

Patents Act 1949

1949 CHAPTER 87 12 13 and 14 Geo 6

Anticipation, etc.

50 Previous publication.

- (1) An invention claimed in a complete specification shall not be deemed to have been anticipated by reason only that the invention was published in the United Kingdom—
 - (a) in a specification filed in pursuance of an application for a patent made in the United Kingdom and dated more than fifty years before the date of filing of the first-mentioned specification;
 - (b) in a specification describing the invention for the purposes of an application for protection in any country outside the United Kingdom made more than fifty years before that date; or
 - (c) in any abridgement of or extract from any such specification published under the authority of the comptroller or of the government of any country outside the United Kingdom.
- (2) Subject as hereinafter provided, an invention claimed in a complete specification shall not be deemed to have been anticipated by reason only that the invention was published before the priority date of the relevant claim of the specification, if the patentee or applicant for the patent proves—
 - (a) that the matter published was obtained from him or (where he is not himself the true and first inventor) from any person from whom he derives title, and was published without his consent or the consent of any such person; and
 - (b) where the patentee or applicant for the patent or any person from whom he derives title learned of the publication before the date of the application for the patent or (in the case of a convention application) before the date of the application for protection in a convention country, that the application or the application in a convention country, as the case may be, was made as soon as reasonably practicable thereafter:

Provided that this subsection shall not apply if the invention was before the priority date of the claim commercially worked in the United Kingdom, otherwise than for the purpose of reasonable trial, either by the patentee or Changes to legislation: There are currently no known outstanding effects for the Patents Act 1949, Section 50. (See end of Document for details)

applicant for the patent or any person from whom he derives title or by any other person with the consent of the patentee or applicant for the patent or any person from whom he derives title.

- (3) Where a complete specification is filed in pursuance of an application for a patent made by a person being the true and first inventor or deriving title from him, an invention claimed in that specification shall not be deemed to have been anticipated by reason only of any other application for a patent in respect of the same invention, made in contravention of the rights of that person, or by reason only that after the date of filing of that other application the invention was used or published, without the consent of that person, by the applicant in respect of that other application, or by any other person in consequence of any disclosure of the invention by that applicant.
- (4) Notwithstanding anything in this Act, the comptroller shall not refuse to accept a complete specification or to grant a patent, and a patent shall not be revoked or invalidated, by reason only of any circumstances which, by virtue of this section, do not constitute an anticipation of the invention claimed in the specification.

Changes to legislation:

There are currently no known outstanding effects for the Patents Act 1949, Section 50.