

**2016 No. 517**

**PATENTS**

**The Patents (Amendment) Rules 2016**

*Made* - - - - - *20th April 2016*

*Laid before Parliament* *22nd April 2016*

*Coming into force in accordance with rule 1(2)*

The Secretary of State, in exercise of the powers conferred by section 123 of the Patents Act 1977(a), makes the following Rules.

**Citation and Commencement**

**1.**—(1) These Rules may be cited as the Patents (Amendment) Rules 2016.

(2) These Rules come into force on the date of entry into force of the Agreement on a Unified Patent Court(b).

**Amendments to the Patents Rules 2007**

**2.**—(1) The Patents Rules 2007(c) are amended as follows.

(2) In rule 44(5), after “section 74A,” insert “other than in relation to a European patent with unitary effect.”

(3) In rule 95(1), in sub-paragraph (b), at the end, insert “or, in the case of a European patent with unitary effect, in the Register for unitary patent protection kept under the Unitary Patent Regulation(d).”

*Neville-Rolfe*

Parliamentary Under Secretary of State and Minister for Intellectual Property

Department for Business, Innovation and Skills

20th April 2016

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(a) 1977 c.37.

(b) Cm 8653. Section 130(1) of the Patents Act 1977 (c.37), as amended by S.I. 2016/388, defines “Agreement on a Unified Patent Court”. The date on which the Agreement enters into force for the United Kingdom may be found on the relevant page on UK Treaties Online at this link: <http://treaties.fco.gov.uk/treaties/treatyrecord.htm?tid=14651>.

(c) S.I. 2007/3291, amended by S.I. 2014/2401; there are other amending instruments but none is relevant.

(d) OJ No L 361, 31.12.2012, p1. Section 130(1) of the Patents Act 1977 (c.37), as amended by S.I. 2016/388, defines “Unitary Patent Regulation”.

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Patents Rules 2007 to make changes consequential to the amendments made to the Patents Act 1977 (“the Act”) by the Patents (European Patent with Unitary Effect and Unified Patent Court) Order 2016 (S.I. 2016/388) (“the Order”).

Rule 2(2) amends Rule 44(5) to make clear that information in relation to a request for an opinion under section 74A of the Act will not be entered in the register of patents maintained under section 32 of the Act. This is because the European patent with unitary effect will not be registered by the comptroller but by the European Patent Office in the Register for unitary patent protection kept under the Unitary Patent Regulation.

Rule 2(3) amends Rule 95(1)(b) to require the comptroller to notify any holder of a licence or sub-licence under a European patent with unitary effect registered in the Register for unitary patent protection of a request for an opinion under section 74A of the Act 1977 in relation to the European patent.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. The impact assessment prepared for the Order deals with the impact of extending the opinions service to European patents with unitary effect. This impact assessment is available on the Legislation UK website at [www.legislation.gov.uk](http://www.legislation.gov.uk).

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