



Patents Act 1977

1977 CHAPTER 37

PART II

PROVISIONS ABOUT INTERNATIONAL CONVENTIONS

Miscellaneous

91 Evidence of conventions and instruments under conventions

- (1) Judicial notice shall be taken of the following, that is to say—
 - (a) the European Patent Convention, the Community Patent Convention and the Patent Co-operation Treaty (each of which is hereafter in this section referred to as the relevant convention);
 - (b) any bulletin, journal or gazette published under the relevant convention and the register of European or Community patents kept under it; and
 - (c) any decision of, or expression of opinion by, the relevant convention court on any question arising under or in connection with the relevant convention.
- (2) Any document mentioned in subsection (1)(b) above shall be admissible as evidence of any instrument or other act thereby communicated of any convention institution.
- (3) Evidence of any instrument issued under the relevant convention by any such institution, including any judgment or order of the relevant convention court, or of any document in the custody of any such institution or reproducing in legible form any information in such custody otherwise than in legible form, or any entry in or extract from such a document, may be given in any legal proceedings by production of a copy certified as a true copy by an official of that institution; and any document purporting to be such a copy shall be received in evidence without proof of the official position or handwriting of the person signing the certificate.
- (4) Evidence of any such instrument may also be given in any legal proceedings—
 - (a) by production of a copy purporting to be printed by the Queen's Printer;

Status: This is the original version (as it was originally enacted).

- (b) where the instrument is in the custody of a government department, by production of a copy certified on behalf of the department to be a true copy by an officer of the department generally or specially authorised to do so ;
and any document purporting to be such a copy as is mentioned in paragraph (b) above of an instrument in the custody of a department shall be received in evidence without proof of the official position or handwriting of the person signing the certificate, or of his authority to do so, or of the document being in the custody of the department.
- (5) In any legal proceedings in Scotland evidence of any matter given in a manner authorised by this section shall be sufficient evidence of it.
- (6) In this section—
" convention institution " means an institution established by or having functions under the relevant convention;
" relevant convention court " does not include a court of the United Kingdom or of any other country which is a party to the relevant convention;
and
" legal proceedings ", in relation to the United Kingdom, includes proceedings before the comptroller.

92 Obtaining evidence for proceedings under the European Patent Convention

- (1) Sections 1 to 3 of the Evidence (Proceedings in Other Jurisdictions) Act 1975 (provisions enabling United Kingdom courts to assist in obtaining evidence for foreign courts) shall apply for the purpose of proceedings before a relevant convention court under the European Patent Convention as they apply for the purpose of civil proceedings in a court exercising jurisdiction in a country outside the United Kingdom
- (2) In the application of those sections by virtue of this section any reference to the High Court, the Court of Session or the High Court of Justice in Northern Ireland shall include a reference to the comptroller.
- (3) Rules under this Act may include provision—
(a) as to the manner in which an application under section 1 of the said Act of 1975 is to be made to the comptroller for the purpose of proceedings before a relevant convention court under the European Patent Convention ; and
(b) subject to the provisions of that Act, as to the circumstances in which an order can be made under section 2 of that Act on any such application.
- (4) Rules of court and rules under this Act may provide for an officer of the European Patent Office to attend the hearing of an application under section 1 of that Act before the court or the comptroller, as the case may be, and examine the witnesses or request the court or comptroller to put specified questions to the witnesses.
- (5) Section 1(4) of the Perjury Act 1911 and section 1(4) of the Perjury Act (Northern Ireland) 1946 (statements made for the purposes, among others, of judicial proceedings in a tribunal of a foreign state) shall apply in relation to proceedings before a relevant convention court under the European Patent Convention as they apply to a judicial proceeding in a tribunal of a foreign state.

93 Enforcement of orders for costs

If the European Patent Office orders the payment of costs in any proceedings before it—

- (a) in England and Wales the costs shall, if a county court so orders, be recoverable by execution issued from the county court or otherwise as if they were payable under an order of that court;
- (b) in Scotland the order may be enforced in like manner as a recorded decree arbitral.
- (c) in Northern Ireland the order may be enforced as if it were a money judgment.

94 Communication of information to the European Patent Office, etc.

It shall not be unlawful by virtue of any enactment to communicate the following information in pursuance of the European Patent Convention to the European Patent Office or the competent authority of any country which is party to the Convention, that is to say—

- (a) information in the files of the court which, in accordance with rules of court, the court authorises to be so communicated;
- (b) information in the files of the Patent Office which, in accordance with rules under this Act, the comptroller authorises to be so communicated.

95 Financial provisions

- (1) There shall be paid out of moneys provided by Parliament any sums required by any Minister of the Crown or government department to meet any financial obligation of the United Kingdom under the European Patent Convention, the Community Patent Convention or the Patent Co-operation Treaty.
- (2) Any sums received by any Minister of the Crown or government department in pursuance of either of those conventions or that treaty shall be paid into the Consolidated Fund.