



# Patents Act 1977

## 1977 CHAPTER 37

### PART III

#### MISCELLANEOUS AND GENERAL

##### *Legal Proceedings*

#### **103 Extension of privilege for communications with solicitors relating to patent proceedings.**

- (1) It is hereby declared that the rule of law which confers privilege from disclosure in legal proceedings in respect of communications made with a solicitor or a person acting on his behalf, or in relation to information obtained or supplied for submission to a solicitor or a person acting on his behalf, for the purpose of any pending or contemplated proceedings before a court in the United Kingdom extends to such communications so made for the purpose of any pending or contemplated—
  - (a) proceedings before the comptroller under this Act or any of the relevant conventions, or
  - (b) proceedings before the relevant convention court under any of those conventions.
- (2) In this section—
  - “legal proceedings” includes proceedings before the comptroller;
  - the references to legal proceedings and pending or contemplated proceedings include references to applications for a patent or a European patent and to international applications for a patent; and
  - “the relevant conventions” means the European Patent Convention,<sup>F1</sup> ... and the Patent Co-operation Treaty.
- (3) This section shall not extend to Scotland.

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*Changes to legislation: Patents Act 1977, Section 103 is up to date with all changes known to be in force on or before 24 January 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) View outstanding changes*

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#### **Extent Information**

**E1** S. 103 does not extend to Scotland, the Channel Islands nor the Colonies.

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#### **Textual Amendments**

**F1** Words in s. 103(2) repealed (1.1.2005) by [Patents Act 2004 \(c. 16\)](#), s. 17(1), [Sch. 2 para. 22](#), [Sch. 3](#); [S.I. 2004/3205](#), art. 2(g)(k) (with art. 9)

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#### **Modifications etc. (not altering text)**

**C1** S. 103 amended (E.W.) (1.1.1992) by [S.I. 1991/2684](#), arts. 2, 4, 5, [Sch.1](#).

**C2** [S. 103](#) applied (with modifications) (E.W.S.) (23.12.2011) by [The Legal Services Act 2007 \(Designation as a Licensing Authority\) \(No. 2\) Order 2011 \(S.I. 2011/2866\)](#), art. 1(2), [Sch. 2](#)

**Changes to legislation:**

Patents Act 1977, Section 103 is up to date with all changes known to be in force on or before 24 January 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.

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 56(4)(a)(iiia) and word added by [S.I. 2006/1056 Sch. para. 2\(b\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))
- s. 63(3)(a) words in s. 63(3) renumbered as s. 63(3)(a) by [2004 c. 16 s. 2\(4\)](#) (Amendment not applied to legislation.gov.uk. S. 2(4) was repealed (29.4.2006) by S.I. 2006/1028, art. 2(4), Sch. 4)
- s. 63(3)(b) and word inserted by [2004 c. 16 s. 2\(4\)](#) (Amendment not applied to legislation.gov.uk. S. 2(4) was repealed (29.4.2006) by S.I. 2006/1028, art. 2(4), Sch. 4)