

**The European Union
(Patent Co-operation Treaty)
(Brexit) (Bailiwick of Guernsey)
Regulations, 2020**

Made

8th December, 2020

Coming into operation

8th December, 2020

Laid before the States

THE POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred on it by section 5(1) and 11 of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018^a and upon receipt of the certificate required under section 5(3), hereby makes the following Regulations:-

Automatic Effect of International Patents (UK).

1. (1) As a consequence of the withdrawal of the United Kingdom from the EU and in order to implement the Patent Co-operation Treaty, every International Patent (UK) -

- (a) shall have effect in the Bailiwick of Guernsey as if registered in the Register of Patents under section 6 of the Patents Ordinance, and

^a Order in Council No. I of 2019, as amended.

(b) subject to this Regulation, the provisions of the Patents Ordinance shall apply accordingly.

(2) An International Patent (UK) that takes effect in accordance with paragraph (1), shall have effect for so long as it remains on the Register of Patents (UK).

(3) For the avoidance of doubt, notwithstanding paragraph (1), where an International Patent (UK) takes effect in the Bailiwick of Guernsey –

(a) the powers of the Registrar contained in Parts II and III of the Patents Ordinance do not apply, and

(b) sections 21, 22, 31, 32 and Schedule 3 of the Patents Ordinance do not apply.

(4) In relation to section 34(1) of the Patents Ordinance, and in respect of an International Patent (UK) only, the rights that arise from registration on the Register of Patents shall be deemed instead to arise from the priority date.

Interpretation.

2. In these Regulations, unless the context requires otherwise –

"an International Patent (UK)" means a patent granted in the United Kingdom under section 18 of the Patents Act 1977^b consequent to an application made on or after 1st January 2021 pursuant to section 89 of that Act,

"Patent Co-operation Treaty" means the Patent Cooperation Treaty (PCT) done at Washington on June 19, 1970, amended on September 28, 1979,

^b An Act of the United Kingdom Parliament (chapter 37 of 1977).

modified on February 3, 1984, and on October 3, 2001 and as amended from time to time,

"the Patents Ordinance" means the Registered Patents and Biotechnological Inventions (Bailiwick of Guernsey) Ordinance, 2009^c.

"priority date" has the meaning given in section 5 of the Patents Act 1977, and

"the Register of Patents (UK)" means the register maintained under section 32 of the Patents Act 1977

and other words or expressions have the same meanings as in the Patents Ordinance.

Citation and commencement.

3. These Regulations may be cited as the European Union (Patent Co-operation Treaty) (Brexit) (Bailiwick of Guernsey) Regulations, 2020 and shall come into force on the day on which they are made.

Dated this 8th day of December, 2020



DEPUTY P. T. R. FERBRACHE

President of the Policy & Resources Committee

For and on behalf of the Committee

EXPLANATORY NOTE

^c Ordinance No. I of 2009 as amended by No. XIV of 2012; No. IX of 2016 and the G.S.I. No. 4 of 2012.

(This note is not part of the Regulations)

These Regulations give automatic effect to international patents registered in the United Kingdom under the Patent Cooperation Treaty from 1 January 2021, and apply the provisions of the Patents Ordinance to such international patents without any requirement to register.

These Regulations come into force on the day on which they are made.