
STATUTORY INSTRUMENTS

2004 No. 2357

The Regulatory Reform (Patents) Order 2004

Amendment of the Patents Act 1977

13.—(1) Section 76 of that Act (amendments of applications and patents not to include added matter) shall be amended as follows.

(2) In subsection (1) for the words “section 15(4)” there shall be substituted “section 15(9)”.

(3) After subsection (1) there shall be inserted—

“(1A) Where, in relation to an application for a patent—

(a) a reference to an earlier relevant application has been filed as mentioned in section 15(1)(c)(ii) above; and

(b) the description filed under section 15(10)(b)(i) above discloses additional matter, that is, matter extending beyond that disclosed in the earlier relevant application,

the application shall not be allowed to proceed unless it is amended so as to exclude the additional matter.”.

(4) In subsection (2) for the words “section 17(3)” there shall be substituted “section 15A(6)”.

(5) After subsection (3) there shall be inserted—

“(4) In subsection (1A) above “relevant application” has the meaning given by section 5(5) above.”.