SCHEDULES

SCHEDULE 10

SPECIAL TRANSITIONAL PROVISIONS WITH RESPECT TO PATENTS FOR INVENTIONS AND REGISTERED DESIGNS

PART I

PATENTS FOR INVENTIONS

5 Where, in the case of an invention, an authority for its use is continued in force by, or is conferred by virtue of, paragraph 2 of this Schedule, then—

(a) if and so far as the invention has, before the priority date of the relevant claim of the complete specification, been duly recorded by or tried by or on behalf of a government department otherwise than in consequence of the communication thereof, directly or indirectly, by the patentee or a person from whom he derives title, any use of the invention by virtue of the said paragraph 2 may be made free of any royalty or other payment to the patentee;

(b) if and so far as the invention has not been so recorded or tried as aforesaid, any use of the invention by virtue of the said paragraph 2 at any time after the acceptance of the complete specification in respect of the patent or in consequence of any such communication as aforesaid, shall—

(i) except where an agreement as to terms for the use of the invention was made before the appointed day under section 46(3) of the Patents Act 1949 or a determination as to those terms was made by the court under section 48 of that Act, be made upon such terms as may be agreed upon, either before or after the use, between the Post Office and the patentee, or as may, in default of such an agreement, be determined by the court on a reference under paragraph 9 of this Schedule ;

(ii) in the said excepted case, be made upon the terms of the said agreement or determination.