

ANNEX 3

S.102A of the Patents Act 1977 and Section 292 of the Copyright & Design Act 1988

102 Right of audience, &c. in proceedings before comptroller.

- (1) A party to proceedings before the comptroller under this Act, or under any treaty or international convention to which the United Kingdom is a party, may appear before the comptroller in person or be represented by any person whom he desires to represent him.
- (2) No offence is committed under the enactments relating to the preparation of documents by persons not legally qualified by reason only of the preparation by any person of a document, other than a deed, for use in such proceedings.
- (3) Subsection (1) has effect subject to rules made under section 281 of the Copyright, Designs and Patents Act 1988 (power of comptroller to refuse to recognise certain agents).
- (4) In its application to proceedings in relation to applications for, or otherwise in connection with, European patents, this section has effect subject to any restrictions imposed by or under the European Patent Convention.

[F86(5)] Nothing in this section shall be taken to limit the right to draw or prepare deeds given to a registered patent agent by section 68 of the Courts and Legal Services Act 1990.]

Annotations:**Amendments (Textual)**

F85 S. 102, 102A substituted by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 295, Sch. 5 para. 27

F86 Subsection added by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), Sch. 18 para. 20(1)

[F87 102A Right of audience, &c. in proceedings on appeal from the comptroller.

- (1) A solicitor of the Supreme Court may appear and be heard on behalf of any party to an appeal under this Act from the comptroller to the Patents Court.
- (2) A registered patent agent or a member of the Bar not in actual practice may do, in or in connection with proceedings on an appeal under this Act from the comptroller to the Patents Court, anything which a solicitor of the Supreme Court might do, other than prepare a deed.
- (3) The Lord Chancellor may by regulations—
 - (a) provide that the right conferred by subsection (2) shall be subject to such conditions and restrictions as appear to the Lord Chancellor to be necessary or expedient, and
 - (b) apply to persons exercising that right such statutory provisions, rules of court and other rules of law and practice applying to solicitors as may be specified in the regulations;
 and different provision may be made for different descriptions of proceedings.
- (4) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) This section is without prejudice to the right of counsel to appear before the High Court.

[F88(6)] Nothing in this section shall be taken to limit the right to draw or prepare deeds given to a registered patent agent by section 68 of the Courts and Legal Services Act 1990.]

Annotations:**Amendments (Textual)**

F87 S. 102, 102A substituted by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 295, Sch. 5 para. 27

F88 Subsection added by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), Sch. 18 para. 20(1)

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Copyright, Designs and Patents Act 1988

1988 c. 48 Part VI Patents county courts Section 292

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292 Rights and duties of registered patent agents in relation to proceedings in patents county court

- (1) A registered patent agent may do, in or in connection with proceedings in a patents county court which are within the special jurisdiction of that court, anything which a solicitor of the Supreme Court might do, other than prepare a deed.
- (2) The Lord Chancellor may by regulations provide that the right conferred by subsection (1) shall be subject to such conditions and restrictions as appear to the Lord Chancellor to be necessary or expedient; and different provision may be made for different descriptions of proceedings.
- (3) A patents county court has the same power to enforce an undertaking given by a registered patent agent acting in pursuance of this section as it has, by virtue of section 142 of the [1984 c. 28.] County Courts Act 1984, in relation to a solicitor.
- (4) Nothing in section 143 of the County Courts Act 1984 (prohibition on persons other than solicitors receiving remuneration) applies to a registered patent agent acting in pursuance of this section.
- (5) The provisions of county court rules prescribing scales of costs to be paid to solicitors apply in relation to registered patent agents acting in pursuance of this section.
- (6) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Copyright, Designs and Patents Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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292 Rights and duties of registered patent agents in relation to proceedings in patents county court. F1

Annotations:

Amendments (Textual)

F1 S. 292 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208(1), 210, 211, Sch. 21 para. 80, Sch. 23 (with ss. 29, 192, 193), S.I. 2009/3250, art. 2(h)(i)(vi) (with art. 9)

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