



Patents Act 1977

1977 CHAPTER 37

PART I

NEW DOMESTIC LAW

Licences of right and compulsory licences

49 Provisions about licences under s. 48

- (1) Where the comptroller is satisfied, on an application made under section 48 above in respect of a patent, that the manufacture, use or disposal of materials not protected by the patent is unfairly prejudiced by reason of conditions imposed by the proprietor of the patent on the grant of licences under the patent, or on the disposal or use of the patented product or the use of the patented process, he may (subject to the provisions of that section) order the grant of licences under the patent to such customers of the applicant as he thinks fit as well as to the applicant.
- (2) Where an application under section 48 above is made in respect of a patent by a person who holds a licence under the patent, the comptroller—
 - (a) may, if he orders the grant of a licence to the applicant, order the existing licence to be cancelled, or
 - (b) may, instead of ordering the grant of a licence to the applicant, order the existing licence to be amended.
- (3) Where, on an application under section 48 above in respect of a patent, the comptroller orders the grant of a licence, he may direct that the licence shall operate—
 - (a) to deprive the proprietor of the patent of any right he has to work the invention concerned or grant licences under the patent;
 - (b) to revoke all existing licences granted under the patent.
- (4) Section 46(4) and (5) above shall apply to a licence granted in pursuance of an order under section 48 above and to a licence granted by virtue of an entry under that section as it applies to a licence granted by virtue of an entry under section 46 above.