



Patents Act 1949

1949 CHAPTER 87

Application, investigation, opposition, etc.

14 Opposition to grant of patent

- (1) At any time within three months from the date of the publication of a complete specification under this Act, any person interested may give notice to the comptroller of opposition to the grant of the patent on any of the following grounds:—
- (a) that the applicant for the patent, or the person described in the application as the " true and first inventor, obtained the invention or any part thereof from him, or from a person of whom he is the personal representative ;
 - (b) that the invention, so far as claimed in any claim of the complete specification, has been published in the United Kingdom, before the priority date of the claim—
 - (i) in any specification filed in pursuance of an application for a patent made in the United Kingdom and dated within fifty years next before the date of filing of the applicant's complete specification ;
 - (ii) in any other document (not being a document of any class described "in subsection (1) of section fifty of this Act);
 - (c) that the invention, so far as claimed in any claim of the complete specification, is claimed in any claim of a complete specification published on or after the priority date of the applicant's claim and filed in pursuance of an application for a patent in the United Kingdom, being a claim of which the priority date is earlier than that of the applicant's claim ;
 - (d) that the invention, so far as claimed in any claim of the complete specification, was used in the United Kingdom before the priority date of that claim;
 - (e) that the invention, so far as claimed in any claim of the complete specification, is obvious and clearly does not involve any inventive step having regard to matter published as mentioned in paragraph (b) of this subsection, or having regard to what was used in the United Kingdom before the priority date of the applicant's claim ;
 - (f) that the subject of any claim of the complete specification is not an invention within the meaning of this Act;

Status: This is the original version (as it was originally enacted).

- (g) that the complete specification does not sufficiently and fairly describe the invention or the method by which it is to be performed ;
 - (h) that, in the case of a convention application, the application was not made within twelve months from the date of the first application for protection for the invention made in a convention country by the applicant or a person from whom he derives title,
but on no other ground.
- (2) Where any such notice is given, the comptroller shall give notice of the opposition to the applicant, and shall give to the applicant and the opponent an opportunity to be heard before he decides on the case.
 - (3) The grant of a patent shall not be refused on the ground specified in paragraph (c) of subsection (1) of this section if no patent has been granted in pursuance of the application mentioned in that paragraph; and for the purposes of paragraph (d) or paragraph (e) of the said subsection (1) no account shall be taken of any secret use.
 - (4) An appeal shall lie from any decision of the comptroller under this section.