



Patents Act 1977

1977 CHAPTER 37

PART I

NEW DOMESTIC LAW

[^{F1}Opinions by Patent Office

Textual Amendments

F1 Ss. 74A, 74B and cross-heading inserted (1.10.2005) by [Patents Act 2004 \(c. 16\)](#), ss. **13(1)**, 17(1); S.I. 2005/2471, art. 2(c)

74A [^{F2}Opinions on matters prescribed in the rules]

- (1) The proprietor of a patent or any other person may request the comptroller to issue [^{F3}an opinion on a prescribed matter in relation to the patent].
- (2) Subsection (1) above applies even if the patent has expired or has been surrendered.
- (3) The comptroller shall issue an opinion if requested to do so under subsection (1) above, but shall not do so—
 - (a) in such circumstances as may be prescribed, or
 - (b) if for any reason he considers it inappropriate in all the circumstances to do so.
- (4) An opinion under this section shall not be binding for any purposes.
- (5) An opinion under this section shall be prepared by an examiner.
- (6) In relation to a decision of the comptroller whether to issue an opinion under this section—
 - (a) for the purposes of section 101 below, only the person making the request under subsection (1) above shall be regarded as a party to a proceeding before the comptroller; and
 - (b) no appeal shall lie at the instance of any other person.

Changes to legislation: Patents Act 1977, Cross Heading: Opinions by Patent Office is up to date with all changes known to be in force on or before 03 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F2** S. 74A title substituted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 16(1)**, 24(1); S.I. 2014/2330, art. 3, Sch.
- F3** Words in s. 74A(1) substituted (1.10.2014) by [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 16(1)**, 24(1); S.I. 2014/2330, art. 3, Sch.

74B Reviews of opinions under section 74A

- (1) Rules may make provision for a review before the comptroller, on an application by the proprietor or an exclusive licensee of the patent in question, of an opinion under section 74A above.
- (2) The rules may, in particular—
- (a) prescribe the circumstances in which, and the period within which, an application may be made;
 - (b) provide that, in prescribed circumstances, proceedings for a review may not be brought or continued where other proceedings have been brought;
 - ^{F4}(c)
 - (d) provide for there to be a right of appeal against a decision made on a review only in prescribed cases.]

Textual Amendments

- F4** S. 74B(2)(c) omitted (1.10.2014) by virtue of [Intellectual Property Act 2014 \(c. 18\)](#), **ss. 16(2)**, 24(1); S.I. 2014/2330, art. 3, Sch.

Changes to legislation:

Patents Act 1977, Cross Heading: Opinions by Patent Office is up to date with all changes known to be in force on or before 03 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 56(4)(a)(iiia) and word added by [S.I. 2006/1056 Sch. para. 2\(b\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))
- s. 63(3)(a) words in s. 63(3) renumbered as s. 63(3)(a) by [2004 c. 16 s. 2\(4\)](#) (Amendment not applied to legislation.gov.uk. S. 2(4) was repealed (29.4.2006) by S.I. 2006/1028, art. 2(4), Sch. 4)
- s. 63(3)(b) and word inserted by [2004 c. 16 s. 2\(4\)](#) (Amendment not applied to legislation.gov.uk. S. 2(4) was repealed (29.4.2006) by S.I. 2006/1028, art. 2(4), Sch. 4)