LAWS70271 Patent Law and Policy

THE UNIVERSITY OF MANCHESTER · POSTGRADUATE · 1ST SEMESTER 2026/27

Full guide + ask Sia about LAWS70271

SIDE 1/2 · ISSUE ORDER · authority → rule → application → conclusion · OPEN-BOOK EXAM SHEET · **Validity first** · then exceptions · then infringement

1 · Exam Map

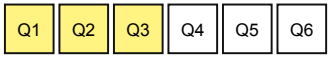
COURSE DATA · BRIEF

24-hour online examination · 100%

Formative assessment: 0%. Attempt three questions from six, mixing problem and essay questions.

PERMITTED-MATERIALS TRUTH

"24 -hour on-line examination, open book."
— LAWS70271 Course unit information 2026/27



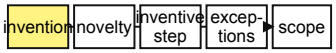
choose any 3

Six are set; three are answered. Prepare enough problem and essay topics to preserve choice.

2 · Answer Engine

COURSE STRATEGY

MOVE	WHAT THE PARAGRAPH MUST DO
Issue	Frame the legal question from the exact claim, date, act or disclosure.
Rule	Name the section/Article, the authority and the legal test.
Apply	Work each element against the facts; expose uncertainty and the opponent's best answer.
Conclude	Give advice on that issue before moving on.



For validity: keep the tests separate and run them in this order.

EXAM MOVE *Put the statutory provision, European equivalent, leading authority and one application sentence under every topic heading.*

3 · Patent System

C1

ROUTE	PCT international application; EPO European application; UKIPO national filing.
RIGHT	A negative right: stop exploitation; it does not authorise use. **s 60** acts; **s 30** assignment/licence; maximum term **s 25 / Art 63 EPC**.
AFTER GRANT	EPO opposition **Art 99** within nine months; UK revocation **s 72**; validity in issue under **s 74** if sued.

Application. Filing requires the request, description, claims and abstract; claims define the monopoly and disclosure supplies the public return. Under **s 7 PA 77** anyone may apply, but grant goes primarily to the inventor, subject to **s 39**.

Forum. Keep central EPO procedure distinct from UK litigation. The Unitary Patent system does not extend to the UK, so disputes over the UK designation run nationally.

4 · Why Patent?

C1 · ACTAVIS V ICOS



The disclosure bargain explains both reward and the public return.

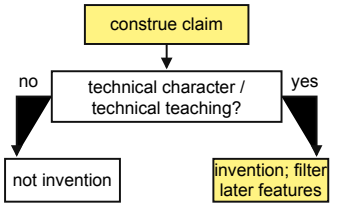
RATIONALE	USE IN AN ESSAY
Natural rights	Lockean labour account.
Incentive	Exclusive rights may reward innovation; test empirical criticism.
Disclosure	Lord Hodge in *Actavis v ICOS*: reward now, disclosure and later dedication to the public.

Liardet v Johnson also appears in the bargain account. A strong essay takes a position, answers the strongest objection and connects rationale to doctrine.

5 · Invention Test

C2 · S 1 · ART 52

TRIPS Art 27(1) leaves "invention" undefined. **Art 52(1)–(3) EPC** and **s 1(1)–(2) PA 77** instead list exclusions and confine them to matter claimed as such.



DUNS: invention is separate from novelty, inventive step and industrial application.

TECHNICAL TEACHING

instruction to the skilled person to solve a particular technical problem with particular technical means

T 154/04 DUNS Licensing: mixed claims may pass, even if non-technical features dominate; only technical features can establish novelty and inventive step. **Emotional Perception AI Ltd v Comptroller [2026] UKSC 3 [67]** adopted DUNS and overruled *Aerotel*.

DUNS memory: four independent requirements → technicality → "as such" → construe the claim → mixed claims permitted → non-technical features cannot solve the technical problem.

6 · Exclusions Checklist

C2

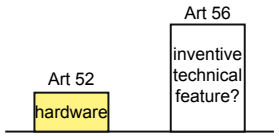
EXCLUDED MATTER	QUESTION TO ASK
Discovery / mathematical method	Is this the abstract thing itself, or a technical teaching?
Aesthetic creation	Which claimed feature solves a technical problem?
Business method	Does ordinary hardware supply character only, leaving no inventive technical feature?
Computer program	Is there technical means / a further technical effect?
Presentation of information	Does the feature contribute technically?

