



Patents Act 1977

CHAPTER 37

PATENTS ACT 1977

PART I

NEW DOMESTIC LAW

Patentability

- 1 Patentable inventions.
- 2 Novelty.
- 3 Inventive step.
- 4 Industrial application.
- 5 Priority date.
- 6 Disclosure of matter, etc., between earlier and later applications.

Right to apply for and obtain a patent and be mentioned as inventor

- 7 Right to apply for and obtain a patent.
- 8 Determination before grant of questions about entitlement to patents, etc.
- 9 Determination after grant of questions referred before grant.
- 10 Handling of application by joint applicants.
- 11 Effect of transfer of application under s. 8 or 10.
- 12 Determination of questions about entitlement to foreign and convention patents, etc.
- 13 Mention of inventor.

Applications

- 14 Making of application.
- 15 Date of filing application.
- 16 Publication of application.

Status: Point in time view as at 29/07/1999.

Changes to legislation: Patents Act 1977 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Examination and search

- 17 Preliminary examination and search.
- 18 Substantive examination and grant or refusal of patent.
- 19 General power to amend application before grant.
- 20 Failure of application.
- 21 Observations by third party on patentability.

Security and safety

- 22 Information prejudicial to defence of realm or safety of public.
- 23 Restrictions on applications abroad by United Kingdom residents.

Provisions as to patents after grant

- 24 Publication and certificate of grant.
- 25 Term of patent.
- 26 Patent not to be impugned for lack of unity.
- 27 General power to amend specification after grant.
- 28 Restoration of lapsed patents.
- 28A Effect of order for restoration of patent.
- 29 Surrender of patents.

Property in patents and applications, and registration

- 30 Nature of, and transactions in, patents and applications for patents.
- 31 Nature of, and transactions in, patents and applications for patents in Scotland.
- 32 Register of patents etc.
- 33 Effect of registration, etc., on rights in patents.
- 34 Rectification of register.
- 35
- 36 Co-ownership of patents and applications for patents.
- 37 Determination of right to patent after grant.
- 38 Effect of transfer of patent under s. 37.

Employees' inventions

- 39 Right to employees' inventions.
- 40 Compensation of employees for certain inventions.
- 41 Amount of compensation.
- 42 Enforceability of contracts relating to employees' inventions.
- 43 Supplementary.

Contracts as to patented products, etc.

- 44 Avoidance of certain restrictive conditions.
- 45 Determination of parts of certain contracts.

Licences of right and compulsory licences

- 46 Patentee's application for entry in register that licences are available as of right.
- 47 Cancellation of entry made under s. 46.
- 48 Compulsory licences: general.
- 48A Compulsory licences: WTO proprietors.

Status: Point in time view as at 29/07/1999.

Changes to legislation: Patents Act 1977 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 48B Compulsory licences: other cases.
- 49 Provisions about licences under s. 48.
- 50 Exercise of powers on applications under s. 48.
- 50A Powers exercisable following merger and market investigations
- 51 Powers exercisable in consequence of report of Monopolies and Mergers Commission.
- 52 Opposition, appeal and arbitration.
- 53 Compulsory licences; supplementary provisions.
- 54 Special provisions where patented invention is being worked abroad.

Use of patented inventions for services of the Crown

- 55 Use of patented inventions for services of the Crown.
- 56 Interpretation, etc., of provisions about Crown use.
- 57 Rights of third parties in respect of Crown use.
- 57A Compensation for loss of profit.
- 58 References of disputes as to Crown use.
- 59 Special provisions as to Crown use during emergency.

Infringement

- 60 Meaning of infringement.
- 61 Proceedings for infringement of patent.
- 62 Restrictions on recovery of damages for infringement.
- 63 Relief for infringement of partially valid patent.
- 64 Right to continue use begun before priority date.
- 65 Certificate of contested validity of patent.
- 66 Proceedings for infringement by a co-owner.
- 67 Proceedings for infringement by exclusive licensee.
- 68 Effect of non-registration on infringement proceedings.
- 69 Infringement of rights conferred by publication of application.
- 70 Remedy for groundless threats of infringement proceedings.
- 71 Declaration or declarator as to non-infringement.

Revocation of patents

- 72 Power to revoke patents on application.
- 73 Comptroller's power to revoke patents on his own initiative.

