

"prima facie" - see section 32(9) and note that only authorised and required actions of the *Comptroller's officers* amount to *prima facie* evidence. In other words, a register entry which is not "*the recordal requested*" and/or is not supported by any acceptable evidence cannot be *prima facie* evidence of the registered fact.



Patents Act 1977

1977 CHAPTER 37

PART I

NEW DOMESTIC LAW

Property in patents and applications, and registration

[^{F1}32 Register of patents etc.


- (1) The comptroller shall maintain the register of patents, which shall comply with rules made by virtue of this section and shall be kept in accordance with such rules.
- (2) Without prejudice to any other provision of this Act or rules, rules may make provision with respect to the following matters, including provision imposing requirements as to any of those matters—
 - (a) the registration of patents and of published applications for patents;
 - (b) the registration of transactions, instruments or events affecting rights in or under patents and applications;
 - (c) the furnishing to the comptroller of any prescribed documents or description of documents in connection with any matter which is required to be registered;
 - (d) the correction of errors in the register and in any documents filed at the Patent Office in connection with registration; and
 - (e) the publication and advertisement of anything done under this Act or rules in relation to the register.
- (3) Notwithstanding anything in subsection (2)(b) above, no notice of any trust, whether express, implied or constructive, shall be entered in the register and the comptroller shall not be affected by any such notice.
- (4) The register need not be kept in documentary form.
- (5) Subject to rules, the public shall have a right to inspect the register at the Patent Office at all convenient times.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Patents Act 1977. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

(6) Any person who applies for a certified copy of an entry in the register or a certified extract from the register shall be entitled to obtain such a copy or extract on payment of a fee prescribed in relation to certified copies and extracts; and rules may provide that any person who applies for an uncertified copy or extract shall be entitled to such a copy or extract on payment of a fee prescribed in relation to uncertified copies and extracts.

(7) Applications under subsection (6) above or rules made by virtue of that subsection shall be made in such manner as may be prescribed.

(8) In relation to any portion of the register kept otherwise than in documentary form—
(a) the right of inspection conferred by subsection (5) above is a right to inspect the material on the register; and
(b) the right to a copy or extract conferred by subsection (6) above or rules is a right to a copy or extract in a form in which it can be taken away and in which it is visible and legible.

 (9) Subject to subsection (12) below, the register shall be prima facie evidence of anything required or authorised by this Act or rules to be registered and in Scotland shall be sufficient evidence of any such thing.

(10) A certificate purporting to be signed by the comptroller and certifying that any entry which he is authorised by this Act or rules to make has or has not been made, or that any other thing which he is so authorised to do has or has not been done, shall be prima facie evidence, and in Scotland shall be sufficient evidence, of the matters so certified.

(11) Each of the following, that is to say—
(a) a copy of an entry in the register or an extract from the register which is supplied under subsection (6) above;
(b) a copy of any document kept in the Patent Office or an extract from any such document, any specification of a patent or any application for a patent which has been published,

which purports to be a certified copy or a certified extract shall, subject to subsection (12) below, be admitted in evidence without further proof and without production of any original; and in Scotland such evidence shall be sufficient evidence.

^{F2}(12)

(13) In this section “certified copy” and “certified extract” mean a copy and extract certified by the comptroller and sealed with the seal of the Patent Office.

(14) In this Act, except so far as the context otherwise requires—
“register”, as a noun, means the register of patents;
“register”, as a verb, means, in relation to any thing, to register or register particulars, or enter notice, of that thing in the register and, in relation to a person, means to enter his name in the register;
and cognate expressions shall be construed accordingly.]

Annotations:
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Amendments (Textual)
F1 S. 32 substituted by Patents, Designs and Marks Act 1986 (c. 39, SIF 67A), s. 1, **Sch. 1 para. 4**

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F2 S. 32(12) repealed (14.4.2000) by 1999 c. 23, s. 67, **Sch. 6** (with Sch. 7 paras. 3(2)(3), 5(2)); S.I. 2000/1034, art. 2, **Sch.**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 32(2)(ba) inserted by 2004 c. 16 s. 13(3)
- s. 32(9) words repealed by 2003 c. 44 Sch. 37 Pt. 6
- s. 32(11) words repealed by 2003 c. 44 Sch. 37 Pt. 6

