1) Article 12 (notification) is amended as follows.
46. In Article 13 (prohibition of importation), in paragraph 1, for...
47. (1) Article 14 (action by customs authorities) is amended as...
48. (1) Article 16 (termination or review of the licence) is...
49. Omit Articles 17 to 19. (appeals, safety and efficacy of...
50. After Article 20 (entry into force), omit “This Regulation shall...

PART 8

SUPPLEMENTARY PROTECTION CERTIFICATES FOR MEDICINAL PRODUCTS – AMENDMENTS TO REGULATION (EC) No 469/2009

51. Regulation (EC) No 469/2009 of the European Parliament and of...
52. (1) Article 1 (interpretation) is amended as follows.
53. After Article 1(interpretation), insert— Article 1A Meaning of ‘court’ In this Regulation the expression ‘court’ is to be interpreted...
54. For Articles 2 (scope) and 3 (conditions for obtaining a...
55. (1) Article 8 (content of application for a certificate) is...
56. (1) Article 9 (lodging of an application for a certificate)...
57. (1) Article 10 (grant of the certificate or rejection of...
58. (1) Article 11 (publication) is amended as follows.
59. Omit Article 12 (annual fees).
60. (1) Article 13 (duration of the certificate) is amended as...
61. (1) Article 14 (expiry of the certificate) is amended as...
62. In paragraph 2 of Article 15 (invalidity of the certificate),...
63. (1) Article 16 (revocation of an extension of the duration)...
64. For references in Article 17 (notification of lapse or invalidity)...
65. Omit Article 18 (appeals).
66. For paragraph 1 of Article 19 (procedure), substitute— In the absence of procedural provisions in this Regulation, the...
67. Omit Articles 20 (enlargement of the Community) and 21 (transitional...
68. After Article 23 (entry into force), omit “This Regulation shall...
69. Transitional provision
    Signature
    Explanatory Note