



Patents Act 1949

1949 CHAPTER 87

Anticipation, etc.

53 Priority date in case of obtaining

Where an application is made for a patent for an invention which has been claimed in a complete specification filed in pursuance of any other such application, then if—

- (a) the comptroller has refused to grant a patent in pursuance of that other application on the ground specified in paragraph (a) of subsection (1) of section fourteen of this Act;
- (b) a patent granted in pursuance of that other application has been revoked by the court or the comptroller on the ground specified in paragraph (a) of subsection (1) of section fourteen or paragraph (c) of subsection (1) of section thirty-two of this Act; or
- (c) the complete specification filed in pursuance of the said other application has, in proceedings under section fourteen or section thirty-three of this Act, been amended by the exclusion of the claim relating to the said invention in consequence of a finding by the comptroller that the invention was obtained by the applicant or patentee from any other person,

the comptroller may direct that the first-mentioned application and any specification filed in pursuance thereof shall be deemed, for the purposes of the provisions of this Act relating to the priority date of claims of complete specifications, to have been filed on the date on which the corresponding document was or was deemed to have been filed in the proceedings upon the said other application.