



# Patents, Designs, Copyright and Trade Marks (Emergency) Act

1939 CHAPTER 107 2 and 3 Geo 6

## **1 Provisions as to existing licences under patents, designs and copyright of enemies and enemy subjects, and as to contracts relating thereto.**

(1) Notwithstanding the provisions of section one of the Trading with the <sup>M1</sup>Enemy Act 1939, or any rule of law relating to intercourse or dealings with or for the benefit of enemies, a licence under a patent or for the application of a registered design or granting an interest in a copyright [<sup>F1</sup>or design right], being a licence which would have been in force in favour of a person resident in the United Kingdom or the Isle of Man if neither the proprietor of the patent or registered design, or the owner of the copyright [<sup>F1</sup>or design right], as the case may be, nor any person otherwise interested therein, had been an enemy, shall not be invalid by reason of the fact that the proprietor or owner or any person otherwise interested therein is an enemy, nor shall any contract, in so far as it relates to any such licence as aforesaid, be invalid by reason of the fact that any party to the contract is an enemy:

Provided that nothing in this section shall—

- (a) render valid a grant or an assignment of any such licence as aforesaid, or any contract relating to any such licence, if that grant, assignment or contract is made during the existence of a state of war and is unlawful by virtue of any provision of the said section one or of any such rule as aforesaid, or
  - (b) authorise the performance of any contract relating to any such licence as aforesaid in a manner inconsistent with any of the provisions of the Trading with the Enemy Act 1939, or of any other enactment relating to intercourse or dealings with or for the benefit of enemies, or to the property, rights, or capacity of enemies, or in a manner inconsistent with any rule of law relating to any of those matters.
- (2) In the case of any such licence as aforesaid, where an enemy or an enemy subject is, <sup>F2</sup> . . . whether alone or jointly with any other person, the proprietor of the patent or registered design, or the owner of the copyright [<sup>F3</sup>or design right], as the case may be, or entitled to any other interest therein (not being merely the interest of a licensee), the comptroller may, on the application of the licensee or any other person interested in the patent, registered design [<sup>F4</sup>, copyright or design right], by order—

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*Changes to legislation: There are currently no known outstanding effects for the Patents, Designs, Copyright and Trade Marks (Emergency) Act, Section 1. (See end of Document for details)*

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- (a) revoke the licence;
- (b) revoke or vary any conditions subject to which the licence has affect; or
- (c) revoke or vary any of the provisions of a contract relating to the licence in so far as they relate thereto.

An order for a variation made under this subsection may be revoked or varied by a subsequent order made thereunder.

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#### **Textual Amendments**

- F1** Words inserted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 303(1), **Sch. 7 para. 3(2)(a)**
- F2** Words in s. 1(2) repealed (8.11.1995) by [1995 c. 44, s. 1](#), **Sch. 1 Pt. VI** Group 1
- F3** Words inserted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 303(1), **Sch. 7 para. 3(2)(b)**
- F4** Words substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 303(1), **Sch. 7 para. 3(2)(b)**

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#### **Modifications etc. (not altering text)**

- C1** [S. 1\(2\)](#) extended by [S.I. 1948/114 \(Rev. XVII, p. 365: 1948 I, p. 3187\)](#), art. 4(2), [1948/116 \(Rev. XVII, p. 392: 1948 I, p. 3211\)](#), art. 4(2), [1948/117 \(Rev. XVII, p. 410: 1948 I, p. 3228\)](#), art. 4(2) and [1948/118 \(Rev. XVII, p. 429: 1948 I, p. 3245\)](#), art. 4(2)

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#### **Marginal Citations**

- M1** [1939 c. 89](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Patents, Designs, Copyright and Trade Marks (Emergency) Act, Section 1.