
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on 13th December 2007, those provisions of the Patents Act 2004, which are not already in force. The provisions brought into force amend the Patents Act 1977 (c.37) (“the 1977 Act”).

Article 2 brings into force section 1 and paragraphs 2, 3 and 4 of Schedule 2 (methods of treatment or diagnosis), sections 2(1), 2(2), and 2(5) and paragraph 9(4) of Schedule 1 (amendment of patents after grant), section 3 (relief for partially valid patent), section 4 (revocation of patents), section 5 and paragraphs 2, 3, 4, 5 and, for the purposes of the European Patent Convention, 9(2)(b) of Schedule 1 (amendments relating to international obligations), section 16(1) (minor and consequential amendments) for the purposes of the provisions mentioned in article 2(1) and section 16(2) (repeals) for the purposes of those Schedule 3 entries relating to provisions brought into force by article 2.

Article 3 makes transitional arrangements the effect of which is that, for the purposes of section 2(3) of the 1977 Act, matter contained in an application for a European Patent (UK) will inevitably become part of the state of the art as regards other inventions only if that application was filed on or after 13th December 2007.

An impact assessment has not been prepared for this instrument. An impact assessment for the Patents Bill was placed in the libraries of both Houses of Parliament, and is also available from the Patent Office, Patents Legal Section, Concept House, Newport, South Wales, NP10 8QQ.