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STATUTORY INSTRUMENTS

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**2023 No. 1287**

**The Intellectual Property (Exhaustion of Rights) (Amendment) Regulations 2023**

**Amendment of the Patents Act 1977**

- 3.** In section 60 of the Patents Act 1977<sup>(1)</sup>, after subsection (3) insert—

“(3A) Subsections (1) and (2) shall not apply to an act done in relation to a product that is subject to a patent where the product has been put on the market in the United Kingdom or the European Economic Area by or with the consent of the proprietor of the patent unless—

- (a) there exist legitimate reasons for the proprietor of the patent to oppose the act for the purpose of protecting the proprietor’s property, and
- (b) the opposition to the act interferes with the rights of any other person no more than is necessary to achieve that purpose.”.

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<sup>(1)</sup> 1977 c. 37. There are amending instruments not relevant to these Regulations.