



Patents Act 2004

2004 CHAPTER 16

Other amendments of the 1977 Act

6 Remedies in entitlement proceedings

- (1) In section 8 of the 1977 Act (reference before grant of patent of questions about entitlement etc), in paragraph (c) of subsection (3) (powers of comptroller), for “but after the publication of the application” there is substituted “ (whether the application is refused or withdrawn before or after its publication) ”.
- (2) In section 11 of that Act (effect of transfer of application under section 8 or 10) after subsection (3) (protection of original applicant or his licensee) there is inserted—

“(3A) If, before registration of a reference under section 8 above resulting in the making of an order under subsection (3) of that section, the condition in subsection (3)(a) or (b) above is met, the original applicant or any of the applicants or the licensee shall, on making a request within the prescribed period to the new applicant, be entitled to be granted a licence (but not an exclusive licence) to continue working or, as the case may be, to work the invention so far as it is the subject of the new application.”
- (3) In subsection (4) of that section, for “Any such licence” there is substituted “ A licence under subsection (3) or (3A) above ”.
- (4) In subsection (5) of that section—
 - (a) after “(2)” there is inserted “ or (3A) ”;
 - (b) after “proceed” there is inserted “ or, as the case may be, who makes the new application ”.

Commencement Information

II S. 6 in force at 1.1.2005 by S.I. 2004/3205, art. 2(b) (with art. 9)

Changes to legislation:

There are currently no known outstanding effects for the Patents Act 2004, Section 6.