



# Patents Act 2004

## 2004 CHAPTER 16

### *Amendments of the 1977 Act relating to international obligations*

#### **2 Amendment of patents after grant**

(1) In section 27 of the 1977 Act (general power to amend after grant), after subsection (5) there is inserted—

“(6) In considering whether or not to allow an application under this section, the comptroller shall have regard to any relevant principles applicable under the European Patent Convention.”

(2) In section 58 of that Act (references of disputes as to Crown use)—

(a) in subsection (6), after “satisfied that” there is inserted “(a)” and at the end there is inserted “and

(b) the relief is sought in good faith”;

(b) in subsection (8), after “proves that” there is inserted “(a)” and after “knowledge, and” there is inserted—

“(b) the relief is sought in good faith,

and”.

<sup>F1</sup>(3) .....

<sup>F1</sup>(4) .....

(5) In section 75 of that Act (amendment in infringement or revocation proceedings), after subsection (4) there is inserted—

“(5) In considering whether or not to allow an amendment proposed under this section, the court or the comptroller shall have regard to any relevant principles applicable under the European Patent Convention.”

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*Status: Point in time view as at 13/12/2007.*

*Changes to legislation: There are currently no known outstanding effects  
for the Patents Act 2004, Section 2. (See end of Document for details)*

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#### **Textual Amendments**

- F1** S. 2(3)(4) repealed (29.4.2006) by [Intellectual Property \(Enforcement, etc\) Regulations 2006 \(S.I. 2006/1028\)](#), art. 1, [Sch. 4](#)
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#### **Commencement Information**

- I1** S. 2(1) in force at 13.12.2007 by [S.I. 2007/3396](#), [art. 2\(b\)](#)  
**I2** S. 2(2) in force at 13.12.2007 by [S.I. 2007/3396](#), [art. 2\(c\)](#)  
**I3** S. 2(5) in force at 13.12.2007 by [S.I. 2007/3396](#), [art. 2\(d\)](#)

**Status:**

Point in time view as at 13/12/2007.

**Changes to legislation:**

There are currently no known outstanding effects for the Patents Act 2004, Section 2.