



# Patents Act 1949

1949 CHAPTER 87 12 13 and 14 Geo 6

*Proceedings for infringement, etc.*

**63 Proceedings for infringement by exclusive licensee.**

- (1) Subject to the provisions of this section, the holder of an exclusive licence under a patent shall have the like right as the patentee to take proceedings in respect of any infringement of the patent committed after the date of the licence, and in awarding damages or granting any other relief in any such proceedings, the court shall take into consideration any loss suffered or likely to be suffered by the exclusive licensee as such or, as the case may be, the profits earned by means of the infringement so far as it constitutes an infringement of the rights of the exclusive licensee as such.
- (2) In any proceedings taken by the holder of an exclusive licence by virtue of this section, the patentee shall, unless he is joined as plaintiff in the proceedings, be added as defendant:  
Provided that a patentee so added as defendant shall not be liable for any costs unless he enters an appearance and takes part in the proceedings.

**Changes to legislation:**

There are currently no known outstanding effects for the Patents Act 1949, Section 63.