TRAP *Do not run the former four Aerotel steps as current law. Under DUNS, technical character clears the invention hurdle; patentability may still fail later.*

7 · Software & AI

C3 · COMVIK

Programs are excluded as such under **Art 52(2)(c) EPC / s 1(2) PA 77**; **TRIPS Art 10** protects source and object code as literary works. A ***further technical effect*** goes beyond ordinary software–hardware interaction.



low bar ≠ patentability

A computer may clear Art 52; COMVIK leaves Art 56 to do the real filtering.

CLAIM	ROUTE
Program on storage medium	Medium is technical; still test inventive step (*G 3/08* example).
Computer-implemented method	Technical means clears invention; under *COMVIK*, only technical features support inventive step.
Image processing / encryption / boot integrity	Examples of effects beyond normal interaction in the EPO material.

Emotional Perception [80]–[96]: an artificial neural network is a set of instructions and therefore a program; hardware gives the claim technical character. Then identify its inventive technical contribution.

8 · Inventorship

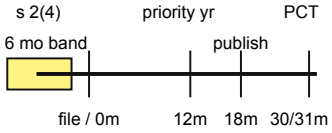
C3 · S 7

s 7 PA 77 is exhaustive: grant to inventor, person entitled to the whole property, or successor. *Rhone-Poulenc v Yeda* [2007] UKHL 43 identifies the inventor as the human deviser of the inventive concept. The UK Supreme Court rejected Dr Thaler's AI-inventor applications in 2023; EPO and US reached the same result.

9 · Novelty & Priority

C4 · SS 2, 5

s 2(1) PA 77 / Art 54 EPC: new unless already in the state of the art. **s 2(2):** everything made available to the public anywhere before the priority date, by description, use or any other way. **s 5(1):** filing date unless a valid earlier filing is claimed.



Sort dates first. The priority right lasts twelve months; publication is shown at eighteen months.

PROVISION	CONDITION	EFFECT
s 2(2)	Public before priority, anywhere	State of art
s 2(3)	Other application published on/after priority; same matter as filed and published; earlier priority	Deemed state of art
s 2(4)	Breach of confidence within six months before filing	Disregard

Art 87 EPC: twelve-month priority right. *Unwired Planet v Huawei*: judge the 24-hour day in the filing office's time zone; novelty is assessed at the start of the priority date, so a disclosure later that day does not anticipate.

10 · Made Available

C4

Information must reach at least one person outside any duty of secrecy who could acquire and understand it. A skilled reader uses common general knowledge: *Idenix v Gilead* [2016] EWCA Civ 1089 = what most in the field treat as a sound footing, including matter looked up as a matter of course; *Regen Lab v Estar Medical* [2019] EWHC 63 = territorial.

EMAIL	*T 2/09 Philips*: internet transmission alone was not public; ask who received every element without secrecy.
DOCUMENT	Potentially available and directly accessible may suffice.
PRODUCT/USE	Counts only for information the public can derive.

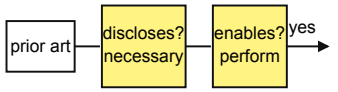
T 381/87 treats receipt by a person free of secrecy as a question of fact. Separate access from comprehension: identify the recipient, duty of secrecy and what the skilled addressee could derive.

EXAM MOVE *Write the priority date at the top, place every item before/on/after it, assign the subsection, then ask what it teaches.*

11 · Anticipation

C5 · SYNTHON

Under *Dyson v Samsung* [129], one item of prior art must (1) disclose subject matter which, if performed, would necessarily infringe, and (2) enable the skilled person to perform it. *Synthon v SmithKline Beecham* keeps the requirements separate.



both → anticipates

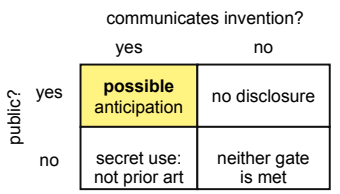
Failure at either gate defeats anticipation; the art may still support obviousness.

DISCLOSURE	ENABLEMENT
Clear directions; performance must inevitably fall within the claim. The skilled person cannot invent missing matter.	Once matter is disclosed, routine trial and error is allowed; no inventive effort or prolonged research.

General Tire and *Flour Oxidising v Carr* support clear and unmistakable directions. Do not use experiments to fill a disclosure gap.

12 · Prior Use & Publication

C5



Public access and informative content are separate questions.

