



# Patents Act 1977

## 1977 CHAPTER 37

### PART II

#### PROVISIONS ABOUT INTERNATIONAL CONVENTIONS

##### *International applications for patents*

#### **[<sup>F1</sup>89A International and national phases of application.**

- (1) The provisions of the Patent Co-operation Treaty relating to publication, search, examination and amendment, and not those of this Act, apply to an international application for a patent (UK) during the international phase of the application.
- (2) The international phase of the application means the period from the filing of the application in accordance with the Treaty until the national phase of the application begins.
- (3) The national phase of the application begins—
  - (a) when the prescribed period expires, provided any necessary translation of the application into English has been filed at the Patent Office and the prescribed fee has been paid by the applicant; or
  - (b) on the applicant expressly requesting the comptroller to proceed earlier with the national phase of the application, filing at the Patent Office—
    - (i) a copy of the application, if none has yet been sent to the Patent Office in accordance with the Treaty, and
    - (ii) any necessary translation of the application into English, and paying the prescribed fee.

For this purpose a “copy of the application” includes a copy published in accordance with the Treaty in a language other than that in which it was originally filed.
- (4) If the prescribed period expires without the conditions mentioned in subsection (3)(a) being satisfied, the application shall be taken to be withdrawn.

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*Changes to legislation: Patents Act 1977, Section 89A is up to date with all changes known to be in force on or before 08 February 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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- (5) Where during the international phase the application is amended in accordance with the Treaty, the amendment shall be treated as made under this Act if—
- (a) when the prescribed period expires, any necessary translation of the amendment into English has been filed at the Patent Office, or
  - (b) where the applicant expressly requests the comptroller to proceed earlier with the national phase of the application, there is then filed at the Patent Office—
    - (i) a copy of the amendment, if none has yet been sent to the Patent Office in accordance with the Treaty, and
    - (ii) any necessary translation of the amendment into English;otherwise the amendment shall be disregarded.
- (6) The comptroller shall on payment of the prescribed fee publish any translation filed at the Patent Office under subsection (3) or (5) above.]

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**Textual Amendments**

- F1** Ss. 89-89B substituted for s. 89 by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 295, [Sch. 5 para. 25](#)

**Changes to legislation:**

Patents Act 1977, Section 89A is up to date with all changes known to be in force on or before 08 February 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)