
Status: Point in time view as at 19/12/1991.

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SCHEDULES

SCHEDULE 6

Section 109.

SPECIAL TRANSITIONAL PROVISIONS WITH RESPECT TO PATENTS FOR INVENTIONS AND REGISTERED DESIGNS

- 1 (1) For the purpose of making, in relation to agreements to which this Schedule applies, provision corresponding to that made, in relation to agreements to which Schedule 5 to the 1981 Act applies, by paragraphs 3 to 22 of that Schedule, those paragraphs shall have effect with the modifications made by the following provisions of this Schedule.
- (2) In this Schedule—
- “agreement to which this Schedule applies” means an agreement in the case of which rights and liabilities thereunder, having vested in British Telecommunications by virtue of the 1981 Act, are transferred to the successor company by this Act;
- “Schedule 5” means Schedule 5 to the 1981 Act.
- 2 Any reference to an agreement to which Schedule 5 applies shall be construed as referring to an agreement to which this Schedule applies.
- 3 Except in a case where it falls to be modified by the following provisions in this Schedule—
- (a) any reference to the Post Office shall be construed as referring to British Telecommunications;
- (b) any reference to British Telecommunications shall be construed as referring to the successor company;
- (c) any reference to the appointed day shall be construed as referring to the transfer date; and
- (d) any reference to any provision of Schedule 5 shall be construed as referring to that provision as modified by this Schedule.
- 4 The reference in paragraph 4 of Schedule 5 to paragraph 3 of Schedule 10 to the ^{M1}Post Office Act 1969 shall be construed as referring to the said paragraph 4 as originally enacted.

Marginal Citations

M1 1969 c. 48.

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- 5 The excepted case stated in paragraph 6 of Schedule 5 shall be construed as including the case where an agreement as to terms for the use of the invention was made before the transfer date under that paragraph as originally enacted, or a determination of those terms was made before that date under paragraph 10 of that Schedule as originally enacted.
- 6 (1) The reference in paragraph 8(2) of Schedule 5 to articles made on or after the appointed day under an authority continued in force by, or conferred by virtue of, paragraph 3 of that Schedule shall be construed as including a reference to articles made on or after the transfer date under an authority continued in force by, or conferred by virtue of, the said paragraph 3 as applied by this Schedule.
- (2) The reference in paragraph 8(3) of Schedule 5 to articles made on or after the appointed day by virtue of paragraph 4 of that Schedule shall be construed as including a reference to articles made on or after the transfer date by virtue of the said paragraph 4 as applied by this Schedule.
- 7 (1) The reference in paragraph 9(1) of Schedule 5 to the foregoing provisions of the 1981 Act shall be construed as referring to the foregoing provisions of this Act.
- (2) The reference in paragraph 9(1) of Schedule 5 to any licence, assignment or agreement made, on or after 1st October 1969, between the patentee or applicant for the patent or any person who derives title from him or from whom he derives title and any person other than the Post Office shall be construed as referring to any licence, assignment or agreement made, on or after 1st October 1969 and before 1st October 1981, between any such persons.
- (3) The reference in paragraph 9(1) of Schedule 5 to any licence, assignment or agreement made, on or after the appointed day, between the patentee or applicant for the patent or any person who derives title from him or from whom he derives title and any person other than British Telecommunications shall be construed—
- (a) as referring to any licence, assignment or agreement made, on or after 1st October 1981 and before the transfer date, between any such persons; and
 - (b) as including a reference to any licence, assignment or agreement made, on or after the transfer date, between the patentee or applicant for the patent or any person who derives title from him or from whom he derives title and any person other than the successor company.
- (4) The excepted case stated in paragraph 9(3) of Schedule 5 shall be construed as including the case where an agreement as to the proportions in which any sum payable in relation to the use of the invention should be divided was made before the transfer date under that paragraph as originally enacted, or a determination as to those proportions was made before that date under paragraph 10 of that Schedule as originally enacted.
- (5) The excepted case stated in paragraph 9(4) of Schedule 5 shall be construed as including the case where an agreement as to the recovery from the patentee of a part of the payments made under section 46(3) of the ^{M2}Patents Act 1949 in respect of the use of the invention was made before the transfer date under that paragraph as originally enacted, or a determination as to such recovery was made before that date under paragraph 10 of that Schedule as originally enacted.

