



# Patents Act 1977

## 1977 CHAPTER 37

### PART I

#### NEW DOMESTIC LAW

##### *Security and safety*

### **23 Restrictions on applications abroad by United Kingdom residents.**

- (1) Subject to the following provisions of this section, no person resident in the United Kingdom shall, without written authority granted by the comptroller, file or cause to be filed outside the United Kingdom an application for a patent for an invention [<sup>F1</sup>if subsection (1A) below applies to that application,] unless—
- an application for a patent for the same invention has been filed in the Patent Office (whether before, on or after the appointed day) not less than six weeks before the application outside the United Kingdom; and
  - either no directions have been given under section 22 above in relation to the application in the United Kingdom or all such directions have been revoked.

[<sup>F2</sup>(1A) This subsection applies to an application if—

- the application contains information which relates to military technology or for any other reason publication of the information might be prejudicial to national security; or
  - the application contains information the publication of which might be prejudicial to the safety of the public.]
- (2) Subsection (1) above does not apply to an application for a patent for an invention for which an application for a patent has first been filed (whether before or after the appointed day) in a country outside the United Kingdom by a person resident outside the United Kingdom.
- (3) A person who files or causes to be filed an application for the grant of a patent in contravention of this section shall be liable—
- on summary conviction, to a fine not exceeding £1,000; or

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*Changes to legislation: Patents Act 1977, Section 23 is up to date with all changes known to be in force on or before 08 June 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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- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both.

[<sup>F3</sup>(3A) A person is liable under subsection (3) above only if—

- (a) he knows that filing the application, or causing it to be filed, would contravene this section; or
- (b) he is reckless as to whether filing the application, or causing it to be filed, would contravene this section.]

(4) In this section—

- (a) any reference to an application for a patent includes a reference to an application for other protection for an invention;
- (b) any reference to either kind of application is a reference to an application under this Act, under the law of any country other than the United Kingdom or under any treaty or international convention to which the United Kingdom is a party.

#### Textual Amendments

- F1** Words in s. 23(1) inserted (1.1.2005) by [Patents Act 2004 \(c. 16\)](#), **ss. 7(1)**, 17(1); S.I. 2004/3205, art. 2(c) (with [art. 9](#))
- F2** S. 23(1A) inserted (1.1.2005) by [Patents Act 2004 \(c. 16\)](#), **ss. 7(2)**, 17(1); S.I. 2004/3205, art. 2(c) (with [art. 9](#))
- F3** S. 23(3A) inserted (1.1.2005) by [Patents Act 2004 \(c. 16\)](#), **ss. 7(3)**, 17(1); S.I. 2004/3205, art. 2(c) (with [art. 9](#))

**Changes to legislation:**

Patents Act 1977, Section 23 is up to date with all changes known to be in force on or before 08 June 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)