



Patents Act 1949

1949 CHAPTER 87 12 13 and 14 Geo 6

Use of patented inventions for services of the Crown

48 Reference of disputes as to Crown use.

- (1) Any dispute as to the exercise by a Government department or a person authorised by a Government department of the powers conferred by section forty-six of this Act, or as to terms for the use of an invention for the services of the Crown thereunder, or as to the right of any person to receive any part of a payment made in pursuance of subsection (3) of that section, may be referred to the court by either party to the dispute [^{F1}in such manner as may be prescribed by rules of court.]
- (2) In any proceedings under this section to which a Government department are a party, the department may—
 - (a) if the patentee is a party to the proceedings, apply for revocation of the patent upon any ground upon which a patent may be revoked under section thirty-two of this Act;
 - (b) in any case, put in issue the validity of the patent without applying for its revocation.
- (3) If in such proceedings as aforesaid any question arises whether an invention has been recorded or tried as mentioned in section forty-six of this Act, and the disclosure of any document recording the invention, or of any evidence of the trial thereof, would in the opinion of the department be prejudicial to the public interest, the disclosure may be made confidentially to counsel for the other party or to an independent expert mutually agreed upon.
- (4) In determining under this section any dispute between a Government department and any person as to terms for the use of an invention for the services of the Crown, the court shall have regard to any benefit or compensation which that person or any person from whom he derives title may have received, or may be entitled to receive, directly or indirectly from any Government department in respect of the invention in question.
- (5) In any proceedings under this section the court may at any time order the whole proceedings or any question or issue of fact arising therein to be referred to a special

Changes to legislation: There are currently no known outstanding effects for the Patents Act 1949, Section 48. (See end of Document for details)

or official referee or an arbitrator on such terms as the court may direct; and references to the court in the foregoing provisions of this section shall be construed accordingly.

Textual Amendments

F1 Words repealed (N.I.) by [Northern Ireland Act 1962 \(c. 30\)](#), **Sch. 1 Pt. I**

Modifications etc. (not altering text)

C1 [S. 48](#) extended by [S.I. 1965/1536](#), **Sch. 3**

C2 [S. 48\(2\)–\(5\)](#) applied with modifications by [British Telecommunications Act 1981 \(c. 38, SIF 96\)](#), s. 88, **Sch. 5 para. 10(2)**

Changes to legislation:

There are currently no known outstanding effects for the Patents Act 1949, Section 48.