

## SCHEDULE

Modifications of the Patents Act 1977 in its application to the Isle of Man

**19.**—(1) In section 60(5) (meaning of infringement), after paragraph (f) insert—

- “(g) it consists of the use by a farmer of the product of his harvest for propagation or multiplication by him on his own holding, where there has been a sale of plant propagating material to the farmer by the proprietor of the patent or with his consent for agricultural use;
- (h) it consists of the use of an animal or animal reproductive material by a farmer for an agricultural purpose following a sale to the farmer, by the proprietor of the patent or with his consent, of breeding stock or other animal reproductive material which constitutes or contains the patented invention;
- (i) it consists of—
  - (i) an act done in conducting a study, test or trial which is necessary for and is conducted with a view to the application of paragraphs 1 to 5 of article 13 of [Directive 2001/82/EC](#) or paragraphs 1 to 4 of article 10 of [Directive 2001/83/EC](#), or
  - (ii) any other act which is required for the purpose of the application of those paragraphs.”.

(2) After section 60(6) insert—

“(6A) Schedule A1 contains—

- (a) provisions restricting the circumstances in which subsection (5)(g) applies; and
- (b) provisions which apply where an act would constitute an infringement of a patent but for subsection (5)(g).

(6B) For the purposes of subsection (5)(h), use for an agricultural purpose—

- (a) includes making an animal or animal reproductive material available for the purposes of pursuing the farmer’s agricultural activity; but
- (b) does not include sale within the framework, or for the purposes, of a commercial reproduction activity.

(6C) In paragraphs (g) and (h) of subsection (5) “sale” includes any other form of commercialisation.”.

(3) In section 60(7)—

- (a) in the definitions of “relevant ship” and “relevant aircraft, hovercraft or vehicle”, after “1983” insert “or which is a member of the World Trade Organisation”;
- (b) in the definition of “exempted aircraft”, for “section 53 of the Civil Aviation Act 1949” substitute “section 89 of the Civil Aviation Act 1982(1)”;

(c) at the end insert—

““[Directive 2001/82/EC](#)” means [Directive 2001/82/EC](#) of the European Parliament and of the Council on the Community code relating to veterinary medicinal products as amended by [Directive 2004/28](#) of the European Parliament and of the Council(2);

“[Directive 2001/83/EC](#)” means [Directive 2001/83/EC](#) of the European Parliament and of the Council on the Community code relating to medicinal products for human use, as amended by [Directive 2002/98/EC](#) of the European Parliament and of the

---

(1) [1982 c.16](#).

(2) [OJNo. L311, 28.11.2001, p.1](#).

**Status:** This is the original version (as it was originally made).

Council, by Commission [Directive 2003/63/EC](#) and by Directives [2004/24/EC](#) and [2004/27/EC](#) of the European Parliament and of the Council<sup>(3)</sup>”.

---

(3) OJ No, L136, 30.4.2004, p.58.