



Patents Act 1949

1949 CHAPTER 87 12 13 and 14 Geo 6

Grant, effect and term of patent

24 Extension on ground of war loss.

- (1) If upon application made by a patentee in accordance with this section the court or the comptroller is satisfied that the patentee as such has suffered loss or damage (including loss of opportunity of dealing in or developing the invention) by reason of hostilities between His Majesty and any foreign state, the court or comptroller may by order extend the term of the patent subject to such restrictions, conditions and provisions, if any, as may be specified in the order, for such period . . . ^{F1} as may be so specified; and any such order may be made notwithstanding that the term of the patent has previously expired.
- (2) An application for an order under this section may be made at the option of the applicant to the court or to the comptroller: but if the comptroller considers that an application made to him raises issues of a kind which would be more fittingly decided by the court, he may if he thinks fit refer the application for decision by the court.
- (3) An application under this section shall be made not more than twelve nor less than six months before the expiration of the term of the patent or at such later time as the court or comptroller may allow:
Provided that the court or comptroller shall not allow an application to be made later than the expiration of the said term unless satisfied that the applicant has been prevented from making the application before the expiration of that term by being on active service or by other circumstances arising by reason of any such hostilities as aforesaid.
- (4) Where an application under this section is made to the court, it may be made by petition or by originating summons after such advertisement as may be [^{F2}prescribed by rules of court][^{F2}prescribed by rules made under section seven of the ^{M1}Northern Ireland Act 1962]; and where an application under this section is made to the comptroller, it shall be made in such manner as may be prescribed by rules made by the Board of Trade under this Act.

Changes to legislation: There are currently no known outstanding effects for the Patents Act 1949, Section 24. (See end of Document for details)

- (5) Any person desiring to oppose the making of an order under this section, or to claim the inclusion therein of any restrictions, conditions or provisions, may give notice of opposition to the court or, as the case may be, the comptroller—
- (a) in the case of an application to the court, within such period as may be [^{F2}prescribed by rules of court][^{F2}prescribed by rules made under section seven of the ^{M2}Northern Ireland Act 1962]; and
 - (b) in the case of an application to the comptroller, within such period as may be prescribed by rules made by the Board of Trade under this Act.
- (6) On the hearing of any application under this section the applicant and any person by whom notice of opposition has been duly given shall be made parties to the proceeding; and in the case of an application to the court, the comptroller shall be entitled to appear and be heard, and shall appear if so directed by the court.
- (7) Two or more orders may be made under this section in respect of the same patent, and an order may be made under this section in respect of a patent in respect of which an order has been made under the last foregoing section: . . . ^{F1}
- (8) No order shall be made under this section on the application of—
- (a) a person who is a subject of such a foreign state as is mentioned in subsection (1) of this section; or
 - (b) a company the business of which is managed or controlled by such persons or is carried on wholly or mainly for the benefit of or on behalf of such persons, notwithstanding that the company may be registered within His Majesty's dominions;
- and for the purpose of this section no account shall be taken of any loss or damage suffered by any person during any period during which he was such a subject as aforesaid, or by any company during any period during which its business was managed or controlled or carried on as aforesaid.
- (9) An appeal shall lie from any decision of the comptroller under this section.

Textual Amendments

- F1** Words repealed with saving by [Patents Act 1977 \(c. 37\)](#), [Sch. 4 para. 18\(1\)](#), [Sch. 6](#)
- F2** Words “prescribed” to “1962” substituted (N.I.) for words “prescribed” to “court” by [Northern Ireland Act 1962 \(c. 30\)](#), [Sch. 1 Pt. I](#)
-

Modifications etc. (not altering text)

- C1** [S. 24](#) restricted by [Patents Act 1977 \(c. 37\)](#), [Sch. 1 para 3\(2\)](#); amended by *ibid.*, para. 3(3)
-

Marginal Citations

- M1** [1962 c. 30](#).
- M2** [1962 c. 30](#).

Changes to legislation:

There are currently no known outstanding effects for the Patents Act 1949, Section 24.