



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART V

PATENT AGENTS AND TRADE MARK AGENTS

Patent agents

276 Persons entitled to describe themselves as patent agents.

- (1) An individual who is not a [^{F1}registered patent attorney] shall not—
- (a) carry on a business (otherwise than in partnership) under any name or other description which contains the words “patent agent” or “patent attorney”; or
 - (b) in the course of a business otherwise describe himself, or permit himself to be described, as a “patent agent” or “patent attorney”.
- (2) A partnership [^{F2}or other unincorporated body] shall not—
- (a) carry on a business under any name or other description which contains the words “patent agent” or “patent attorney”; or
 - (b) in the course of a business otherwise describe itself, or permit itself to be described as, a firm of “patent agents” or “patent attorneys”,
- unless [^{F3}the partnership or other body is registered in the register kept under section 275].
- (3) A body corporate shall not—
- (a) carry on a business (otherwise than in partnership) under any name or other description which contains the words “patent agent” or “patent attorney”; or
 - (b) in the course of a business otherwise describe itself, or permit itself to be described as, a “patent agent” or “patent attorney”,
- unless [^{F4}the body corporate is registered in the register kept under section 275.]
- (4) Subsection (3) does not apply to a company which began to carry on business as a patent agent before 17th November 1917 if the name of a director or the manager of the company who is a registered patent [^{F5}attorney] is mentioned as being so registered

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in all professional advertisements, circulars or letters issued by or with the company’s consent on which its name appears.

- (5) Where this section would be contravened by the use of the words “patent agent” or “patent attorney” in reference to an individual, partnership or body corporate, it is equally contravened by the use of other expressions in reference to that person, or his business or place of business, which are likely to be understood as indicating that he is entitled to be described as a “patent agent” or “patent attorney”.
- (6) A person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale; and proceedings for such an offence may be begun at any time within a year from the date of the offence.
- (7) This section has effect subject to—
- (a) section 277 (persons entitled to describe themselves as European patent attorneys, &c.), and
 - (b) section 278(1) (use of term “patent attorney” in reference to solicitors).

Textual Amendments

- F1** Words in s. 276(1) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208(1), 211, {Sch. 21 para. 76(a)} (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)** (with art. 9)
- F2** Words in s. 276(2) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), **ss. 185(4)(a)(i)**, 211 (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(i)** (with art. 9)
- F3** Words in s. 276(2) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), **ss. 185(4)(a)(ii)**, 211 (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(i)** (with art. 9)
- F4** Words in s. 276(3) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), **ss. 185(4)(b)**, 211 (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(f)(i)** (with art. 9)
- F5** Words in s. 276(4) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208(1), 211, {Sch. 21 para. 76(b)} (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)** (with art. 9)

Modifications etc. (not altering text)

- C1** S. 276(7)(b) amended (E.W.) (1.1.1992) by S.I. 1991/2684 arts. 2, 4, Sch.1
- C2** S. 276(7)(b) applied (with modifications) (23.12.2011) by The Legal Services Act 2007 (Designation as a Licensing Authority) (No. 2) Order 2011 (S.I. 2011/2866), arts. 1(2), 8(1)(2), **Sch. 2**

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