Merrell Dow v Norton: an invention is information; prior use anticipates only what it communicates. Secret use never enters the state of the art. *Lux Traffic Controls*: a public-library book anticipates whether or not anyone read it. *Windsurfing v Tabur Marine*: potentially available and directly accessible.

SEALED PROTOTYPE *Public display does not disclose an internal valve arrangement that visitors cannot see or derive.*

13 · Inventive Step

C6 · S 1(1)

Synthon [25], citing *General Tire*: if prior art would not itself infringe but makes an infringing adaptation obvious, the objection is inventive step, not novelty.

NOVELTY	OBVIOUSNESS
Test each disclosure alone: would performance necessarily infringe?	Ask whether the skilled person at priority would find the adaptation obvious.
Do not mosaic separate documents into one disclosure.	The problem is framed from prior art, technical difference and technical effect; only technical features count after *COMVIK*.

feature	Samaria	Dirrige
stage 1	yes	yes
stage 2	yes	yes
stage 3	required	optional

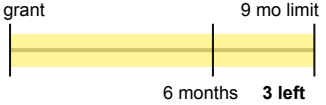
Dirrige's optional third stage is the gap: option is not automatically a clear direction.

Problem–solution: identify closest prior art → technical difference → technical problem/effect → would solution be obvious? *Actavis v ICOS* supplies approved approaches in the seminar reading; state the approach used rather than announcing "obvious".

14 · Exceptions & Attack

C7 · ARTS 53, 99, 100

MEDICAL/VETERINARY METHODS	Read what the steps do to the body. "Non-therapeutic" is an argument, not a conclusion.
MORALITY / ORDRE PUBLIC	**Art 53(a) EPC**; biotechnology also engages Schedule A2 PA 77 and Directive 98/44.
PROCEDURE	Anyone may oppose within nine months; **Art 100** reaches non-patentability under Arts 52–57. Faith groups and ethicists may intervene as opponents.



At six months after grant, three months remain for a central EPO attack.

FALLBACK *Plead novelty and inventive step if the exception argument fails; after the window use s 72 or s 74.*

LAWS70271 Patent Law and Policy · Drills & Fast Recall

THE UNIVERSITY OF MANCHESTER · PROBLEM QUESTIONS + POLICY ESSAYS

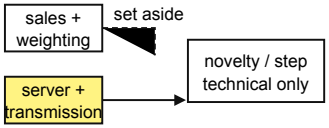
Full guide + ask Sia about LAWS70271

SIDE 2/2 DRILL → rule → facts → counterargument → advice OPEN-BOOK EXAM SHEET **Fast recall:** dates · gates · scope · policy

Drill A · Server Claim C2 WORKED EXAMPLE

Facts. Retail-demand method: collect sales figures, apply statistical weighting, run it on a networked server.

ISSUE	RULE + APPLICATION
Invention?	DUNS (b): technical character is implicit. Server and transmission are technical means, so not a business method as such.
Which features survive?	DUNS (f): weighting and demand estimate do not solve a technical problem with claimed technical means.
Result	Pass Art 52; novelty and inventive step stand or fall on the server arrangement.



Mixed claim: the server gets through; the commercial idea gives no later advantage.

ANSWER LINE *"An invention, but not necessarily patentable." Separate the threshold from the later merits.*

Neural-Network Variant C3 WORKED EXAMPLE

Crop-image grading by a trained neural network on a server. Concede that the network is a set of instructions and therefore a program (*Emotional Perception* [80]–[96]). Hardware supplies technical character; then under *COMVIK* ask what the image processing contributes technically against prior art.

Counterargument. The exclusion is engaged, but that is not the conclusion. Ask whether the hardware and processing supply a new and inventive technical contribution.

INVENTORSHIP TRAP	Do not confuse patentable AI-related subject matter with naming AI as inventor. **s 7 + Yeda + Thaler** require a natural person.

Software Recall ART 52 → ART 56

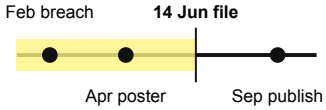


never stop at "computer"

The claim clears invention before technical features are tested for inventive step.

Drill B · Three Disclosures COURSE WORKED EXAMPLE

Facts. UK filing 14 June. April conference poster; rival application with earlier priority published in September; supplier disclosure in breach of confidence in February.



Dates choose the subsection before content is tested.

