



Patents Act 2004

CHAPTER 16

PATENTS ACT 2004

Amendments of the 1977 Act relating to international obligations

- 1 Methods of treatment or diagnosis
- 2 Amendment of patents after grant
- 3 Relief for partially valid patent
- 4 Revocation
- 5 Further amendments relating to international obligations

Other amendments of the 1977 Act

- 6 Remedies in entitlement proceedings
- 7 Restrictions on applications abroad by United Kingdom residents
- 8 Term of patent and periods allowed for payment of renewal fees
- 9 Co-ownership
- 10 Compensation of employees for certain inventions
- 11 Enforcement of damages
- 12 Threats of infringement proceedings
- 13 Opinions by Patent Office as to validity or infringement
- 14 Costs and expenses in infringement proceedings etc
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Supplemental

- 16 Amendments, repeals and revocations
- 17 Commencement etc
- 18 Short title and extent

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Patents Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1 — Amendments relating to international obligations

- 1 The 1977 Act is amended as follows.
- 2 In section 77 (effect of European patent (UK)), in subsection...
- 3 (1) Section 78 (effect of filing an application for a...
- 4 In section 80 (authentic text of European patents and patent...
- 5 (1) Section 81 (conversion of European patent applications) is amended...
- 6 Sections 86 and 87 (implementation of Community Patent Convention and...
- 7 Section 89(4) (circumstances in which application treated as an international...
- 8 In section 89B(2) (adaptation of provisions in relation to international...
- 9 (1) Section 130 (interpretation) is amended as follows.

SCHEDULE 2 — Minor and consequential amendments

- 1 (1) The 1977 Act is amended as follows.
- 2 In section 1 (patentable inventions), in subsection (1)(d), after “subsections...
- 3 In section 2 (novelty), subsection (6) is omitted.
- 4 In section 4 (industrial application)— (a) in subsection (1), “Subject...
- 5 In section 12 (reference before grant of foreign or convention...
- 6 In section 16(1) (publication of application), after “section 22 below”...
- 7 In section 20B (inserted by the Regulatory Reform Order) (effect...
- 8 (1) Section 22 (information prejudicial to defence of realm or...
- 9 In section 24 (publication and certificate of grant), after subsection...
- 10 (1) Section 38 (effect of transfer of patent under section...
- 11 In section 41(10) (method of enforcing in Scotland certain orders...
- 12 Section 53(1) (compulsory licences: Community Patent Convention) is omitted.
- 13 Section 60(4) (meaning of infringement: Community Patent Convention) is omitted....
- 14 In section 61 (proceedings for infringement of patent), in subsection...
- 15 In section 62(2) (discretion to refuse damages etc for infringement...
- 16 In section 63 (relief for infringement of partially valid patent),...
- 17 In section 70 (remedy for groundless threats of infringement proceedings),...
- 18 In section 72(1) (power to revoke patents on application), “on...
- 19 In section 75 (amendment of patent in infringement or revocation...
- 20 In section 91(1) (evidence relating to the conventions: judicial notice),...
- 21 In section 95 (financial provision)— (a) in subsection (1), “the...
- 22 In sections 103 and 105 (legal privilege), in the definition...
- 23 In section 117A (inserted by the Regulatory Reform Order) (effect...
- 24 (1) Section 120 (hours of business and excluded days) is...
- 25 In section 121 (comptroller’s annual report)— (a) for “1st June”...
- 26 (1) Section 123 (rules) is amended as follows.
- 27 In section 130(1) (interpretation)— (a) the definition of “Community patent”...
- 28 In section 131 (Northern Ireland), at the end there is...

