



Patents Act 1977

1977 CHAPTER 37

PART I

NEW DOMESTIC LAW

Right to apply for and obtain a patent and be mentioned as inventor

11 Effect of transfer of application under s. 8 or 10

- (1) Where an order is made or directions are given under section 8 or 10 above that an application for a patent shall proceed in the name of one or some of the original applicants (whether or not it is also to proceed in the name of some other person), any licences or other rights in or under the application shall, subject to the provisions of the order and any directions under either of those sections, continue in force and be treated as granted by the persons in whose name the application is to proceed.
- (2) Where an order is made or directions are given under section 8 above that an application for a patent shall proceed in the name of one or more persons none of whom was an original applicant (on the ground that the original applicant or applicants was or were not entitled to be granted the patent), any licences or other rights in or under the application shall, subject to the provisions of the order and any directions under that section and subject to subsection (3) below, lapse on the registration of that person or those persons as the applicant or applicants or, where the application has not been published, on the making of the order.
- (3) If before registration of a reference under section 8 above resulting in the making of any order mentioned in subsection (2) above—
 - (a) the original applicant or any of the applicants, acting in good faith, worked the invention in question in the United Kingdom or made effective and serious preparations to do so; or
 - (b) a licensee of the applicant, acting in good faith, worked the invention in the United Kingdom or made effective and serious preparations to do so ;that or those original applicant or applicants or the licensee shall, on making a request within the prescribed period to the person in whose name the application is to proceed,

Status: This is the original version (as it was originally enacted).

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.

- (4) Any such licence shall be granted for a reasonable period and on reasonable terms.
- (5) Where an order is made as mentioned in subsection (2) above, the person in whose name the application is to proceed or any person claiming that he is entitled to be granted any such licence may refer to the comptroller the question whether the latter is so entitled and whether any such period is or terms are reasonable, and the comptroller shall determine the question and may, if he considers it appropriate, order the grant of such a licence.