Putting validity in issue

- 74 Proceedings in which validity of patent may be put in issue.

General provisions as to amendment of patents and applications

- 75 Amendment of patent in infringement or revocation proceedings.
- 76 Amendments of applications and patents not to include added matter.
- 76A *Biotechnological inventions*

PART II

PROVISIONS ABOUT INTERNATIONAL CONVENTIONS

European patents and patent applications

- 77 Effect of European patent (UK).
- 78 Effect of filing an application for a European patent (UK).

Status: Point in time view as at 29/07/1999.

Changes to legislation: Patents Act 1977 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 79 Operation of s. 78 in relation to certain European patent applications.
- 80 Authentic text of European patents and patent applications.
- 81 Conversion of European patent applications.
- 82 Jurisdiction to determine questions as to right to a patent.
- 83 Effect of patent decisions of competent authorities of other states.
- 84
- 85

Community patents

- 86 Implementation of Community Patent Convention.
- 87 Decisions on Community Patent Convention.
- 88

International applications for patents

- 89 Effect of international application for patent.
- 89A International and national phases of application.
- 89B Adaptation of provisions in relation to international application.

Convention countries

- 90 Orders in Council as to convention countries.

Miscellaneous

- 91 Evidence of conventions and instruments under conventions.
- 92 Obtaining evidence for proceedings under the European Patent Convention.
- 93 Enforcement of orders for costs.
- 94 Communication of information to the European Patent Office, etc.
- 95 Financial provisions.

PART III

MISCELLANEOUS AND GENERAL

Legal Proceedings

- 96 The Patents Court.
- 97 Appeals from the comptroller.
- 98 Proceedings in Scotland.
- 99 General powers of the court.
- 99A Power of Patents Court to order report.
- 99B Power of Court of Session to order report.
- 100 Burden of proof in certain cases.
- 101 Exercise of comptroller's discretionary powers.
- 102 Right of audience, &c. in proceedings before comptroller.
- 102A Right of audience, &c. in proceedings on appeal from the comptroller.
- 103 Extension of privilege for communications with solicitors relating to patent proceedings.
- 104 Privilege for communications with patent agents relating to patent proceedings.
- 105 Extension of privilege in Scotland for communications relating to patent proceedings.
- 106 Costs and expenses in proceedings before the Court under s. 40.

Status: Point in time view as at 29/07/1999.

Changes to legislation: Patents Act 1977 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 107 Costs and expenses in proceedings before the comptroller.
- 108 Licences granted by order of comptroller.

Offences

- 109 Falsification of register etc.
- 110 Unauthorised claim of patent rights.
- 111 Unauthorised claim that patent has been applied for.
- 112 Misuse of title “Patent Office”.
- 113 Offences by corporations.
- 114
- 115

Immunity of department

- 116 Immunity of department as regards official acts.

Administrative provisions

- 117 Correction of errors in patents and applications.
- 118 Information about patent applications and patents, and inspection of documents.
- 119 Service by post.
- 120 Hours of business and excluded days.
- 121 Comptroller’s annual report.

Supplemental

- 122 Crown’s right to sell forfeited articles.
- 123 Rules.
- 124 Rules, regulations and orders; supplementary.
- 125 Extent of invention.
- 125A Disclosure of invention by specification: availability of samples of micro-organisms.
- 126 Stamp duty.
- 127 Existing patents and applications.
- 128 Priorities between patents and applications under 1949 Act and this Act.
- 129 Application of Act to Crown.
- 130 Interpretation.
- 131 Northern Ireland.
- 131A Scotland
- 132 Short title, extent, commencement, consequential amendments and repeals.

SCHEDULES

SCHEDULE A1 — DEROGATION FROM PATENT PROTECTION IN RESPECT OF BIOTECHNOLOGICAL INVENTIONS

- 1 Interpretation
- 2 Specified species
- 3 Liability to pay equitable remuneration
- 4 Exemption for small farmers
- 5 Information to be supplied by farmer
- 6 Information to be supplied by seed processor

Status: Point in time view as at 29/07/1999.

