



Patents Act 1949

CHAPTER 87

PATENTS ACT 1949

Application, investigation, opposition, etc.

- 1 Persons entitled to make application
- 2 Application
- 3 Complete and provisional specifications
- 4 Contents of specification
- 5 Priority date of claims of complete specification
- 6 Examination of application
- 7 Search for anticipation by previous publication
- 8 Search for anticipation by prior claim
- 9 Reference in case of potential infringement
- 10 Refusal of application in certain cases
- 11 Supplementary provisions as to searches, etc.
- 12 Time for putting application in order for acceptance
- 13 Acceptance and publication of complete specification
- 14 Opposition to grant of patent
- 15 Refusal of patent without opposition
- 16 Mention of inventor as such in patent
- 17 Substitution of applicants, etc.
- 18 Provisions for secrecy of certain inventions

Grant, effect and term of patent

- 19 Grant and sealing of patent
- 20 Amendment of patent granted to deceased applicant
- 21 Extent, effect and form of patent
- 22 Date and term of patent
- 23 Extension on ground of inadequate remuneration
- 24 Extension on ground of war loss

Status: This is the original version (as it was originally enacted).

- 25 Extension on ground of war loss of licensee
- 26 Patents of addition

Restoration of lapsed patents and patent applications

- 27 Restoration of lapsed patents
- 28 Restoration of lapsed applications for patents

Amendment of specifications

- 29 Amendment of specification with leave of comptroller
- 30 Amendment of specification with leave of the court
- 31 Supplementary provisions as to amendment of specification

Revocation and surrender of patents

- 32 Revocation of patent by court
- 33 Revocation of patent by comptroller
- 34 Surrender of patent

Voluntary endorsement of patent

- 35 Endorsement of patent " licences of right "
- 36 Cancellation of endorsement under section 35

Compulsory licences, etc.

- 37 Compulsory endorsement
- 38 Provisions as to licences under section 37
- 39 Exercise of powers on applications under section 37
- 40 Endorsement, etc. on application of Crown
- 41 Inventions relating to food or medicine, etc.
- 42 Revocation of patent
- 43 Procedure on application under sections 37 to 42
- 44 Appeal and references to arbitrator
- 45 Supplementary provisions

Use of patented inventions for services of the Crown

- 46 Use of patented inventions for services of the Crown
- 47 Rights of third parties in respect of Crown use
- 48 Reference of disputes as to Crown use
- 49 Special provisions as to Crown use during emergency

Anticipation, etc.

- 50 Previous publication
- 51 Previous communication, display or working
- 52 Use and publication after provisional specification or foreign application
- 53 Priority date in case of obtaining

Miscellaneous provisions as to rights in inventions

- 54 Co-ownership of patents
- 55 Power of comptroller to give directions to co-owners
- 56 Disputed as to inventions made by employees

- 57 Avoidance of certain restrictive conditions
- 58 Determination of certain contracts

Proceedings for infringement, etc.

- 59 Restrictions on recovery of damages for infringement
- 60 Order for account in action for infringement
- 61 Counterclaim for revocation in action for infringement
- 62 Relief for infringement of partially valid specification
- 63 Proceedings for infringement by exclusive licensee
- 64 Certificate of contested validity of specification
- 65 Remedy for groundless threats of infringement proceedings
- 66 Power of court to make declaration as to non-infringement
- 67 Reference to comptroller of disputes as to infringement

International Agreements, etc.

- 68 Orders in Council as to convention countries
- 69 Supplementary provisions as to convention applications
- 70 Special provisions as to vessels, aircraft and land vehicles
- 71 Extension of time for certain convention applications
- 72 Protection of inventions communicated under international agreements

Register of patents, etc.

- 73 Register of patents
- 74 Registration of assignments, etc.
- 75 Rectification of register
- 76 Power to correct clerical errors, etc.
- 77 Evidence of entries, documents, etc.
- 78 Requests for information as to patent or patent application
- 79 Restriction upon publication of specifications, etc.
- 80 Loss or destruction of patent

Proceedings before Comptroller

- 81 Exercise of discretionary powers of comptroller
- 82 Costs and security for costs
- 83 Evidence before comptroller

The Court and the Appeal Tribunal

- 84 The Court
- 85 The Appeal Tribunal
- 86 Appeals from decisions of the comptroller in Scottish cases
- 87 Appeals to Court of Appeal and Court of Session

Patent Agents

- 88 Restrictions on practice as patent agent
- 89 Power of comptroller to refuse to deal with certain agents

Offences

- 90 Falsification of register, etc.
- 91 Unauthorised claim of patent rights

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

- 92 Unauthorised assumption of Royal Arms
- 93 Offences by companies

Rules, etc.

- 94 General power of Board of Trade to make rules, etc.
- 95 Provisions as to rules and Orders
- 96 Proceedings of Board of Trade

Supplemental

- 97 Service of notices, etc., by post
- 98 Hours of business and excluded days
- 99 Fees
- 100 Annual report of comptroller
- 101 Interpretation
- 102 Saving for Royal prerogative, etc.
- 103 Application to Scotland
- 104 Application to Northern Ireland
- 105 Isle of Man
- 106 Repeals, transitional provisions and amendment
- 107 Short title and commencement

SCHEDULES

FIRST SCHEDULE — Maximum Fees

SECOND — Enactments Repealed
SCHEDULE

THIRD SCHEDULE —

Transitional Provisions

- 1 Subject to the provisions of this Schedule, any Order in...
- 2 Section five of this Act shall apply in relation to...
- 3 Notwithstanding anything in subsection (2) of section three of this...
- 4 Where a complete specification has been filed before the commencement...
- 5 The provisions of sections fourteen and thirty-three of this Act...
- 6 The power of the comptroller under section fifteen of this...
- 7 The provisions of section fifty-three of this Act shall apply...
- 8 Notwithstanding anything in this Act, a patent sealed before the...
- 9 Where, in relation to any invention, the time for giving...
- 10 In relation to a complete specification which was accepted before...
- 11 Where a specification filed before the commencement of this Act...
- 12 Where a specification which, before the commencement of this Act,...
- 13 Where two or more persons are registered as grantee or...
- 14 A condition of any contract in force immediately before the...
- 15 The provisions of section thirty of the Patents and Designs...
- 16 Notwithstanding the repeal of the Patents and Designs Act, 1907,...
- 17 Subsections (1) and (3) of section twenty-two of this Act...
- 18 Subsection (1) of section twenty-six of this Act shall apply...

- 19 Section twenty-seven of this Act shall have effect, in relation...
- 20 Where the time allowed under section twelve of the Patents...
- 21 In relation to any proceedings pending at the commencement of...
- 22 Section sixty-three of this Act shall not apply in relation...
- 23 Any register kept under the Patents and Designs Act, 1907,...
- 24 Nothing in this Act shall affect the term of any...
- 25 Nothing in this Act shall affect the operation of section...
- 26 Any document referring to any enactment repealed by this Act...
- 27 Any reference in this Schedule to the Patents and Designs...