



Patents Act 1949

1949 CHAPTER 87

Register of patents, etc.

73 Register of patents

- (1) There shall be kept at the Patent Office a register of patents, in which there shall be entered particulars of patents in force, of assignments and transmissions of patents and of licences under patents, and notice of all matters which are required by or under this Act to be entered in the register and of such other matters affecting the validity or proprietorship of patents as the comptroller thinks fit.
- (2) Subject to the provisions of this Act and to rules made by the Board of Trade thereunder, the register of patents shall, at all convenient times, be open to inspection by the public; and certified copies, sealed with the seal of the Patent Office, of any entry in the register shall be given to any person requiring them on payment of a prescribed fee.
- (3) The register of patents shall be prima facie evidence of any matters required or authorised by or under this Act to be entered therein.
- (4) No notice of any trust, whether expressed, implied or constructive, shall be entered in the register of patents, and the comptroller shall not be affected by any such notice.

74 Registration of assignments, etc.

- (1) Where any person becomes entitled by assignment, transmission or operation of law to a patent or to a share in a patent, or becomes entitled as mortgagee, licensee or otherwise to any other interest in a patent, he shall apply to the comptroller in the prescribed manner for the registration of his title as proprietor or co-proprietor, or, as the case may be, of notice of his interest, in the register of patents.
- (2) Without prejudice to the provisions of the foregoing subsection, an application for the registration of the title of any person becoming entitled by assignment to a patent or a share in a patent, or becoming entitled by virtue of a mortgage, licence or other instrument to any other interest in a patent, may be made in the prescribed manner by the assignor, mortgagor, licensor or other party to that instrument, as the case may be.

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- (3) Where application is made under this section for the registration of the title of any person, the comptroller shall, upon proof of title to his satisfaction—
- (a) where that person is entitled to a patent or a share in a patent, register him in the register of patents as proprietor or co-proprietor of the patent, and enter in that register particulars of the instrument or event by which he derives title ; or
 - (b) where that person is entitled to any other interest in the patent, enter in that register notice of his interest, with particulars of the instrument (if any) creating it.
- (4) Subject to the provisions of this Act relating to co-ownership of patents, and subject also to any rights vested in any other person of which notice is entered in the register of patents, the person or persons registered as grantee or proprietor of a patent shall have power to assign, grant licences under, or otherwise deal with the patent, and to give effectual receipts for any consideration for any such assignment, licence or dealing :
- Provided that any equities in respect of the patent may be enforced in like manner as in respect of any other personal property.
- (5) Rules made by the Board of Trade under this Act may require the supply to the comptroller for filing at the Patent Office of copies of such deeds, licences and other documents as may be prescribed by the rules.
- (6) Except for the purposes of an application to rectify the register under the following provisions of this Act, a document in respect of which no entry has been made in the register of patents under subsection (3) of this section shall not be admitted in any court as evidence of the title of any person to a patent or share of or interest in a patent unless the court otherwise directs.

75 Rectification of register

- (1) The court may, on the application of any person aggrieved, order the register of patents to be rectified by the making of any entry therein or the variation or deletion of any entry therein.
- (2) In proceedings under this section the court may determine any question which it may be necessary or expedient to decide in connection with the rectification of the register.
- (3) Notice of any application to the court under this section shall be given in the prescribed manner to the comptroller, who shall be entitled to appear and be heard on the application, and shall appear if so directed by the court.
- (4) Any order made by the court under this section shall direct that notice of the order shall be served on the comptroller in the prescribed manner; and the comptroller shall, on the receipt of the notice, rectify the register accordingly.

76 Power to correct clerical errors, etc.

- (1) The comptroller may, in accordance with the provisions of this section, correct any clerical error in any patent, any application for a patent or any document filed in pursuance of such an application, or any error in the register of patents.
- (2) A correction may be made in pursuance of this section either upon a request in writing made by any person interested and accompanied by the prescribed fee, or without such a request.

- (3) Where the comptroller proposes to make any such correction as aforesaid otherwise than in pursuance of a request made under this section, he shall give notice of the proposal to the patentee or the applicant for the patent, as the case may be, and to any other person who appears to him to be concerned, and shall give them an opportunity to be heard before making the correction.
- (4) Where a request is made under this section for the correction of any error in a patent or application for a patent or any document filed in pursuance of such an application, and it appears to the comptroller that the correction would materially alter the meaning or scope of the document to which the request relates, and ought not to be made without notice to persons affected thereby, he shall require notice of the nature of the proposed correction to be advertised in the prescribed manner.
- (5) Within the prescribed time after any such advertisement as aforesaid any person interested may give notice to the comptroller of opposition to the request, and where such notice of opposition is given the comptroller shall give notice thereof to the person by whom the request was made, and shall give to him and to the opponent an opportunity to be heard before he decides the case.

77 Evidence of entries, documents, etc.

- (1) A certificate purporting to be signed by the comptroller and certifying that any entry which he is authorised by or under this Act to make has or has not been made, or that any other thing which he is so authorised to do has or has not been done, shall be prima facie evidence of the matters so certified.
- (2) A copy of any entry in any register or of any document kept in the Patent Office or of any patent, or an extract from any such register or document, purporting to be certified by the comptroller and to be sealed with the seal of the Patent Office, shall be admitted in evidence without further proof and without production of the original.

78 Requests for information as to patent or patent application

The comptroller shall, on request made to him in the prescribed manner by any person and on payment of the prescribed fee, furnish the person making the request with such information relating to any patent or application for a patent as may be specified in the request, being information in respect of any such matters as may be prescribed.

79 Restriction upon publication of specifications, etc.

- (1) An application for a patent, and any specification filed in pursuance thereof, shall not, except with the consent of the applicant, be published by the comptroller or be open to public inspection at any time before the date advertised in the Journal in pursuance of subsection (2) of section thirteen of this Act.
- (2) The reports of examiners made under this Act shall not be open to public inspection or be published by the comptroller; and such reports shall not be liable to production or inspection in any legal proceeding unless the court or officer having power to order discovery in the proceeding certifies that the production or inspection is desirable in the interests of justice, and ought to be allowed:

Provided that the comptroller may, on application made in the prescribed manner by any person, disclose the result of any search made under section seven or section eight

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of this Act in respect of any application for a patent where the complete specification has been published.

80 Loss or destruction of patent

Where the comptroller is satisfied that a patent has been lost or destroyed or cannot be produced, he may at any time cause a duplicate thereof to be sealed.