
Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Right to continue use begun before priority date. (See end of Document for details)

SCHEDULES

SCHEDULE 5

PATENTS: MISCELLANEOUS AMENDMENTS

Right to continue use begun before priority date

- 17 For section 64 of the Patents Act 1977 (right to continue use begun before priority date) substitute—

“64 Right to continue use begun before priority date.

- (1) Where a patent is granted for an invention, a person who in the United Kingdom before the priority date of the invention—
 - (a) does in good faith an act which would constitute an infringement of the patent if it were in force, or
 - (b) makes in good faith effective and serious preparations to do such an act,has the right to continue to do the act or, as the case may be, to do the act, notwithstanding the grant of the patent; but this right does not extend to granting a licence to another person to do the act.
- (2) If the act was done, or the preparations were made, in the course of a business, the person entitled to the right conferred by subsection (1) may—
 - (a) authorise the doing of that act by any partners of his for the time being in that business, and
 - (b) assign that right, or transmit it on death (or in the case of a body corporate on its dissolution), to any person who acquires that part of the business in the course of which the act was done or the preparations were made.
- (3) Where a product is disposed of to another in exercise of the rights conferred by subsection (1) or (2), that other and any person claiming through him may deal with the product in the same way as if it had been disposed of by the registered proprietor of the patent.”

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Right to continue use begun before priority date.