



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 Patentable respect of which the following conditions are satisfied, that is to inventions, say—
- the invention is new;
 - it involves an inventive step ;
 - it is capable of industrial application ;
 - the grant of a patent for it is not excluded by subsections (2) and (3) 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 discovery, scientific theory or mathematical method ;
 - a literary, dramatic, musical or artistic work or any other aesthetic creation whatsoever;
 - a scheme, rule or method for performing a mental act, playing a game or doing business, or a program for a computer;
 - 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.
- (3) A patent shall not be granted—
- for an invention the publication or exploitation of which would be generally expected to encourage offensive, immoral or anti-social behaviour ;

Status: This is the original version (as it was originally enacted).

- (b) for any variety of animal or plant or any essentially biological process for the production of animals or plants, not being a micro-biological process or the product of such a process.
- (4) For the purposes of subsection (3) above behaviour shall not be regarded as offensive, immoral or anti-social 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.