



Patents Act 1949

1949 CHAPTER 87 12 13 and 14 Geo 6

Grant, effect and term of patent

23 Extension on ground of inadequate remuneration.

- (1) If upon application made by a patentee in accordance with this section the court is satisfied that the patentee has not been adequately remunerated by the patent, the court may by order extend the term of the patent, subject to such restrictions, conditions and provisions, if any, as may be specified in the order, for such period . . . ^{F1} as may be so specified; and any such order may be made notwithstanding that the term of the patent has previously expired.
- (2) An application for an order under this section shall be made by petition after such advertisement as may be [^{F2}prescribed by rules of court][^{F2}prescribed by rules made under section seven of the ^{M1}Northern Ireland Act 1962], and shall be made not more than twelve nor less than six months before the expiration of the term of the patent or at such later time (not being later than the expiration of the said term) as the court may allow.
- (3) Any person desiring to oppose the making of an order under this section, or to claim the inclusion therein of any restrictions, conditions or provisions, may within such period as may be prescribed by rules of court give notice of opposition to the court.
- (4) On the hearing of any application under this section the applicant and any person by whom notice of opposition has been duly given shall be made parties to the proceeding; and the comptroller shall be entitled to appear and be heard, and shall appear if so directed by the court.
- (5) In considering any application under this section the court shall have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case.
- (6) Not more than one order shall be made under this section in respect of the same patent, but an order may be made under this section in respect of a patent in respect of which one or more orders have been made under the next following section.

Changes to legislation: There are currently no known outstanding effects for the Patents Act 1949, Section 23. (See end of Document for details)

Textual Amendments

- F1** Words repealed with saving by [Patents Act 1977 \(c. 37\)](#), [Sch. 4 para. 18\(1\)](#), [Sch. 6](#)
- F2** Words “prescribed” to “1962” substituted (N.I.) for words “prescribed” to “court” by [Northern Ireland Act 1962 \(c. 30\)](#), [Sch. 1 Pt. I](#)
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Modifications etc. (not altering text)

- C1** [S. 23](#) restricted by [Patents Act 1977 \(c. 37\)](#), [Sch. 1 para. 3\(2\)](#); amended by *ibid.*, para. 3(3)
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Marginal Citations

- M1** [1962 c. 30](#).

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