



# Patents Act 1977

## 1977 CHAPTER 37

### PART I

#### NEW DOMESTIC LAW

##### *Revocation of patents*

#### **73      Comptroller's power to revoke patents on his own initiative**

- (1) If it appears to the comptroller that an invention for which a patent has been granted formed part of the state of the art by virtue only of section 2(3) above, he may on his own initiative by order revoke the patent, but shall not do so without giving the proprietor of the patent an opportunity of making any observations and of amending the specification of the patent so as to exclude any matter which formed part of the state of the art as aforesaid without contravening section 76 below.
- (2) If it appears to the comptroller that a patent under this Act and a European patent (UK) have been granted for the same invention having the same priority date and that the applications for both patents were filed by the same applicant or his successor in title, the comptroller may, on his own initiative but only after the relevant date, consider whether to revoke the patent granted under this Act and may, after giving the proprietor of the patent an opportunity of making any observations and of amending the specification of the patent, revoke the patent.
- (3) In this section " the relevant date " means whichever of the following dates is relevant, that is to say—
  - (a) the date on which the period for filing an opposition to the patent under the European Patent Convention expires without an opposition being filed ;
  - (b) the date when any opposition proceedings under that convention are finally disposed of by a decision to maintain the European patent;
  - (c) if later than either of the foregoing dates, the date when the patent under this Act is granted.