
STATUTORY INSTRUMENTS

2019 No. 1327

PATENTS

EXITING THE EUROPEAN UNION

The Patents (Isle of Man) (Amendment) (EU Exit) Order 2019

Made - - - - 8th October 2019
Laid before Parliament 16th October 2019
Coming into force in accordance with article 1

At the Court at Buckingham Palace, the 8th day of October 2019

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 124(3) and 132(2) of the Patents Act 1977(1), is pleased, by and with the advice of Her Privy Council, to make the following Order:

Citation and commencement

1. This Order may be cited as the Patents (Isle of Man) (Amendment) (EU Exit) Order 2019 and comes into force on the later of exit day or 22 days after being made.

Amendments to the Schedule to the Patents (Isle of Man) Order 2013

2.—(1) The Schedule to the Patents (Isle of Man) Order 2013(2) is amended as follows.

(2) Before paragraph 31, insert—

“**30A.** In section 124, after subsection (3) insert—

“(4) Any amendments made by regulations under the European Union (Withdrawal) Act 2018(3) to rules, regulations or orders under this Act, whether made before or after this provision comes into force, extend to the Isle of Man, subject to any modifications contained in an Order made by Her Majesty in Council under section 132(2).”.

(3) In paragraph 34, in the inserted section 128A (EU compulsory licences)—

(a) in the heading, for “EU compulsory”, substitute “Compulsory pharmaceutical”;

(1) 1977 c.37.

(2) S.I. 2013/2602, amended by S.I. 2016/559. Amendments by S.I. 2017/162 not in force.

(3) 2018 c.16.

- (b) in subsection (1), for “an “EU compulsory licence””, substitute “a “compulsory pharmaceutical licence””;
 - (c) in subsection (2)—
 - (i) for “EU compulsory”, substitute “compulsory pharmaceutical”;
 - (ii) for “an EU compulsory”, substitute “a compulsory pharmaceutical”; and
 - (d) in subsection (5), for “an EU compulsory”, substitute “a compulsory pharmaceutical”.
- (4) In paragraph 36, in paragraph 1 of the inserted Schedule A1 (derogation from patent protection in respect of biotechnological inventions), in the definition of “the Council Regulation”, at the end, insert, “as it had effect immediately before exit day”.

Ceri King
Deputy Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Patents (Isle of Man) Order 2013 (S.I. 2013/2602) to make further modifications to the Patents Act 1977 (c. 37) in its application to the Isle of Man.

The amendments made by the Order replicate for the Isle of Man amendments in connection with the United Kingdom leaving the European Union made to that Act as it has effect in the United Kingdom by the Patents (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/801). Provision is also made to ensure that amendments made by regulations under the European Union (Withdrawal) Act 2018 to subordinate legislation made under the Patents Act 1977 extend to the Isle of Man.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.