



Patents Act 1949

1949 CHAPTER 87 12 13 and 14 Geo 6

Supplemental

101 Interpretation.

(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say

[^{F1}“Appeal Tribunal” means the Appeal Tribunal constituted and acting in accordance with section 85 of this Act as amended by the ^{M1}Administration of Justice Act 1969];

“applicant” includes a person in whose favour a direction has been given under section seventeen of this Act, and the personal representative of a deceased applicant;

[^{F2}“appointed day” means the day appointed under section 132 of the ^{M2}Patents Act 1977 for the coming into operation of Schedule 1 to that Act];

“article” includes any substance or material, and any plant, machinery or apparatus, whether affixed to land or not;

“assignee” includes the personal representative of a deceased assignee, and references to the assignee of any person include references to the assignee of the personal representative or assignee of that person;

“comptroller” means the Comptroller-General of Patents, Designs and Trade Marks;

“convention application” has the meaning assigned to it by subsection (4) of section one of this Act;

“court” means the High Court;

“date of filing”, in relation to any document filed under this Act, means the date on which the document is filed or, where it is deemed by virtue of any provision of this Act or of rules made thereunder to have been filed on any different date, means the date on which it is deemed to be filed;

“exclusive licence” means a licence from a patentee which confers on the licensee, or on the licensee and persons authorised by him, to the exclusion of all other persons (including the patentee), any right in respect of the patented invention, and “exclusive licensee” shall be construed accordingly;

Changes to legislation: There are currently no known outstanding effects for the Patents Act 1949, Section 101. (See end of Document for details)

“invention” means any manner of new manufacture the subject of letters patent and grant of privilege within section six of the ^{M3}Statute of Monopolies of Monopolies and any new method or process of testing applicable to the improvement or control of manufacture, and includes an alleged invention;

“Journal” has the meaning assigned to it by subsection (2) of section ninety-four of this Act;

“patent” means Letters Patent for an invention;

“patent agent” means a person carrying on for gain in the United Kingdom the business of acting as agent for other persons for the purpose of applying for or obtaining patents in the United Kingdom or elsewhere;

“patent of addition” means a patent granted in accordance with section twenty-six of this Act;

“patentee” means the person or persons for the time being entered on the register of patents as grantee or proprietor of the patent;

“prescribed” means prescribed by rules made by the Board of Trade under this Act;

“priority date” has the meaning assigned to it by section five of this Act;

“published”, except in relation to a complete specification, means made available to the public; and without prejudice to the generality of the foregoing provision a document shall be deemed for the purposes of this Act to be published if it can be inspected as of right at any place in the United Kingdom by members of the public, whether upon payment of a fee or otherwise;

“the Statute of Monopolies” means the Act of the twenty-first year of the reign of King James the First, chapter three, intituled “An Act concerning monopolies and dispensations with penal laws and the forfeiture thereof”.

- (2) For the purposes of subsection (3) of section one, so far as it relates to a convention application, and for the purposes of section seventy-two of this Act, the expression “personal representative”, in relation to a deceased person, includes the legal representative of the deceased appointed in any country outside the United Kingdom.

Textual Amendments

- F1** Definition substituted by [Administration of Justice Act 1969 \(c. 58\)](#), **Sch. 1**
F2 Definition inserted by [Patents Act 1977 \(c. 37\)](#), **Sch. 1 para. 8**
-

Marginal Citations

- M1** 1969 c. 58.
M2 1977 c. 37.
M3 1623 c. 3.

Changes to legislation:

There are currently no known outstanding effects for the Patents Act 1949, Section 101.