

## EXPLANATORY MEMORANDUM TO

### THE PATENTS (ISLE OF MAN) (AMENDMENT) ORDER 2016

2016 No. 559

#### 1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Intellectual Property Office, an Executive Agency of the Department of Business, Innovation and Skills, and is laid before Parliament by Command of Her Majesty.

#### 2. Purpose of the instrument

- 2.1 The purpose of this Order is to ensure that the Patents Act 1977, in its application to the Isle of Man, operates in a way which is in line with the Patents Act 1977 as it applies in the UK.

#### 3. Matters of special interest to Parliament

##### *Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

##### *Other matters of interest to the House of Commons*

- 3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

#### 4. Legislative Context

- 4.1 This Order is made under sections 124(3) and 132(2) of the Patents Act 1977 to modify the Patents (Isle of Man) Order 2013 (S.I. 2013/2602) and thereby the Patents Act 1977 as it applies to the Isle of Man.

#### 5. Extent and Territorial Application

- 5.1 The extent of this instrument is the Isle of Man.  
5.2 The territorial application of this instrument is to the Isle of Man.

#### 6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

#### 7. Policy background

##### *What is being done and why*

- 7.1 The Patents Act 1977 sets out the legal framework governing patents and patent applications in the UK. The Isle of Man does not have its own register of patents, but the Patents Act 1977 (of Parliament) extends to the Isle of Man and so patents granted in the UK extend to the Isle of Man. The Patents Act 1977 was previously modified in

its application to the Isle of Man by the Patents (Isle of Man) Order 2013 (S.I. 2013/2602).

- 7.2 This Order makes further modifications to the Patents Act 1977 in its application to the Isle of Man to take account of amendments to the Patents Act 1977 made since the Patents (Isle of Man) Order 2013. These modifications correspond to the amendments made to the Patents Act 1977 (as it has effect in the United Kingdom) by the Copyright (Public Administration) Regulations 2014 (S.I. 2014/1385) and Patents (Supplementary Protection Certificates) Regulations 2014 (S.I. 2014/2411).
- 7.3 Section 92(5) of the Patents Act 1977 refers to the Perjury Act 1911 (an Act of Parliament) which does not apply to the Isle of Man. This Order therefore also makes an additional modification to the Patents Act 1977, in its application to the Isle of Man, to make reference to the relevant Isle of Man legislation (the Perjury Act 1952 (an Act of Tynwald)).
- 7.4 The above are small technical changes which can only be addressed through legislation.

#### ***Consolidation***

- 7.5 There are no plans to consolidate the Patents (Isle of Man) Order 2013.

### **8. Consultation outcome**

- 8.1 A formal consultation was not carried out because no impact on business, charities, voluntary bodies or the public sector is foreseen. The Isle of Man authorities have been consulted.

### **9. Guidance**

- 9.1 There are no plans to provide specific guidance on these changes.

### **10. Impact**

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 There is no impact on the public sector.
- 10.3 An Impact Assessment has not been prepared for this instrument. The Order makes small technical updates to the Patents Act 1977 as it applies to the Isle of Man and therefore no impact is foreseen.

### **11. Regulating small business**

- 11.1 The legislation applies to activities that are undertaken by small businesses.
- 11.2 No specific measures have been put in place to limit the impact of this legislation on small business because, as explained in paragraphs 10.1 and 10.3, no impact on businesses (of any size) is foreseen.

### **12. Monitoring & review**

- 12.1 The review and updating of Orders in Council in relation to intellectual property is continuous.

### **13. Contact**

- 13.1 Sarah Whitehead at the Intellectual Property Office, an executive agency of the Department of Business, Innovation and Skills, Telephone: 01633 813751 or email: [Sarah.whitehead@ipo.gov.uk](mailto:Sarah.whitehead@ipo.gov.uk) can answer any queries regarding the instrument.