
Status: Point in time view as at 29/10/2014.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Determination of right to patent after grant. (See end of Document for details)

SCHEDULES

SCHEDULE 5

PATENTS: MISCELLANEOUS AMENDMENTS

Determination of right to patent after grant

- 9 (1) Section 37 of the Patents Act 1977 (determination of right to patent after grant) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) After a patent has been granted for an invention any person having or claiming a proprietary interest in or under the patent may refer to the comptroller the question—
- (a) who is or are the true proprietor or proprietors of the patent,
- (b) whether the patent should have been granted to the person or persons to whom it was granted, or
- (c) whether any right in or under the patent should be transferred or granted to any other person or persons;
- and the comptroller shall determine the question and make such order as he thinks fit to give effect to the determination.”.
- (3) Substitute “this section”—
- (a) in subsections (4) and (7) for “subsection (1)(a) above”, and
- (b) in subsection (8) for “subsection (1) above”.
- 10 In section 74(6) (meaning of “entitlement proceedings”), for “section 37(1)(a) above” substitute “section 37(1) above”.

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