
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules implement Article 1(1) of the Agreement on the application of Article 65 of the Convention on the Grant of European Patents made in London on 17th October 2000 (“the London Agreement”). The London Agreement is published as Cm 5247 Miscellaneous Series No. 9 (2001).

Currently, Article 65(1) of the Convention on the Grant of European Patents made in Munich in 1973 (“EPC”) allows an EPC contracting state to impose a requirement on a proprietor of a European patent to file a translation of the patent, as granted or amended, if it is not in an official language of the state concerned. The EPC is published in Treaty Series No.16 (1982) Cmnd 8510.

Section 77(6) of the Patents Act 1977 (“the Act”) corresponds to Article 65(1) of the EPC. Section 77(6) came into force on 1st September 1987 by virtue of rule 4(1) of the Patents (Amendment) Rules 1987 (S.I.1987/288).

Where the European Patent Office (“EPO”) publishes a specification of a European patent (UK) in French or German, section 77(6) of the Act requires a translation into English of such specification to be filed at the Patent Office, within three months of the date of publication, before the European patent (UK) can have effect in the United Kingdom. The same applies to any amendment made in French or German to such specification. Before the specification as amended can have effect in the United Kingdom, within three months of the date of its publication, a translation of it into English must be filed at the Patent Office.

The London Agreement (Article 1(1)) provides that any state having an official language in common with one of the official languages of the EPO (namely English, French or German) must dispense with translations under Article 65(1) of the EPC.

By virtue of these Rules, section 77(6) of the Act ceases to have effect on the day the London Agreement comes into force.