Changes to legislation: Patents Act 1977 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 7 Information to be supplied by relevant rights holder
- 8 Period in respect of which inquiry may be made
- 9 Restriction on movement for processing from the holding
- 10 Confidentiality
- 11 Formalities
- 12 Remedies

SCHEDULE A2 — BIOTECHNOLOGICAL INVENTIONS

- 1 An invention shall not be considered unpatentable solely on the...
- 2 Biological material which is isolated from its natural environment or...
- 3 The following are not patentable inventions— (a) the human body,...
- 4 Inventions which concern plants or animals may be patentable if...
- 5 An element isolated from the human body or otherwise produced...
- 6 The industrial application of a sequence or partial sequence of...
- 7 The protection conferred by a patent on a biological material...
- 8 The protection conferred by a patent on a process that...
- 9 The protection conferred by a patent on a product containing...
- 10 The protection referred to in paragraphs 7, 8 and 9...
- 11 In this Schedule: “essentially biological process” means a process for...

SCHEDULE 1 — Application of 1949 Act to existing patents and applications

- 1 (1) The provisions of the 1949 Act referred to in...
- 2 (1) In section 6 of the 1949 Act, at the...
- 3 (1) This paragraph and paragraph 4 below shall have effect...
- 4 (1) The term of every new existing patent under section...
- 4A (1) If the proprietor of a patent for an invention...
- 4B (1) An application under section 46(3)(a) or (b) above for...
- 5 In section 26(3) of the 1949 Act (no patent of...
- 6 Notwithstanding anything in section 32(1)(j) of the 1949 Act (ground...
- 7 (1) In section 33 of the 1949 Act (revocation of...
- 8 In section 101(1) of the 1949 Act (interpretation) there shall...

SCHEDULE 2 — Application of this Act to Existing Patents and Applications

- 1 (1) Without prejudice to those provisions of Schedule 4 below...
- 2 In those provisions as they apply by virtue of this...

SCHEDULE 3 — REPEALS OF PROVISIONS OF 1949 ACT

- 1 Subject to the provisions of Schedule 4 below, the provisions...
- 2 The provisions are:— (a) section 14 (opposition to grant of...

SCHEDULE 4 — Transitional Provisions

General

- 1 In so far as any instrument made or other thing...

Use of patented invention for services of the Crown

- 2 (1) Any question whether— (a) an act done before the...

Infringement

- 3 (1) Any question whether an act done before the appointed...

Status: Point in time view as at 29/07/1999.

Changes to legislation: Patents Act 1977 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Notice of opposition

4 (1) Where notice of opposition to the grant of a...

Secrecy

5 (1) Where directions given under section 18 of the 1949...

Revocation

6 (1) Where before the appointed day an application has been...

7 (1) This paragraph applies where an application has been made...

Licences of right and compulsory licences

8 (1) Sections 35 to 41 and 43 to 45 of...

Convention countries

9 (1) Without prejudice to paragraph 1 above, an Order in...

Appeals from court on certain petitions for revocation

10 Where the court has given judgment on a petition under...

Appeals from comptroller under continuing provisions of 1949 Act

11 (1) In this paragraph “the continuing 1949 Act provisions” means...

Appeals from comptroller under repealed provisions of 1949 Act

12 (1) This paragraph applies where an appeal to the Appeal...

Appeals from Appeal Tribunal to Court of Appeal

13 Section 87(1) of the 1949 Act shall continue to apply...

Rules

14 The power to make rules under section 123 of this...

Supplementary

15 Section 97(2) of this Act applies to—

16 In this Schedule “the old law” means the 1949 Act,...

17 For the purposes of this Schedule— (a) issue is joined...

18 (1) Nothing in the repeals made by this Act in...

SCHEDULE 5 — CONSEQUENTIAL AMENDMENTS

1, 2

3 In sections 42 and 44(1) of the Registered Designs Act...

Defence Contracts Act 1958 (c. 38)

4 In subsection (4) of section 4 of the Defence Contracts...

Administration of Justice Act 1970 (c. 31)

5 (1) In subsections (2) and (3) of section 10 of...

Status: Point in time view as at 29/07/1999.

Changes to legislation: Patents Act 1977 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Atomic Energy Authority (Weapons Group) Act 1973 (c. 4)

- 6 In section 5(2) of the Atomic Energy Authority (Weapons Group)...
- 7, 8

SCHEDULE 6 — ENACTMENTS REPEALED

Status:

Point in time view as at 29/07/1999.

Changes to legislation:

Patents Act 1977 is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.