



Crown Proceedings Act 1947

1947 CHAPTER 44 10 and 11 Geo 6

PART I

SUBSTANTIVE LAW

[^{F1}3 **Infringement of intellectual property rights**

(1) Civil proceedings lie against the Crown for an infringement committed by a servant or agent of the Crown, with the authority of the Crown, of—:

- (a) a patent,
- (b) a registered trade mark ^{F2} . . . ,
- (c) the right in a registered design,
- (d) design right, or
- (e) copyright;

but save as provided by this subsection no proceedings lie against the Crown by virtue of this Act in respect of an infringement of any of those rights.

(2) Nothing in this section, or any other provision of this Act, shall be construed as affecting—

- (a) the rights of a government department [^{F3}or any part of the Scottish Administration] under section 55 of the Patents Act 1977, Schedule 1 to the Registered Designs Act 1949 or section 240 of the Copyright, Designs and Patents Act 1988 (Crown use of patents and designs), or
- (b) the rights of the Secretary of State under section 22 of the Patents Act 1977 or section 5 of the Registered Designs Act 1949 (security of information prejudicial to defence or public safety).]

Textual Amendments

F1 S. 3 substituted by [Copyright, Designs and Patents Act 1988 \(c.48, SIF 67A\)](#), s.303(1), [Sch. 7 para. 4\(1\)\(2\)](#)

F2 Words in s. 3(1)(b) repealed (31.10.1994) by [1994 c. 26, s. 106\(2\)](#), [Sch. 5](#); [S.I. 1994/2550](#), [art. 2](#)

Changes to legislation: There are currently no known outstanding effects for the Crown Proceedings Act 1947, Section 3. (See end of Document for details)

F3 Words in s. 3(2)(a) inserted (20.5.1999) by S.I. 1999/1042, art. 4, **Sch. 2**, Pt. I para. 4(3); S.I. 1998/3178, art. 2(2), **Sch. 4**

Modifications etc. (not altering text)

C1 S. 3(1)(b) amended (31.10.1994) by 1994 c. 26, s. 106(1), **Sch. 4 para. 1(2)**; S.I. 1994/2550, **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Crown Proceedings Act 1947, Section 3.