

2021 No. XXXX

INTELLECTUAL PROPERTY

PATENTS

The Patents (European Patent with Unitary Effect and Unified Patent Court) (Repeal and Revocation) Regulations 2021

<i>Sift requirements satisfied</i>	<i>February 2021</i>
<i>Made - - - -</i>	<i>February 2021</i>
<i>Laid before Parliament</i>	<i>February 2021</i>
<i>Coming into force - -</i>	<i>12th April 2021</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(a) and section 124(3) of the Patents Act 1977(b).

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate procedure for these Regulations) have been satisfied.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Patents (European Patent with Unitary Effect and Unified Patent Court) (Repeal and Revocation) Regulations 2021.

(2) These Regulations come into force on 12th April 2021.

(3) The repeals of the provisions of the Patents Act 1977 and the Intellectual Property Act 2014(c) made by these Regulations come into force in accordance with paragraph (2) immediately after the other provisions of these Regulations come into force in accordance with paragraph (2).

(4) Any repeal or revocation made under these Regulations has the same extent as the provision repealed or revoked.

Repeals and revocations

2. The enactments listed in the Schedule are repealed and revoked to the extent specified.

(a) 2018 c.16. Paragraph 21 of Schedule 7 is amended by the European Union (Withdrawal) Act 2020 (c. 1), Schedule 5, paragraph 53.
(b) 1977 c. 37.

Date

SCHEDULE
Repeals and revocations

Regulation 2

Repeals

1. The enactments listed in column 1 of the table are repealed to the extent specified in column 2.

<i>Short Title</i>	<i>Extent of repeal</i>
The Patents Act 1977(a)	Sections 88A and 88B.
The Intellectual Property Act 2014(b)	Section 17.
The Intellectual Property (Unjustified Threats) Act 2017(c)	Section 1(3) and (8).

Revocations

2. The enactments listed in column 1 of the table are revoked to the extent specified in column 2.

<i>Enactment</i>	<i>Extent of revocation</i>
The Patents (European Patent with Unitary Effect and Unified Patent Court) Order 2016(d)	The whole Order.
The Patents (Amendment) Rules 2016(e)	The whole Rules.
The Patents (Isle of Man) (Amendment) Order 2017(f)	The whole Order.
The Intellectual Property (Unjustified Threats) Act 2017 (Commencement and Transitional Provisions) Regulations 2017(g)	Regulation 2(2).
The Unified Patent Court (Immunities and Privileges) Order 2018(h)	The whole Order.

(a) 1977 c. 37.
(b) 2014 c. 18.
(c) 2017 c. 14.
(d) S.I. 2016/388.
(e) S.I. 2016/517.
(f) S.I. 2017/162.
(g) S.I. 2017/771.
(h) S.I. 2018/184.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (c), (d) and (e) of the European Union (Withdrawal) Act 2018) arising from the withdrawal of the UK from the European Union.

The Agreement on the Unified Patent Court (Cm 8653) and the Protocol on Privileges and Immunities of the Unified Patent Court (Cm 9405) have not yet come into force. The UK withdrew its ratification of the Agreement on the Unified Patent Court and the Protocol on Privileges and Immunities on 20 July 2020. Regulation (EU) No 1257/2012 implementing enhanced cooperation in the area of the creation of unitary protection (OJ L361, 31.12.2012, p.1)) does not form part of retained EU law.

These Regulations repeal and revoke provisions in enactments relating to the European patent with unitary effect and the Unified Patent Court. Section 124(3) of the Patents Act 1977, which extends to the Isle of Man under section 132(2), is used to repeal the Patents (Isle of Man) Order 2017.

These Regulations are supplemented by the Unified Patent Court (Privileges and Immunities) (Scotland) (Revocation) Order 2021.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen. An explanatory memorandum is available alongside this instrument on the Legislation UK website at www.legislation.gov.uk.

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