



# Patents Act 1977

## 1977 CHAPTER 37

### PART I

#### NEW DOMESTIC LAW

##### *Patentability*

#### **1 Patentable inventions.**

- (1) A patent may be granted only for an invention in respect of which the following conditions are satisfied, that is to say—
- (a) the invention is new;
  - (b) it involves an inventive step;
  - (c) it is capable of industrial application;
  - (d) the grant of a patent for it is not excluded by subsections (2) and (3) [<sup>F1</sup> or section 4A] below;

and references in this Act to a patentable invention shall be construed accordingly.

- (2) It is hereby declared that the following (among other things) are not inventions for the purposes of this Act, that is to say, anything which consists of—
- (a) a discovery, scientific theory or mathematical method;
  - (b) a literary, dramatic, musical or artistic work or any other aesthetic creation whatsoever;
  - (c) a scheme, rule or method for performing a mental act, playing a game or doing business, or a program for a computer;
  - (d) the presentation of information;

but the foregoing provision shall prevent anything from being treated as an invention for the purposes of this Act only to the extent that a patent or application for a patent relates to that thing as such.

- [<sup>F2</sup>(3) A patent shall not be granted for an invention the commercial exploitation of which would be contrary to public policy or morality.

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*Changes to legislation: Patents Act 1977, Section 1 is up to date with all changes known to be in force on or before 18 July 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*

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- (4) For the purposes of subsection (3) above exploitation shall not be regarded as contrary to public policy or morality only because it is prohibited by any law in force in the United Kingdom or any part of it.]
- (5) The Secretary of State may by order vary the provisions of subsection (2) above for the purpose of maintaining them in conformity with developments in science and technology; and no such order shall be made unless a draft of the order has been laid before, and approved by resolution of, each House of Parliament.

#### Textual Amendments

- F1** Words in s. 1(1)(d) inserted (13.12.2007) by [Patents Act 2004 \(c. 16\)](#), s. 17(1), [Sch. 2 para. 2](#); [S.I. 2007/3396, art. 2\(1\)](#)
- F2** S. 1(3)(4) substituted (28.7.2000) by [S.I. 2000/2037, reg. 3](#)

**Changes to legislation:**

Patents Act 1977, Section 1 is up to date with all changes known to be in force on or before 18 July 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)