

2007 No.3396 (C.144)

PATENTS

The Patents Act 2004 (Commencement No. 4 and Transitional Provisions) Order 2007

Made - - - - *3rd December 2007*

Coming into force - - *13th December 2007*

The Secretary of State makes the following Order in exercise of the powers conferred upon him by section 17 of the Patents Act 2004(a).

Citation and interpretation of this Order

1.—(1) This Order may be cited as the Patents Act 2004 (Commencement No. 4 and Transitional Provisions) Order 2007.

(2) In this Order “the 2004 Act” means the Patents Act 2004.

Commencement of the 2004 Act

2. 13th December 2007 is the day appointed for the coming into force of the following provisions of the 2004 Act—

- (a) section 1;
- (b) section 2(1);
- (c) section 2(2);
- (d) section 2(5);
- (e) section 3;
- (f) section 4;
- (g) section 5 (for the purposes of the provisions mentioned in paragraphs (j) and (k) below);
- (h) section 16(1) (for the purposes of the provisions mentioned in paragraph (l) below);
- (i) section 16(2) (for the purposes of the entries in Schedule 3 relating to provisions brought into force by this article);
- (j) paragraphs 2, 3, 4, 5 and 9(4) of Schedule 1;
- (k) paragraph 9(2)(b) of Schedule 1 (for the purposes of the European Patent Convention);
and
- (l) paragraphs 2, 3 and 4 of Schedule 2.

(a) 2004 c.16.

Transitional provision

3. Provision made by section 78(5A) of the Patents Act 1977(a) prior to the commencement, in accordance with article 2(j), of paragraph 3(2) of Schedule 1 to the 2004 Act shall continue to apply to any application for a European patent (UK) filed before the day appointed by article 2.

3rd December 2007

Lord Triesman
Parliamentary Under Secretary of State for
Intellectual Property and Quality
Department for Innovation, Universities and Skills

(a) 1977 c.37. Section 4A is inserted and sections 1, 2, 4, 27, 58, 63, 72, 75, 77, 78, 80, 81 and 130 are amended by the provisions of the Patents Act 2004 which are brought into force by article 2 of this Order. Previous amendments to those provisions were as follows: section 1 was amended by S.I. 2000/2037; section 58 by paragraphs 16(2) and 16(3) of Schedule 5 to the Copyright, Designs and Patents Act 1988 (c.48); section 63 by S.I. 2006/1028; section 72 by paragraph 18 of Schedule 5 to the Copyright, Designs and Patents Act 1988 (c.48), Schedule 8 to that Act, paragraphs 1(1) and 18 of Schedule 2 to the Patents Act 2004 (c.16), Schedule 3 to that Act and S.I. 2004/2357; section 75 by paragraphs 1(1) and 19 of Schedule 2 to the Patents Act 2004 (c.16); section 77 by paragraphs 8(b), 21(2), 21(3), 21(4) and 21(5) of Schedule 5 to the Copyright, Designs and Patents Act 1988 (c.48); section 78 by paragraphs 8(b) and 22 of Schedule 5 to that Act and by S.I. 2004/2357; section 80 by paragraph 8(b) of Schedule 5 to the Copyright, Designs and Patents Act 1988 (c.48); section 81 by S.I. 2004/2357; and section 130 by paragraphs 1, 9(1) and 9(2)(b) of Schedule 1 to the Patents Act 2004 (c.16).

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.

STATUTORY INSTRUMENTS

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The Patents Act 2004 (Commencement No. 4 and Transitional Provisions) Order 2007

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E1645 12/2007 171645 19585