

Changes to legislation: Patents Act 1977, SCHEDULE 2 is up to date with all changes known to be in force on or before 24 January 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

SCHEDULES

SCHEDULE 2

Section 127.

APPLICATION OF THIS ACT TO EXISTING PATENTS AND APPLICATIONS

- 1 (1) Without prejudice to those provisions of Schedule 4 below which apply (in certain circumstances) provisions of this Act in relation to existing patents and applications, the provisions of this Act referred to in sub-paragraph (2) below shall apply in relation to existing patents and applications on and after the appointed day subject to the following provisions of this Schedule and the provisions of Schedule 4 below.
- (2) The provisions are sections 22, 23, 25(3) to (5), 28 to 36, 44 to 54, 86, [F196], 98, 99, 101 to 105, 107 to 111, 113 to 116, 118(1) to (3), 119 to 124, 130 and 132(2), (3) and (4).

Textual Amendments

- F1** The reference to section 96 is repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

- 2 In those provisions as they apply by virtue of this Schedule—
- (a) a reference to this Act includes a reference to the 1949 Act;
 - (b) a reference to a specified provision of this Act other than one of those provisions shall be construed as a reference to the corresponding provision of the 1949 Act (any provision of that Act being treated as corresponding to a provision of this Act if it was enacted for purposes which are the same as or similar to that provision of this Act);
 - (c) a reference to rules includes a reference to rules under the 1949 Act;
 - (d) references to a patent under this Act and to an application for such a patent include respectively a reference to an existing patent and application;
 - (e) references to the grant of a patent under this Act includes a reference to the sealing and grant of an existing patent;
 - (f) a reference to a patented product and to a patented invention include respectively a reference to a product and invention patented under an existing patent;
 - (g) references to a published application for a patent under this Act, and to publication of such an application, include respectively references to a complete specification which has been published under the 1949 Act and to publication of such a specification (and a reference to an application for a patent under this Act which has not been published shall be construed accordingly);
 - (h) a reference to the publication in the journal of a notice of the grant of a patent includes a reference to the date of an existing patent;
 - (i) a reference to the priority date of an invention includes a reference to the priority date of the relevant claim of the complete specification.

Changes to legislation:

Patents Act 1977, SCHEDULE 2 is up to date with all changes known to be in force on or before 24 January 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.

[View outstanding changes](#)

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)