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- (6) The reference in paragraph 9(4) of Schedule 5 to a notice given before the appointed day to the Post Office in pursuance of paragraph 8 of Schedule 10 to the ^{M3}Post Office Act 1969 shall be construed as including a reference to a notice given before the transfer date to British Telecommunications in pursuance of the said paragraph 9(4) as originally enacted.

Marginal Citations

M2 1949 c. 87.

M3 1969 c. 48.

- 8 The third reference in paragraph 10(2) of Schedule 5 to British Telecommunications shall be construed as including a reference to the successor company.
- 9 The reference in paragraph 14 of Schedule 5 to paragraph 13 of Schedule 10 to the Post Office Act 1969 shall be construed as referring to the said paragraph 14 as originally enacted.
- 10 The excepted case stated in paragraph 16 of Schedule 5 shall be construed as including the case where an agreement as to terms for the use of the design was made before the transfer date under that paragraph as originally enacted, or a determination of those terms was made before that date under paragraph 20 of that Schedule as originally enacted.
- 11 (1) The reference in paragraph 18(1) of Schedule 5 to articles made on or after the appointed day under an authority continued in force by, or conferred by virtue of, paragraph 13 of that Schedule shall be construed as including a reference to articles made on or after the transfer date under an authority continued in force by, or conferred by virtue of, the said paragraph 13 as applied by this Schedule.
- (2) The reference in paragraph 18(2) of that Schedule to articles made on or after the appointed day by virtue of paragraph 14 of that Schedule shall be construed as including a reference to articles made on or after the transfer date by virtue of the said paragraph 14 as applied by this Schedule.
- 12 (1) The reference in paragraph 19(1) of Schedule 5 to the foregoing provisions of the 1981 Act shall be construed as referring to the foregoing provisions of this Act.
- (2) The reference in paragraph 19(1) of Schedule 5 to any licence, assignment or agreement made, on or after 1st October 1969, between the registered proprietor or applicant for the registration or any person who derives title from him or from whom he derives title and any person other than the Post Office shall be construed as referring to any licence, assignment or agreement made, on or after 1st October 1969 and before 1st October 1981, between any such persons.
- (3) The reference in paragraph 19(1) of Schedule 5 to any licence, assignment or agreement made, on or after the appointed day, between the registered proprietor or

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applicant for registration or any person who derives title from him or from whom he derives title and any person other than British Telecommunications shall be construed—

- (a) as referring to any licence, assignment or agreement made, on or after 1st October 1981 and before the transfer date, between any such persons; and
 - (b) as including a reference to any licence, assignment or agreement made, on or after the transfer date, between the registered proprietor or applicant for registration or any person who derives title from him or from whom he derives title and any person other than the successor company.
- (4) The excepted case stated in paragraph 19(3) of Schedule 5 shall be construed as including the case where an agreement as to the proportions in which any sum payable in relation to the use of the design should be divided was made before the transfer date under that paragraph as originally enacted, or a determination as to those proportions was made before that date under paragraph 20 of that Schedule as originally enacted.
- (5) The excepted case stated in paragraph 19(4) of Schedule 5 shall be construed as including the case where an agreement as to the recovery from the registered proprietor of a part of the payments made under paragraph 1(3) of Schedule 1 to the ^{M4}Registered Designs Act 1949 in respect of the use of the design was made before the transfer date under that paragraph as originally enacted, or a determination as to such recovery was made before that date under paragraph 20 of that Schedule as originally enacted.
- (6) The reference in paragraph 19(4) of Schedule 5 to a notice given before the appointed day to the Post Office in pursuance of paragraph 18 of Schedule 10 to the ^{M5}Post Office Act 1969 shall be construed as including a reference to a notice given before the transfer date to British Telecommunications in pursuance of the said paragraph 19(4) as originally enacted.

Marginal Citations

M4 1949 c. 88.

M5 1969 c. 48.

13 The first and third references in paragraph 20(2) of Schedule 5 to the Post Office shall be construed as referring to the successor company and the second reference in that paragraph to the Post Office shall be construed as including a reference to British Telecommunications and the successor company.

14 Nothing in this Schedule shall affect the operation of Schedule 5 as originally enacted.

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