
STATUTORY INSTRUMENTS

1997 No. 64

PATENTS

The Patents (Supplementary Protection Certificates) Rules 1997

Made - - - - - *16th January 1997*

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Coming into force *8th February 1997*

**THE PATENTS (SUPPLEMENTARY
PROTECTION CERTIFICATES) RULES 1997**

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Signature

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SCHEDULE 1 —

PART 1 — COUNCIL REGULATION (EEC) NO. 1768/92 OF 18TH JUNE
1992 CONCERNING THE CREATION OF A SUPPLEMENTARY
PROTECTION CERTIFICATE FOR MEDICINAL PRODUCTS

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ARTICLE 20

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FINAL PROVISION

ARTICLE 23

Entry into force

PART 2 — REGULATION (EC) No 1610/96 OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL of 23 July
1996 concerning the creation of a supplementary protection
certificate for plant protection products

The European Parliament and The Council of The European Union

Article 1

Definitions

1. Definitions
2. “substances”: chemical elements and their compounds, as they occur naturally...
3. “active substances”: substances or micro-organisms including viruses, having general or...
4. “preparations”: mixtures or solutions composed of two more substances, of...
5. “plants”: live plants and live parts of plants, including fresh...
6. “plant products”: products in the unprocessed state or having undergone...
7. “harmful organisms”: pests of plants or plant products belonging to...
8. “product”: the active substance as defined in point 3 or...
9. “basic patent”: a patent which protects a product as defined...
10. “certificate”: the supplementary protection certificate.

Article 2

Scope

Article 3

1. Conditions for obtaining a certificate
2. The holder of more than one patent for the same...

Article 4

Subject-matter of protection

Article 5

Effects of the certificate

Article 6

Entitlement to the certificate

Article 7

1. Application for a certificate
2. Notwithstanding paragraph 1, where the authorization to place the product...

Article 8

1. Content of the application for a certificate
2. Member States may require a fee to be payable upon...

Article 9

1. Lodging of an application for a certificate
2. Notification of the application for a certificate shall be published...

Article 10

1. Grant of the certificate or rejection of the application
2. The authority referred to in Article 9(1) shall, subject to...
3. Where the application for a certificate does not meet the...
4. If the irregularity is not rectified or the fee is...
5. Member States may provide that the authority referred to in...

Article 11

1. Publication
2. Notification of the fact that the application for a certificate...

Article 12

Annual fees

Article 13

1. Duration of the certificate
2. Notwithstanding paragraph 1, the duration of the certificate may not...
3. For the purposes of calculating the duration of the certificate,...

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Article 14

Expiry of the certificate

Article 15

1. Invalidity of the certificate
2. Any person may submit an application or bring an action...

Article 16

Notification of lapse or invalidity

Article 17

1. Appeals
2. The decision to grant the certificate shall be open to...

Article 18

1. Procedure
2. Notwithstanding paragraph 1, the procedure for opposition to the granting...

TRANSITIONAL PROVISIONS

Article 19

1. Any product which, on the date on which this Regulation...
2. An application made under paragraph 1 for a certificate shall...

Article 20

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Article 21

Entry into force

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SCHEDULE 3 — CERTIFICATE

PART 1

PART 2

SCHEDULE 4 — FEES

Explanatory Note