ITEM	ROUTE	ADVICE
April poster	s 2(2)	Public before priority if no secrecy: state of art.
Rival application	s 2(3)	Earlier priority + later publication; same matter as filed/published: deemed state of art.
February breach	s 2(4)	Within six months and breach of confidence: disregard.

CONCLUSION

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Poster + rival application may be cited; supplier disclosure must be disregarded. Then test disclosure and enablement.
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Same-Day Variant UNWIRED PLANET

UK filing 3 May at 15:00; rival publishes online at 09:00 UK time. With no earlier claim, priority is 3 May under s 5(1). Novelty is assessed from the start of that day in the filing office's time zone. Same-day publication does not anticipate, although it may matter to later filings.

ALWAYS WRITE	office/time zone → priority date → beginning of day → before/on/after.
AVOID	Comparing clock times before identifying the legal date.

Priority Recall S 5 · ART 87

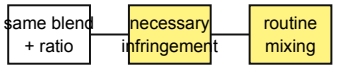
First to file, not first to invent. A later application may claim a valid first filing in a Paris Convention state or WTO Member within twelve months. **s 2(3)** is not ordinary public art; **s 2(4)** is narrow, date-bound relief, not permission to disclose freely.

FACT CUE	IMMEDIATE RESPONSE
Poster / talk / sale	Before priority, public and free of secrecy? Route to s 2(2).
Earlier filing, later publication	Check earlier priority and identical matter as filed and published: s 2(3).
Leak by confidant	Unlawful or in breach, within six months before filing? s 2(4).

Knowledge. Common general knowledge interprets one disclosure; it does not fuse several into one novelty citation. Record the territory and the field's reliable footing.

Drill C · Old Journal C5 WORKED EXAMPLE

Facts. Claim: solvent blend at a stated ratio. Ten-year-old journal gives the same blend and ratio but no preparation detail; a chemist can make it by routine mixing.



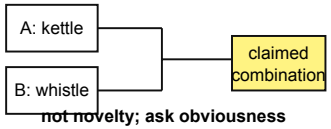
discloses + enables → anticipated

The missing preparation detail is supplied by routine skill at enablement, not by invention.

RULE	*Dyson* [129]: necessary infringement + enablement; keep separate under *Synthon*.
DISCLOSURE	Same blend and ratio: performance necessarily infringes.
AVAILABILITY	Public journal is available whether anyone read it (*Lux*).
ENABLEMENT	Routine mixing; trial and error is permissible here and requires no invention or prolonged research.
CONCLUSION	Both gates met: claim lacks novelty.

Near Miss → Obviousness C6 WORKED EXAMPLE

Kettle claim has a whistle in the lid. A shows the kettle without whistle; B, from another field, shows a whistle on a pressure valve.



not novelty; ask obviousness

No single disclosure anticipates; combining the teachings belongs to inventive step.

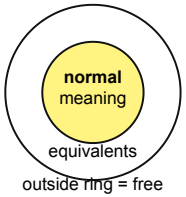
Advice. Novelty attack fails. Redirect under *Synthon* [25]: would the skilled person look to pressure valves and find the adaptation obvious? The patentee argues why the fields would not be combined.

Prior-use variant. A sealed pump is shown publicly, but visitors cannot open it and the claim concerns its internal valve. Under *Merrell Dow*, use reveals only what it communicates: no valve disclosure means no necessary infringement. Secret use is not prior art.

MARKER SIGNAL *Test A alone, then B alone, before discussing any combination.*

Drill D · Variant Chair C8 WORKED EXAMPLE

Facts. Claim: chair legs joined by a steel bar. Competitor makes and sells a chair using aluminium that performs the same job.



outside ring = free

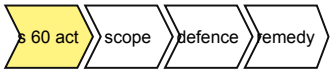
Actavis step one is the inner area; step two may catch a variant beyond ordinary meaning.

TASK	APPLICATION
1 · Act	Match making and selling to the relevant s 60 category.
2a · Scope	On normal interpretation, does "steel" cover aluminium, read with the inventive concept?
2b · Equivalent	If not, apply Lord Neuberger's three questions from the handout; same job supports the argument but does not replace the test.
3 · Defence	Test any defence on the facts.
4 · Remedy	Choose relief fitting the patentee's commercial position.

ADVICE

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Credible case: aluminium may be an equivalent if "steel" is not met on normal interpretation, subject to defences.
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Infringement Pipeline SEMINAR 4 TIPS



run separately for every activity

Classify before construing; do not jump from similarity straight to liability.

