



Patents Act 1949

1949 CHAPTER 87 12 13 and 14 Geo 6

Revocation and surrender of patents

33 Revocation of patent by comptroller.

[^{F1}(1) Subject to the provisions of this Act, a patent may, on the application of any person interested, be revoked by the comptroller on any of the grounds set out in section 32(1) of this Act:]

Provided that when an action for infringement, or proceedings for the revocation, of a patent are pending in any court, an application to the comptroller under this section shall not be made except with the leave of the court.

(2) Where an application is made under this section, the comptroller shall notify the patentee and shall give to the applicant and the patentee an opportunity to be heard before deciding the case.

(3) If on an application under this section the comptroller is satisfied that any of the grounds aforesaid are established, he may by order direct that the patent shall be revoked either unconditionally or unless within such time as may be specified in the order the complete specification is amended to his satisfaction:

...^{F2}

(4) An appeal shall lie from any decision of the comptroller under this section.

[^{F3}(5) A decision of the comptroller or on appeal from the comptroller shall not estop any party to civil proceedings in which infringement of a patent is in issue from alleging that any claim of the specification is invalid on any of the grounds set out in section 32(1) of this Act, whether or not any of the issues involved were decided in that decision.]

Textual Amendments

F1 Words substituted by [Patents Act 1977 \(c. 37\)](#), s. 127, [Sch. 1 para. 7\(1\)](#)

F2 [S. 33\(3\)](#) proviso repealed by [Patents Act 1977 \(c. 37\)](#), [Sch. 6](#)

F3 [S. 33\(5\)](#) added by [Patents Act 1977 \(c. 37\)](#), s. 127, [Sch. 1 para. 7\(2\)](#)

Changes to legislation: There are currently no known outstanding effects for the Patents Act 1949, Section 33. (See end of Document for details)

Modifications etc. (not altering text)

C1 S. 33 amended by [Patents Act 1977 \(c. 37\)](#), [Sch. 4 para. 6](#)

Changes to legislation:

There are currently no known outstanding effects for the Patents Act 1949, Section 33.