



Patents Act 1949

1949 CHAPTER 87 12 13 and 14 Geo 6

Application, investigation, opposition, etc.

7 Search for anticipation by previous publication.

- (1) Subject to the provisions of the last foregoing section, the examiner to whom an application for a patent is referred under this Act shall make investigation for the purpose of ascertaining whether the invention, so far as claimed in any claim of the complete specification, has been published before the date of filing of the applicant's complete specification in any specification filed in pursuance of an application for a patent made in the United Kingdom and dated within fifty years next before that date.
- (2) The examiner shall, in addition, make such investigation as the comptroller may direct for the purpose of ascertaining whether the invention, so far as claimed in any claim of the complete specification, has been published in the United Kingdom before the date of filing of the applicant's complete specification in any other document (not being a document of any class described in subsection (1) of section fifty of this Act).
- (3) If it appears to the comptroller that the invention, so far as claimed in any claim of the complete specification, has been published as aforesaid, he may refuse to accept the specification unless the applicant either—
 - (a) shows to the satisfaction of the comptroller that the priority date of the claim of his complete specification is not later than the date on which the relevant document was published; or
 - (b) amends his complete specification to the satisfaction of the comptroller.
- (4) An appeal shall lie from any decision of the comptroller under this section.

Changes to legislation:

There are currently no known outstanding effects for the Patents Act 1949, Section 7.