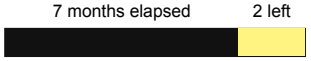
s 125(3) PA 77 brings **Art 69 EPC + Protocol** into UK law: fair protection for the patentee versus reasonable certainty for third parties. *Actavis UK v Eli Lilly* [2017] UKSC 48 [53]–[66]; *IceScape* illustrates normal interpretation.

Fairness essay. Step one protects the public's ability to read the claim; step two may stop an immaterial variant escaping. Decide whether that improves fair protection without sacrificing reasonable certainty.

WORDING COVERS	Equivalents is unnecessary.
WORDING MISSES	Name the variant; run all three questions.

Exceptions Problem C7 WORKED EXAMPLE

Facts. European patent granted seven months ago claims a "non-therapeutic" method reducing skin redness by applying plant extract and waiting two minutes.



Two months remain to oppose centrally at the EPO.

PROCEDURE	Art 99 window open; Art 100 allows non-patentability under Arts 52–57.
SUBSTANCE	Do not accept the label. Ask what each step does to the body and whether reducing redness is inseparable from therapy.
FALLBACK	Add novelty and inventive-step grounds.
CONCLUSION	Oppose within two months; argue the exception and alternatives.

Chica / Revine Split C8 SEMINAR PROBLEM

Salon use. Revine applies Hairbond during colouring. Claim 2 requires bleaching and maleoli formulations applied simultaneously. Identify process use under s 60; on normal interpretation test the form of maleoli, bleaching formulation and simultaneity; if outside, consider equivalents.

Home kit. Revine supplies Hairbond Stepwise; the consumer mixes it with a colouring formulation before use. Treat supply separately. Mixing before application may satisfy simultaneity; if normal interpretation covers it, the equivalents stage is unnecessary.

ACTIVITY	ACT	SCOPE FACT
Salon	Revine performs process	form + bleach + simultaneity
Home kit	supply; consumer performs	pre-mixing may meet simultaneity

Post-Grant Routes C1 + C7

≤9 MONTHS	Art 99 EPO opposition; anyone; central reach; Art 100 grounds.
LATER / UK	s 72 revocation on stipulated grounds.
IF SUED	s 74 lets validity be put in issue as a defence.

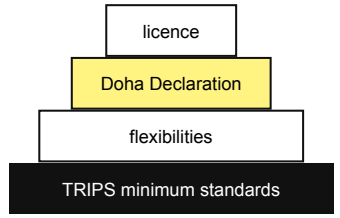
DATE FIRST *Calculate from mention of grant before choosing forum or remedy.*

Morality Essay Frame C7 READINGS

Issue: should faith groups and ethicists have a formal EPO role? **For:** life-science patenting benefits from moral and rights perspectives. **Against:** examination is technical; regulation may handle morality better. Use Rennie-Smith, Pila, and Liddell & Ravenscroft; opposition is open to anyone.

Policy Drill · Medicines C9 · TRIPS

Facts. A country without vaccine manufacturing capacity faces an epidemic; the effective vaccine is patented.



Build advice upwards from the treaty baseline to the particular compulsory licence.

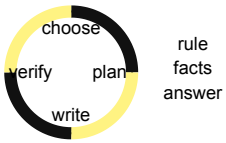
PARAGRAPH	WHAT TO DO
Objective	Lawful vaccine supply during the emergency.
Framework	**TRIPS Art 1**: minimum standards, with more extensive protection permitted if consistent. **Art 27(1)**: patent availability.
Flexibility	Follow the Doha Declaration procedure from the lectures; identify the document each step requires.
Reply	Meet the patentee's incentive rationale using the Chapter 1 bargain and the public-health objective.
Advice	Give a recommendation and identify the documentation to complete.

ESSAY MOVE *A survey is not enough: thesis → legal framework → strongest counterargument → reasoned conclusion.*

Fast Recall Grid ALL CHAPTERS

INVENTION	DUNS; technical character; *Emotional Perception*.
NOVELTY	priority; ss 2(2)/(3)/(4); one disclosure.
ANTICIPATION	necessary infringement + enablement.
STEP	prior art; technical difference/effect; obvious?
INFRINGEMENT	s 60 → scope → defence → remedy.

24-Hour Answer Cycle ASSESSMENT + STRATEGY



For each of the three chosen questions: select, plan by issues, write, then check the actual question and authorities.

Problem: advise. **Essay:** take a position. **Both:** use claim language, separate tests, state the fallback.