
STATUTORY INSTRUMENTS

2005 No. 2471

**The Patents Act 2004 (Commencement No. 3
and Transitional Provisions) Order 2005**

Transitional provisions

3.—(1) Where the prescribed period in respect of a patent expires on or after the appointed day, section 25(3) of the 1977 Act as amended by section 8(1) of the 2004 Act shall have effect in respect of that patent.

(2) Where, in respect of a patent—

- (a) the renewal fee is not paid by the end of the prescribed period, and
- (b) that period expires before the appointed day, but
- (c) the period of six months immediately following the end of the prescribed period does not expire before the appointed day,

the provisions mentioned in paragraph (3) shall have effect in respect of that patent.

(3) Those provisions are—

- (a) section 25(4) of the 1977 Act as amended by section 8(2) of the 2004 Act;
- (b) section 28(3) of the 1977 Act as amended by section 8(3) of the 2004 Act.

(4) In this article, “prescribed period” means the period prescribed by rule 39 of the Patents Rules 1995⁽¹⁾ as it stands immediately before the appointed day.

⁽¹⁾ SI 1995/2093; rule 39 was amended by SI 1999/3197.