



Patents Act 1977

1977 CHAPTER 37

PART I

NEW DOMESTIC LAW

Right to apply for and obtain a patent and be mentioned as inventor

11 Effect of transfer of application under s. 8 or 10.

- (1) Where an order is made or directions are given under section 8 or 10 above that an application for a patent shall proceed in the name of one or some of the original applicants (whether or not it is also to proceed in the name of some other person), any licences or other rights in or under the application shall, subject to the provisions of the order and any directions under either of those sections, continue in force and be treated as granted by the persons in whose name the application is to proceed.
- (2) Where an order is made or directions are given under section 8 above that an application for a patent shall proceed in the name of one or more persons none of whom was an original applicant (on the ground that the original applicant or applicants was or were not entitled to be granted the patent), any licences or other rights in or under the application shall, subject to the provisions of the order and any directions under that section and subject to subsection (3) below, lapse on the registration of that person or those persons as the applicant or applicants or, where the application has not been published, on the making of the order.
- (3) If before registration of a reference under section 8 above resulting in the making of any order mentioned in subsection (2) above—
 - (a) the original applicant or any of the applicants, acting in good faith, worked the invention in question in the United Kingdom or made effective and serious preparations to do so; or
 - (b) a licensee of the applicant, acting in good faith, worked the invention in the United Kingdom or made effective and serious preparations to do so;that or those original applicant or applicants or the licensee shall, on making a request within the prescribed period to the person in whose name the application is to proceed,

Changes to legislation: Patents Act 1977, Section 11 is up to date with all changes known to be in force on or before 10 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

be entitled to be granted a licence (but not an exclusive licence) to continue working or, as the case may be, to work the invention.

- [^{F1}(3A) If, before registration of a reference under section 8 above resulting in the making of an order under subsection (3) of that section, the condition in subsection (3)(a) or (b) above is met, the original applicant or any of the applicants or the licensee shall, on making a request within the prescribed period to the new applicant, be entitled to be granted a licence (but not an exclusive licence) to continue working or, as the case may be, to work the invention so far as it is the subject of the new application.]
- (4) [^{F2}A licence under subsection (3) or (3A) above] shall be granted for a reasonable period and on reasonable terms.
- (5) Where an order is made as mentioned in subsection (2) [^{F3}or (3A)] above, the person in whose name the application is to proceed [^{F4}or, as the case may be, who makes the new application] or any person claiming that he is entitled to be granted any such licence may refer to the comptroller the question whether the latter is so entitled and whether any such period is or terms are reasonable, and the comptroller shall determine the question and may, if he considers it appropriate, order the grant of such a licence.

Textual Amendments

- F1** S. 11(3A) inserted (1.1.2005) by [Patents Act 2004 \(c. 16\)](#), **ss. 6(2)**, 17(1); S.I. 2004/3205, art. 2(b) (with art. 9)
- F2** Words in s. 11(4) substituted (1.1.2005) by [Patents Act 2004 \(c. 16\)](#), **ss. 6(3)**, 17(1); S.I. 2004/3205, art. 2(b) (with art. 9)
- F3** Words in s. 11(5) inserted (1.1.2005) by [Patents Act 2004 \(c. 16\)](#), **ss. 6(4)(a)**, 17(1); S.I. 2004/3205, art. 2(b) (with art. 9)
- F4** Words in s. 11(5) inserted (1.1.2005) by [Patents Act 2004 \(c. 16\)](#), **ss. 6(4)(b)**, 17(1); S.I. 2004/3205, art. 2(b) (with art. 9)

Changes to legislation:

Patents Act 1977, Section 11 is up to date with all changes known to be in force on or before 10 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 56(4)(a)(iiia) and word added by [S.I. 2006/1056 Sch. para. 2\(b\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))
- s. 63(3)(a) words in s. 63(3) renumbered as s. 63(3)(a) by [2004 c. 16 s. 2\(4\)](#) (Amendment not applied to legislation.gov.uk. S. 2(4) was repealed (29.4.2006) by S.I. 2006/1028, art. 2(4), Sch. 4)
- s. 63(3)(b) and word inserted by [2004 c. 16 s. 2\(4\)](#) (Amendment not applied to legislation.gov.uk. S. 2(4) was repealed (29.4.2006) by S.I. 2006/1028, art. 2(4), Sch. 4)