

SCHEDULES

SCHEDULE 5

PATENTS: MISCELLANEOUS AMENDMENTS

Employees' inventions

- 11 (1) In section 39 of the Patents Act 1977 (right to employees' inventions), after subsection (2) add—
- “(3) Where by virtue of this section an invention belongs, as between him and his employer, to an employee, nothing done—
- (a) by or on behalf of the employee or any person claiming under him for the purposes of pursuing an application for a patent, or
 - (b) by any person for the purpose of performing or working the invention,
- shall be taken to infringe any copyright or design right to which, as between him and his employer, his employer is entitled in any model or document relating to the invention.”.
- (2) In section 43 of the Patents Act 1977 (supplementary provisions with respect to employees' inventions), in subsection (4) (references to patents to include other forms of protection, whether in UK or elsewhere) for “in sections 40 to 42” substitute “in sections 39 to 42.”.