



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”.

- (3) In section 62 of that Act (restrictions on recovery of damages for infringement), in subsection (3), after “satisfied that” there is inserted “(a)” and at the end there is inserted “and

(b) the proceedings are brought in good faith.”

- (4) In section 63 of that Act (relief for infringement of partially valid patent), in subsection (2), after “proves that” there is inserted “(a)” and after “knowledge, and” there is inserted—

“(b) the proceedings are brought in good faith,

and”.

Status: This is the original version (as it was originally enacted).

(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.”