



Patents Act 1977

1977 CHAPTER 37

PART I

NEW DOMESTIC LAW

Provisions as to patents after grant

24 Publication and certificate of grant

- (1) As soon as practicable after a patent has been granted under this Act the comptroller shall publish in the journal a notice that it has been granted.
- (2) The comptroller shall, as soon as practicable after he publishes a notice under subsection (1) above, send the proprietor of the patent a certificate in the prescribed form that the patent has been granted to the proprietor.
- (3) The comptroller shall, at the same time as he publishes a notice under subsection (1) above in relation to a patent publish the specification of the patent, the names of the proprietor and (if different) the inventor and any other matters constituting or relating to the patent which in the comptroller's opinion it is desirable to publish.

25 Term of patent

- (1) A patent granted under this Act shall be treated for the purposes of the following provisions of this Act as having been granted, and shall take effect, on the date on which notice of its grant is published in the journal and, subject to subsection (3) below, shall continue in force until the end of the period of 20 years beginning with the date of filing the application for the patent or with such other date as may be prescribed.
- (2) A rule prescribing any such other date under this section shall not be made unless a draft of the rule has been laid before, and approved by resolution of, each House of Parliament.
- (3) A patent shall cease to have effect at the end of the period prescribed for the payment of any renewal fee if it is not paid within that period.

Status: This is the original version (as it was originally enacted).

- (4) If during the period of six months immediately following the end of the prescribed period the renewal fee and any prescribed additional fee are paid, the patent shall be treated for the purposes of this Act as if it had never expired, and accordingly—
- (a) anything done under or in relation to it during that further period shall be valid ;
 - (b) an act which would constitute an infringement of it if it had not expired shall constitute such an infringement ; and
 - (c) an act which would constitute the use of the patented invention for the services of the Crown if the patent had not expired shall constitute that use.
- (5) Rules shall include provision requiring the comptroller to notify the registered proprietor of a patent that a renewal fee has not been received from him in the Patent Office before the end of the prescribed period and before the framing of the notification.

26 Patent not to be impugned for lack of unity

No person may in any proceeding object to a patent or to an amendment of a specification of a patent on the ground that the claims contained in the specification of the patent, as they stand or, as the case may be, as proposed to be amended, relate—

- (a) to more than one invention, or
- (b) to a group of inventions which are not so linked as to form a single inventive concept.

27 General power to amend specification after grant

- (1) Subject to the following provisions of this section and to section 76 below, the comptroller may, on an application made by the proprietor of a patent, allow the specification of the patent to be amended subject to such conditions, if any, as he thinks fit.
- (2) No such amendment shall be allowed under this section where there are pending before the court or the comptroller proceedings in which the validity of the patent may be put in issue.
- (3) An amendment of a specification of a patent under this section shall have effect and be deemed always to have had effect from the grant of the patent.
- (4) The comptroller may, without an application being made to him for the purpose, amend the specification of a patent so as to acknowledge a registered trade-mark.
- (5) A person may give notice to the comptroller of his opposition to an application under this section by the proprietor of a patent, and if he does so the comptroller shall notify the proprietor and consider the opposition in deciding whether to grant the application.

28 Restoration of lapsed patents

- (1) Where a patent has ceased to have effect by reason of a failure to pay any renewal fee within the prescribed period, an application for the restoration of the patent may be made to the comptroller under this section within one year from the date on which the patent ceased to have effect.

- (2) An application under this section may be made by the person who was the proprietor of the patent or by any other person who would have been entitled to the patent if it had not ceased to have effect; and where the patent was held by two or more persons jointly, the application may, with the leave of the comptroller, be made by one or more of them without joining the others.
- (3) If the comptroller is satisfied that—
 - (a) the proprietor of the patent took reasonable care to see that any renewal fee was paid within the prescribed period or that that fee and any prescribed additional fee were paid within the six months immediately following the end of that period, and
 - (b) those fees were not so paid because of circumstances beyond his control,the comptroller shall by order restore the patent on payment of any unpaid renewal fee and any prescribed additional fee.
- (4) An order under this section may be made subject to such conditions as the comptroller thinks fit (including a condition requiring compliance with any provisions of the rules relating to registration which have not been complied with), and if the proprietor of the patent does not comply with any condition of such an order the comptroller may revoke the order and give such directions consequential on the revocation as he thinks fit.
- (5) Where an order is made under this section and, between the end of the period of six months beginning with the date when the patent concerned ceased to have effect and the date of the application under this section,—
 - (a) a person continued to do or did again an act which would have constituted an infringement of the patent if it had not expired and which he first did before the end of that period, that act shall constitute such an infringement; or
 - (b) a person began in good faith to do an act which would constitute an infringement of the patent if it had been in force or made in good faith effective and serious preparations to do such an act, he shall, after the order comes into force, have the rights conferred by subsection (6) below.
- (6) Any such person shall have the right—
 - (a) to continue to do or, as the case may be, to do that act himself; and
 - (b) if it was done or preparations had been made to do it in the course of a business, to assign the right to do it or to transmit that right on his death or, in the case of a body corporate on its dissolution, to any person who acquires that part of the business in the course of which the act was done or preparations had been made to do it, or to authorise it to be done by any partners of his for the time being in that business;and the doing of that act by virtue of this subsection shall not amount to an infringement of the patent concerned.
- (7) The rights mentioned in subsection (6) above shall not include the right to grant a licence to any person to do an act so mentioned.
- (8) Where a patented product is disposed of by any person to another in exercise of a right conferred by subsection (6) above, that other and any other person claiming through him shall be entitled to deal with the product in the same way as if it had been disposed of by a sole registered proprietor.

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- (9) Subsections (5) to (7) above shall apply in relation to an act which would constitute the use of a patented invention for the services of the Crown if the patent had been in force as they apply in relation to an act which would constitute an infringement of the patent if it had been in force, and subsection (8) above shall apply accordingly to the disposal of a patented product in the exercise of a right conferred by subsection (6) above as applied by the foregoing provision.

29 Surrender of patents

- (1) The proprietor of a patent may at any time by notice given to the comptroller offer to surrender his patent.
- (2) A person may give notice to the comptroller of his opposition to the surrender of a patent under this section, and if he does so the comptroller shall notify the proprietor of the patent and determine the question.
- (3) If the comptroller is satisfied that the patent may properly be surrendered, he may accept the offer and, as from the date when notice of his acceptance is published in the journal, the patent shall cease to have effect, but no action for infringement shall lie in respect of any act done before that date and no right to compensation shall accrue for any use of the patented invention before that date for the services of the Crown.