

## **EXPLANATORY NOTES**

### **PATENTS ACT 2004**

#### **INTRODUCTION**

#### **SUMMARY**

#### **BACKGROUND**

**The European Patent Convention**

**Domestic issues – the enforcement of patent rights and updating of the 1977 Act**

**The Patent Co-operation Treaty**

**The Patent Law Treaty and the Regulatory Reform (Patents) Order 2004**

**Consultation on matters in the Act**

#### **OVERVIEW OF THE ACT**

#### **TERRITORIAL APPLICATION**

#### **COMMENTARY ON SECTIONS**

Section 1 – Methods of treatment or diagnosis

Section 2 – Amendment of patents after grant

Section 3 – Relief for partially valid patent

Section 4 – Revocation

Section 5 – Further amendments relating to international obligations

Schedule 1 paragraphs 2, 3 and 4

Schedule 1 paragraph 5

Schedule 1 paragraph 6; Schedule 2 paragraphs 12, 13, 20-22, 25(c), 25(d) and 27

Schedule 1 paragraph 7 and paragraph 9, sub-paragraphs (2)(a) and (3)

Schedule 1 paragraph 8

Schedule 1 paragraph 9, sub-paragraph (2)(b)

Schedule 1 paragraph 9, sub-paragraph (4)

Section 6 – Remedies in entitlement proceedings

Section 7 – Restrictions on applications abroad by United Kingdom residents

Section 8 – Term of patent and periods allowed for payment of renewal fees

Section 9 – Co-ownership

Section 10 – Compensation of employees for certain inventions

Section 11 – Enforcement of damages

Section 12 – Threats of infringement proceedings

Section 13 – Opinions by Patent Office as to validity or infringement

Section 14 – Costs and expenses in infringement proceedings etc

Section 15 – Security for costs

Section 16 – Amendments, repeals and revocations

Schedule 2paragraph 6

Schedule 2paragraphs 7 and 23

Schedule 2paragraph 8

Schedule 2paragraph 9

Schedule 2paragraph 11

Schedule 2paragraphs 14, 16, 17 and 28

Schedule 2paragraph 15

Schedule 2paragraph 18

Schedule 2paragraph 19

Schedule 2paragraph 24 and paragraph 26, sub-paragraph (3)

Schedule 2paragraphs 25(a) and 25(b)

Schedule 2paragraph 26, sub-paragraph (2)

Schedule 2paragraph 26, sub-paragraph (4)

Section 17 – Commencement etc

Section 18 – Short title and extent

## **COMMENCEMENT**

## **HANSARD REFERENCES**