

SCHEDULE 5

TRANSITIONAL PROVISIONS

Patent applications filed between 7th January 1991 and 27th July 2000

8.—(1) This paragraph applies to an application for a patent filed during the period beginning with 7th January 1991 and ending with 27th July 2000⁽¹⁾ and to a patent granted in pursuance of such application.

(2) Schedule 1 to these Rules has effect with the following modifications.

(3) In paragraph 2, for the words “involves the use of or concerns biological material” substitute the words “requires for its performance the use of a micro-organism”.

(4) In paragraph 5(3)(b), insert at the beginning the words “in the case of an undertaking given in accordance with paragraph 1(a),” and insert at the end the word “or” followed by:

“(c) in the case of an undertaking given in accordance with paragraph (1)(b), when the patent is granted.”.

(5) Any reference to “biological material”—

(a) in paragraphs 3(1)(a), 4, 5, 6(3), 7(2) and 8 is a reference to “culture of the micro-organism”; and

(b) other than in those provisions, is a reference to “micro-organism”.

(6) Paragraph 2(2)(b) (requirement that application contains relevant information) does not have effect.

(7) In paragraph 6(5)(b), for the words from “the period of 20 years” to the end of that provision substitute “the period ending with the date on which the application was terminated or withdrawn”.

(8) The specification of an application for a patent, or of a patent, must mention any international agreement under which the micro-organism is deposited.

(1) The date that [SI 2000/2037](#) came into force. Regulation 9 of that SI limits the amendments to applications made after the provision came into force.