



Patents Act 1949

1949 CHAPTER 87 12 13 and 14 Geo 6

Application, investigation, opposition, etc.

16 Mention of inventor as such in patent.

(1) If the comptroller is satisfied, upon a request or claim made in accordance with the provisions of this section—

- (a) that the person in respect of or by whom the request or claim is made is the inventor of an invention in respect of which application for a patent has been made, or of a substantial part of that invention; and
- (b) that the application for the patent is a direct consequence of his being the inventor,

the comptroller shall, subject to the provisions of this section, cause him to be mentioned as inventor in any patent granted in pursuance of the application, in the complete specification, and in the register of patents:

Provided that the mention of any person as inventor under this section shall not confer or derogate from any rights under the patent.

- (2) For the purposes of this section the actual deviser of an invention or a part of an invention shall be deemed to be the inventor, notwithstanding that any other person is for any of the other purposes of this Act treated as the true and first inventor; and no person shall be deemed to be the inventor of an invention or a part of an invention by reason only that it was imported by him into the United Kingdom.
- (3) A request that any person shall be mentioned as aforesaid may be made in the prescribed manner by the applicant for the patent or (where the person alleged to be the inventor is not the applicant or one of the applicants) by the applicant and that person.
- (4) If any person (other than a person in respect of whom a request in relation to the application in question has been made under the last foregoing subsection) desires to be mentioned as aforesaid, he may make a claim in the prescribed manner in that behalf.
- (5) A request or claim under the foregoing provisions of this section must be made not later than two months after the date of the publication of the complete specification,

Changes to legislation: There are currently no known outstanding effects for the Patents Act 1949, Section 16. (See end of Document for details)

or within such further period (not exceeding one month) as the comptroller may, on an application made to him in that behalf before the expiration of the said period of two months and subject to payment of the prescribed fee, allow.

- (6) F1
- (7) Subject to the provisions of the last foregoing subsection, where a claim is made under subsection (4) of this section, the comptroller shall give notice of the claim to every applicant for the patent (not being the claimant) and to any other person whom the comptroller may consider to be interested; and before deciding upon any request or claim made under subsection (3) or subsection (4) of this section, the comptroller shall, if required, hear the person in respect of or by whom the request or claim is made, and, in the case of a claim under the said subsection (4), any person to whom notice of the claim has been given as aforesaid.
- (8) Where any person has been mentioned as inventor in pursuance of this section, any other person who alleges that he ought not to have been so mentioned may at any time apply to the comptroller for a certificate to that effect, and the comptroller may, after hearing, if required, any person whom he may consider to be interested, issue such a certificate, and if he does so, he shall rectify the specification and the register accordingly.
- (9) An appeal shall lie from any decision of the comptroller under this section.

<p>Textual Amendments</p> <p>F1 S. 16(6) repealed by Patents Act 1977 (c. 37), Sch. 6</p>

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