SCHEDULE 3 — Repeals

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Patents Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- s. 1 coming into force by [S.I. 2007/3396 art. 2\(a\)](#)
- s. 2(1) coming into force by [S.I. 2007/3396 art. 2\(b\)](#)
- s. 2(2) coming into force by [S.I. 2007/3396 art. 2\(c\)](#)
- s. 2(3)(4) repealed by [S.I. 2006/1028 Sch. 4](#)
- s. 2(5) coming into force by [S.I. 2007/3396 art. 2\(d\)](#)
- s. 3 coming into force by [S.I. 2007/3396 art. 2\(e\)\(f\)](#)
- s. 4 coming into force by [S.I. 2007/3396 art. 2\(e\)\(f\)](#)
- s. 5 Coming into force by [S.I. 2004/3205 art. 2](#) (commencement order for 2004 c. 16)
- s. 5 coming into force by [S.I. 2007/3396 art. 2\(g\)](#)
- s. 6 Coming into force by [S.I. 2004/3205 art. 2](#) (commencement order for 2004 c. 16)
- s. 7 Coming into force by [S.I. 2004/3205 art. 2](#) (commencement order for 2004 c. 16)
- s. 8 coming into force by [S.I. 2005/2471 art. 2\(a\)](#)
- s. 9 coming into force by [S.I. 2005/2471 art. 2\(b\)](#)
- s. 10-12 Coming into force by [S.I. 2004/3205 art. 2](#) (commencement order for 2004 c. 16)
- s. 13 coming into force by [S.I. 2005/2471 art. 2\(c\)](#)
- s. 14 Coming into force by [S.I. 2004/3205 art. 2](#) (commencement order for 2004 c. 16)
- s. 15 coming into force by [S.I. 2005/2471 art. 2\(d\)](#)
- s. 16(1) Coming into force by [S.I. 2004/3205 art. 2](#) (commencement order for 2004 c. 16)
- s. 16(1) coming into force by [S.I. 2005/2471 art. 2\(e\)](#)
- s. 16(1) coming into force by [S.I. 2007/3396 art. 2\(h\)](#)
- s. 16(2) Coming into force by [S.I. 2004/3205 art. 2](#) (commencement order for 2004 c. 16)
- s. 16(2) coming into force by [S.I. 2005/2471 art. 2\(f\)](#)
- s. 16(2) coming into force by [S.I. 2007/3396 art. 2\(i\)](#)
- s. 16(3) Coming into force by [S.I. 2004/3205 art. 2](#) (commencement order for 2004 c. 16)
- Sch. 1 para. 1 Coming into force by [S.I. 2004/3205 art. 2](#) (commencement order for 2004 c. 16)
- Sch. 1 para. 6 Coming into force by [S.I. 2004/3205 art. 2](#) (commencement order for 2004 c. 16)
- Sch. 1 para. 7 Coming into force by [S.I. 2004/3205 art. 2](#) (commencement order for 2004 c. 16)
- Sch. 1 para. 8 Coming into force by [S.I. 2004/3205 art. 2](#) (commencement order for 2004 c. 16)
- Sch. 1 para. 9(1) Coming into force by [S.I. 2004/3205 art. 2](#) (commencement order for 2004 c. 16)
- Sch. 1 para. 9(2)(a) Coming into force by [S.I. 2004/3205 art. 2](#) (commencement order for 2004 c. 16)
- Sch. 1 para. 9(2)(b) Coming into force by [S.I. 2004/3205 art. 2](#) (commencement order for 2004 c. 16)
- Sch. 1 para. 9(3) Coming into force by [S.I. 2004/3205 art. 2](#) (commencement order for 2004 c. 16)
- Sch. 1 para. 2 coming into force by [S.I. 2007/3396 art. 2\(j\)](#)
- Sch. 1 para. 3 coming into force by [S.I. 2007/3396 art. 2\(j\)](#)
- Sch. 1 para. 4 coming into force by [S.I. 2007/3396 art. 2\(j\)](#)

- Sch. 1 para. 5 coming into force by S.I. 2007/3396 art. 2(j)
- Sch. 1 para. 9(2)(b) coming into force by S.I. 2007/3396 art. 2(k)
- Sch. 1 para. 9(4) coming into force by S.I. 2007/3396 art. 2(j)
- Sch. 2 para. 1 Coming into force by S.I. 2004/3205 art. 2 (commencement order for 2004 c. 16)
- Sch. 2 para. 5 Coming into force by S.I. 2004/3205 art. 2 (commencement order for 2004 c. 16)
- Sch. 2 para. 8 Coming into force by S.I. 2004/3205 art. 2 (commencement order for 2004 c. 16)
- Sch. 2 para. 10-14 Coming into force by S.I. 2004/3205 art. 2 (commencement order for 2004 c. 16)
- Sch. 2 para. 16 Coming into force by S.I. 2004/3205 art. 2 (commencement order for 2004 c. 16)
- Sch. 2 para. 17 Coming into force by S.I. 2004/3205 art. 2 (commencement order for 2004 c. 16)
- Sch. 2 para. 19 Coming into force by S.I. 2004/3205 art. 2 (commencement order for 2004 c. 16)
- Sch. 2 para. 20-22 Coming into force by S.I. 2004/3205 art. 2 (commencement order for 2004 c. 16)
- Sch. 2 para. 25 Coming into force by S.I. 2004/3205 art. 2 (commencement order for 2004 c. 16)
- Sch. 2 para. 27 Coming into force by S.I. 2004/3205 art. 2 (commencement order for 2004 c. 16)
- Sch. 2 para. 28 Coming into force by S.I. 2004/3205 art. 2 (commencement order for 2004 c. 16)
- Sch. 2 para. 6 coming into force by S.I. 2005/2471 art. 2(g)
- Sch. 2 para. 9 coming into force by S.I. 2005/2471 art. 2(g)
- Sch. 2 para. 15 coming into force by S.I. 2005/2471 art. 2(g)
- Sch. 2 para. 18 coming into force by S.I. 2005/2471 art. 2(g)
- Sch. 2 para. 26(2) coming into force by S.I. 2005/2471 art. 2(g)
- Sch. 2 para. 2 coming into force by S.I. 2007/3396 art. 2(l)
- Sch. 2 para. 3 coming into force by S.I. 2007/3396 art. 2(l)
- Sch. 2 para. 4 coming into force by S.I. 2007/3396 art. 2(l)
- Sch. 3 Coming into force by S.I. 2004/3205 art. 2 (commencement order for 2004 c. 16)
- Sch. 3 coming into force by S.I. 2005/2471 art. 2(g)
- Sch. 3 coming into force by S.I. 2007/3396 art. 2(i)

Commencement Orders yet to be applied to the Patents Act 2004:

Commencement Orders bringing provisions within this Act into force:

- S.I. 2004/2177 art. 2 commences (2004 c. 16)
- S.I. 2004/3205 art. 2 commences (2004 c. 16)
- S.I. 2005/2471 art. 2 commences (2004 c. 16)
- S.I. 2007/3396 art. 2 commences (2004 c. 16)