



# Patents Act 1977

## 1977 CHAPTER 37

### PART I

#### NEW DOMESTIC LAW

#### *Employees' inventions*

#### **42 Enforceability of contracts relating to employees' inventions.**

- (1) This section applies to any contract (whenever made) relating to inventions made by an employee, being a contract entered into by him—
  - (a) with the employer (alone or with another); or
  - (b) with some other person at the request of the employer or in pursuance of the employee's contract of employment.
- (2) Any term in a contract to which this section applies which diminishes the employee's rights in inventions of any description made by him after the appointed day and the date of the contract, or in or under patents for those inventions or applications for such patents, shall be unenforceable against him to the extent that it diminishes his rights in an invention of that description so made, or in or under a patent for such an invention or an application for any such patent.
- (3) Subsection (2) above shall not be construed as derogating from any duty of confidentiality owed to his employer by an employee by virtue of any rule of law or otherwise.
- (4) This section applies to any arrangement made with a Crown employee by or on behalf of the Crown as his employer as it applies to any contract made between an employee and an employer other than the Crown, and for the purposes of this section "Crown employee" means a person employed under or for the purposes of a government department or any officer or body exercising on behalf of the Crown functions conferred by any enactment [<sup>F1</sup> or a person serving in the naval, military or air forces of the Crown.]

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Patents Act 1977, Section 42 is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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**Textual Amendments**

**F1** Words added (retrospectively) by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), [s. 22\(1\)\(2\)](#)

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