



Patents Act 1949

1949 CHAPTER 87 12 13 and 14 Geo 6

Miscellaneous provisions as to rights in inventions

56 Disputes as to inventions made by employees.

- (1) Where a dispute arises between an employer and a person who is or was at the material time his employee as to the rights of the parties in respect of an invention made by the employee either alone or jointly with other employees or in respect of any patent granted or to be granted in respect thereof, the comptroller may, upon application made to him in the prescribed manner by either of the parties, and after giving to each of them an opportunity to be heard, determine the matter in dispute, and may make such orders for giving effect to his decision as he considers expedient:
Provided that if it appears to the comptroller upon any application under this section that the matter in dispute involves questions which would more properly be determined by the court, he may decline to deal therewith.
- (2) In proceedings before the court between an employer and a person who is or was at the material time his employee, or upon an application made to the comptroller under subsection (1) of this section, the court or comptroller may, unless satisfied that one or other of the parties is entitled, to the exclusion of the other, to the benefit of an invention made by the employee, by order provide for the apportionment between them of the benefit of the invention, and of any patent granted or to be granted in respect thereof, in such manner as the court or comptroller considers just.
- (3) A decision of the comptroller under this section shall have the same effect as between the parties and persons claiming under them as a decision of the court.
- (4) An appeal shall lie from any decision of the comptroller under this section.

Modifications etc. (not altering text)

C1 S. 56 restricted by [Patents Act 1977 \(c. 37\)](#), s. 127, [Sch. 1 para. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the Patents Act 1949, Section 56.