
STATUTORY INSTRUMENTS

2002 No. 247

**The Patents and Plant Variety Rights
(Compulsory Licensing) Regulations 2002**

PART IV

APPEALS AND GENERAL PROVISIONS

Application of 1977 and 1997 Acts

- 26.**—(1) Subject to paragraphs (2) and (3), the provisions of the 1977 Act in respect of—
- (a) proceedings before the Comptroller General of Patents,
 - (b) decisions of the Comptroller General of Patents including orders for grant of compulsory licences,
 - (c) legal proceedings in respect of appeals from the Comptroller General of Patents, and
 - (d) other matters,

as and to the extent they relate to compulsory licences under section 48(1), shall extend and apply to and be taken to make corresponding provision in the UK in respect of proceedings before the controllers, decisions of the controllers including orders for the grant, variation and revocation, of compulsory patent licences and cross licences ordered to be granted under regulations 7(2), 7(3) and 15(3), legal proceedings in respect of appeals from the controllers and other matters related to compulsory patent licences and cross licences ordered to be granted under regulations 7(2), 7(3) and 15(3) arising under these Regulations.

(2) An application for a licence under regulation 3(1) is additional to any application an applicant may make under section 48 of the 1977 Act but the provisions of sections 48, 48A, 48B, 49, 50 and 52 do not extend and apply to and shall not be taken to make corresponding provision in respect of compulsory patent licences and cross licences ordered to be granted under these Regulations.

(3) For the purposes of paragraph (1), the provisions of the 1977 Act shall have effect as if a reference to the Comptroller General of Patents were to the controllers, other than in relation to applications under regulations 15(1), 16(3) and 16(4), and with any other necessary modifications.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Patents and Plant Variety Rights (Compulsory Licensing) Regulations 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations. [View outstanding changes](#)

Changes and effects yet to be applied to :

- reg. 26(1) words substituted by [S.I. 2019/801 reg. 16\(2\)](#)
- reg. 26(3) words substituted by [S.I. 2019/801 reg. 16\(3\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)