



Patents Act 1977

1977 CHAPTER 37

PART II

PROVISIONS ABOUT INTERNATIONAL CONVENTIONS

Community patents

87 Decisions on Community Patent Convention

(1) For the purposes of all legal proceedings, including proceedings before the comptroller, any question as to the meaning or effect of the Community Patent Convention, or as to the validity, meaning and effect of any instrument made under or in implementation of that convention by any relevant convention institution shall be treated as a question of law (and if not referred to the relevant convention court, be for determination as such in accordance with the principles laid down by and any relevant decision of that court).

(2) In this section—

" relevant convention institution " means any institution established by or having functions under the Community Patent Convention, not being an institution of the United Kingdom or any other member state, and

" relevant convention court " does not include—

- (a) the European Patent Office or any of its departments ; or
- (b) a court of the United Kingdom or of any other member state.