

Leaflet Patents in the United Kingdom and Northern Ireland

Territory

The patent covers the territory of the United Kingdom of Great Britain and Northern Ireland, the Isle of Man and their territorial waters and shelf areas. It can also be extended to Gibraltar, certain Channel Islands and several other British Overseas Territories and independent Commonwealth members. We suggest you to contact us if you need more information regarding extension to such regions.

Duration

The patent has a maximum duration of 20 years from the date of filing of the application, provided that annual fees are paid in due time.

Compulsory use

Within 3 years from the date of grant the patented invention should be worked in such a way that the demand in the United Kingdom is met on reasonable terms. If there is no such working, and if efforts have already been made to obtain a licence from the proprietor on reasonable commercial terms, after this period any person (including an existing licensee) may apply for the grant of a compulsory licence. Working in any other WTO member state and meeting the demand in the United Kingdom by importation is considered as working in the United Kingdom.

Marking

Marking is not compulsory. However, marking with the words "Patent", "Patented" or the like accompanied by the number of the patent is recommended. Otherwise, the patentee is not entitled to recover any damages in respect of any infringement by a defendant who proves that at the date of the infringement he was not aware of, nor had reasonable grounds for supposing the existence of the patent.

Exhaustion

The United Kingdom, like a member state of the European Union (EU), applies the applicable rules of exhaustion of patent protection. This means that if a product protected by the patent is sold by the patent holder or with his permission in a member state of the European Economic Area (EEA) (EU member states, EFTA member states excluding Switzerland), the supply of this product from the EEA member states to Great Britain can in principle no longer be prevented by the British patent. In the EEA, a comparable regulation for Great Britain has not yet been created. Here, patent protection is only exhausted for products put into circulation in the EEA itself by the patent owner or with his permission. Please contact us if you have any questions in this context.