

## SCHEDULES

### SCHEDULE 5

#### PATENTS: MISCELLANEOUS AMENDMENTS

##### *Availability of samples of micro-organisms*

30 In the Patents Act 1977 after section 125 insert—

**“125A Disclosure of invention by specification: availability of samples of micro-organisms.**

- (1) Provision may be made by rules prescribing the circumstances in which the specification of an application for a patent, or of a patent, for an invention which requires for its performance the use of a micro-organism is to be treated as disclosing the invention in a manner which is clear enough and complete enough for the invention to be performed by a person skilled in the art.
- (2) The rules may in particular require the applicant or patentee—
  - (a) to take such steps as may be prescribed for the purposes of making available to the public samples of the micro-organism, and
  - (b) not to impose or maintain restrictions on the uses to which such samples may be put, except as may be prescribed.
- (3) The rules may provide that, in such cases as may be prescribed, samples need only be made available to such persons or descriptions of persons as may be prescribed; and the rules may identify a description of persons by reference to whether the comptroller has given his certificate as to any matter.
- (4) An application for revocation of the patent under section 72(1)(c) above may be made if any of the requirements of the rules cease to be complied with.”.

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Paragraph 30.