



Patents Act 1977

1977 CHAPTER 37

PART II

PROVISIONS ABOUT INTERNATIONAL CONVENTIONS

International applications for patents

[^{F1}89B Adaptation of provisions in relation to international application.

- (1) Where an international application for a patent (UK) is accorded a filing date under the Patent Co-operation Treaty—
 - (a) that date, or if the application is re-dated under the Treaty to a later date that later date, shall be treated as the date of filing the application under this Act,
 - (b) any declaration of priority made under the Treaty shall be treated as made under section 5(2) above, and where in accordance with the Treaty any extra days are allowed, the period of 12 months [^{F2}allowed under section 5(2A)(a) above] shall be treated as altered accordingly, and
 - (c) any statement of the name of the inventor under the Treaty shall be treated as a statement filed under section 13(2) above.
- (2) If the application, not having been published under this Act, is published in accordance with the Treaty it shall be treated, for purposes other than those mentioned in subsection (3), as published under section 16 above when the [^{F3}national phase of the application begins or, if later, when published in accordance with the Treaty] .
- (3) For the purposes of section 55 (use of invention for service of the Crown) and section 69 (infringement of rights conferred by publication) the application, not having been published under this Act, shall be treated as published under section 16 above—
 - (a) if it is published in accordance with the Treaty in English, on its being so published; and
 - (b) if it is so published in a language other than English—
 - (i) on the publication of a translation of the application in accordance with section 89A(6) above, or

Changes to legislation: Patents Act 1977, Section 89B is up to date with all changes known to be in force on or before 02 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

- (ii) on the service by the applicant of a translation into English of the specification of the application of the government department concerned or, as the case may be, on the person committing the infringing act.

The reference in paragraph (b)(ii) to the service of a translation on a government department or other person is to its being sent by post or delivered to that department or person.

- (4) During the international phase of the application, section 8 above does not apply (determination of questions of entitlement in relation to application under this Act) and section 12 above (determination of entitlement in relation to foreign and convention patents) applies notwithstanding the application; but after the end of the international phase, section 8 applies and section 12 does not.
- (5) When the national phase begins the comptroller shall refer the application for so much of the examination and search [^{F4}under sections 15A,] 17 and 18 above as he considers appropriate in view of any examination or search carried out under the Treaty.]

Textual Amendments

- F1** Ss. 89-89B substituted for s. 89 by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 295, [Sch. 5 para. 25](#)
- F2** Words in s. 89B(1)(b) substituted (1.1.2005) by [The Regulatory Reform \(Patents\) Order 2004 \(S.I. 2004/2357\)](#), arts. 1(2), [16\(2\)](#) (with arts. 20-23)
- F3** Words in s. 89B(2) substituted (1.1.2005) by [Patents Act 2004 \(c. 16\)](#), s. 17(1), [Sch. 1 para. 8](#); [S.I. 2004/3205](#), art. 2(i) (with art. 9)
- F4** Words in s. 89B(5) substituted (1.1.2005) by [The Regulatory Reform \(Patents\) Order 2004 \(S.I. 2004/2357\)](#), arts. 1(2), [16\(3\)](#) (with arts. 20-23)

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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)