



# Patents Act 1977

## 1977 CHAPTER 37

### PART I

#### NEW DOMESTIC LAW

##### *General provisions as to amendment of patents and applications*

#### **[<sup>F1</sup>76 Amendments of applications and patents not to include added matter.**

- (1) An application for a patent which—
- (a) is made in respect of matter disclosed in an earlier application, or in the specification of a patent which has been granted, and
  - (b) discloses additional matter, that is, matter extending beyond that disclosed in the earlier application, as filed, or the application for the patent, as filed,
- may be filed under section 8(3), 12 or 37(4) above, or as mentioned in [<sup>F2</sup>section 15(9)] above, but shall not be allowed to proceed unless it is amended so as to exclude the additional matter.

[ Where, in relation to an application for a patent—

- <sup>F3</sup>(1A) (a) a reference to an earlier relevant application has been filed as mentioned in section 15(1)(c)(ii) above; and
- (b) the description filed under section 15(10)(b)(i) above discloses additional matter, that is, matter extending beyond that disclosed in the earlier relevant application,

the application shall not be allowed to proceed unless it is amended so as to exclude the additional matter.]

- (2) No amendment of an application for a patent shall be allowed under [<sup>F4</sup>section 15A(6)], 18(3) or 19(1) if it results in the application disclosing matter extending beyond that disclosed in the application as filed.
- (3) No amendment of the specification of a patent shall be allowed under section 27(1), 73 or 75 if it—

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*Changes to legislation: Patents Act 1977, Section 76 is up to date with all changes known to be in force on or before 07 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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- (a) results in the specification disclosing additional matter, or
- (b) extends the protection conferred by the patent.]

[<sup>F5</sup>(4) In subsection (1A) above “relevant application” has the meaning given by section 5(5) above.]

#### Textual Amendments

- F1** S. 76 substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 295, **Sch. 5 para. 20**
- F2** Words in s. 76(1) substituted (1.1.2005) by [The Regulatory Reform \(Patents\) Order 2004 \(S.I. 2004/2357\)](#), arts. 1(2), **13(2)** (with arts. 20-23)
- F3** S. 76(1A) inserted (1.1.2005) by [The Regulatory Reform \(Patents\) Order 2004 \(S.I. 2004/2357\)](#), arts. 1(2), **13(3)** (with arts. 20-23)
- F4** Words in s. 76(2) substituted (1.1.2005) by [The Regulatory Reform \(Patents\) Order 2004 \(S.I. 2004/2357\)](#), arts. 1(2), **13(4)** (with arts. 20-23)
- F5** S. 76(4) inserted (1.1.2005) by [The Regulatory Reform \(Patents\) Order 2004 \(S.I. 2004/2357\)](#), arts. 1(2), **13(5)** (with arts. 20-23)

**Changes to legislation:**

Patents Act 1977, Section 76 is up to date with all changes known to be in force on or before 07 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)