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified by S.I. 2003/1249 art. 2 3 Sch.
- Act modified (Isle of Man) by S.I. 2013/2602 art. 2 Sch.
- Blanket Amendment words substituted by 2005 c. 4 Sch. 11 para. 1(2)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4A inserted by 2004 c. 16 s. 1
- s. 15 15A substituted for s. 15 by S.I. 2004/2357 art. 5
- s. 20A 20B inserted by S.I. 2004/2357 art. 8
- s. 20B(4A) inserted by 2014 c. 18 Sch. para. 2
- s. 20B(6A) inserted by 2004 c. 16 Sch. 2 para. 7
- s. 50A(1)(a) amended by S.I. 2003/1592 Sch. 4 para. 3(1)(a)
- s. 50A(1)(a) amended by S.I. 2003/1592 Sch. 4 para. 3(1)(b)
- s. 50A(6) amended by S.I. 2003/1592 Sch. 4 para. 3(1)(c)
- s. 50A(6) amended by S.I. 2003/1592 Sch. 4 para. 3(1)(d)
- s. 50A(7) amended by S.I. 2003/1592 Sch. 4 para. 3(1)(e)
- s. 74A 74B and cross-heading inserted by 2004 c. 16 s. 13(1)
- s. 74A title substituted by 2014 c. 18 s. 16(1)
- s. 74A(1) words substituted by 2014 c. 18 s. 16(1)
- s. 74B(2)(c) omitted by 2014 c. 18 s. 16(2)
- s. 88A 88B and cross-heading inserted by 2014 c. 18 s. 17
- s. 117A 117B inserted by S.I. 2004/2357 art. 18
- s. 117A(7) inserted by 2004 c. 16 Sch. 2 para. 23
- s. 118A inserted by S.I. 2011/2059 reg. 2
- s. 118A repealed by S.I. 2014/1385 reg. 3(1)
- s. 124A inserted by S.I. 2003/512 art. 2
- s. 124A(1) word substituted by S.I. 2006/1229 art. 4(2)
- s. 124A(3) words substituted by S.I. 2006/1229 art. 4(3)
- s. 124A(5) word inserted by S.I. 2006/1229 art. 4(4)(b)
- s. 124A(5) word substituted by S.I. 2006/1229 art. 4(4)(a)
- s. 124A(6) word substituted by S.I. 2006/1229 art. 4(5)
- s. 124A(7) word substituted by S.I. 2006/1229 art. 4(6)
- s. 124A(9)(10) omitted by S.I. 2006/1229 art. 4(7)
- s. 124A(12) omitted by S.I. 2006/1229 art. 4(7)
- s. 124A(13)-(16) substituted for s. 124A(13)-(15) by S.I. 2006/1229 art. 4(8)
- s. 128A 128B inserted by S.I. 2007/3293 reg. 2(2)
- s. 128B(2)(a) words substituted by S.I. 2014/2411 reg. 2(2)
- s. 144(1)(2) amendment to earlier affecting provision SI 2003/1592 Sch. 4 para. 7(1) (a)(b) by S.I. 2014/891 art. 19(3)
- Sch. 4A inserted by S.I. 2007/3293 reg. 2(3)
- Sch. 4A para. 8 and cross-heading inserted by S.I. 2014/2411 reg. 2(3)(b)
- Sch. 4A para. 1(2) words inserted by 2014 c. 18 s. 16(3)
- Sch. 4A para. 7(a) words substituted by S.I. 2014/2411 reg. 2(3)(a)
- rule 41A inserted by S.I. 2014/2401 rule 7

Commencement Orders yet to be applied to the Patents Act 1977

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/53 art. 2-4 commences (2001 c. 15)
- S.I. 2003/766 art. 2 Sch. commences (2002 c. 40)
- S.I. 2003/1397 art. 2(1) Sch. commences (2002 c. 40)
- S.I. 2003/2093 art. 2 Sch. 1 2 commences (2002 c. 40)
- S.I. 2004/288 art. 2-6 commences (2003 c. 43)
- S.I. 2004/480 art. 2-5 commences (2003 c. 43)
- S.I. 2004/1009 art. 2 commences (2003 c. 43)
- S.I. 2004/1019 art. 2 commences (2003 c. 43)
- S.I. 2004/2177 art. 2 commences (2004 c. 16)
- S.I. 2004/3205 art. 2 commences (2004 c. 16)
- S.I. 2004/3233 art. 2 Sch. commences (2002 c. 40)
- S.I. 2004/3255 art. 2 commences (2004 c. 8)
- S.I. 2005/950 art. 2-4 commences (2003 c. 44)
- S.I. 2005/2122 art. 2 amendment to earlier commencing SI 2005/950, Sch. 2 para. 23(1)
- S.I. 2005/2471 art. 2 commences (2004 c. 16)
- S.I. 2005/2925 art. 2 4-11 commences (2003 c. 43)
- S.I. 2006/1014 art. 2 Sch. 1 2 commences (2005 c. 4)
- S.I. 2007/3396 art. 2 commences (2004 c. 16)
- S.I. 2009/1604 art. 2 commences (2005 c. 4)
- S.I. 2009/3250 art. 2 commences (2007 c. 29)