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SCHEDULES

THIRD SCHEDULE

Section 106.

Transitional Provisions

1 Subject to the provisions of this Schedule, any Order in Council, rule, order, requirement, certificate, notice, decision, direction, authorisation, consent, application, request or thing made, issued, given or done under any enactment repealed by this Act shall, if in force at the commencement of this Act, and so far as it could have been made, issued, given or done under this Act, continue in force and have effect as if made, issued, given or done under the corresponding enactment of this Act.

2 Section five of this Act shall apply in relation to a complete specification filed before the commencement of this Act as it applies to a complete specification filed after the commencement of this Act:

Provided that for the purposes of the said section five a claim of any such specification filed after a provisional specification shall be deemed to be fairly based on the matter disclosed in the provisional specification unless the claim is for a further or different invention to that contained in the provisional specification.

3 Notwithstanding anything in subsection (2) of section three of this Act, a complete specification shall not be filed in pursuance of an application which, by virtue of section five of the Patents and Designs Act, 1907, was deemed to be abandoned at any time before the commencement of this Act:

Provided that nothing in this paragraph shall affect any power of the comptroller under section six of the Patents, Designs, Copyright and Trade Marks (Emergency) Act, 1939, to extend the time for filing a complete specification.

4 Where a complete specification has been filed before the commencement of this Act but has not been accepted, then, in relation to matters arising before the acceptance or refusal of acceptance of the complete specification, the provisions of this Act shall not apply, but the provisions of the Patents and Designs Act, 1907, shall continue to apply notwithstanding the repeal of that Act.

5 The provisions of sections fourteen and thirty-three of this Act relating to the grounds on which the grant of a patent may be opposed or on which a patent may be revoked by the comptroller shall not apply in any case where the complete specification was accepted before the commencement of this Act, but the provisions of the Patents and Designs Act, 1907, relating to those matters shall continue to apply in any such case notwithstanding the repeal of that Act.

6 The power of the comptroller under section fifteen of this Act to refuse the grant of a patent unless the complete specification is amended to his satisfaction shall not be exercisable in relation to any complete specification which was accepted before the commencement of this Act.

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7 The provisions of section fifty-three of this Act shall apply in relation to any application for a patent made before the commencement of this Act as they apply in relation to such an application made after the commencement of this Act.

8 Notwithstanding anything in this Act, a patent sealed before the commencement of this Act, and bearing a date within the period beginning with the third day of September, nineteen hundred and thirty-nine and ending with the commencement of this Act, may be (revoked by the court on the ground specified in paragraph (oo) of subsection (2) of section twenty-five of the Patents and Designs Act, 1907.

9 Where, in relation to any invention, the time for giving notice to the comptroller under section forty-five of the Patents and Designs Act, 1907, expired before the commencement of this Act and the notice was not given, subsections (2) and (4) of section fifty-one of this Act shall not apply in relation to that invention or any patent for that invention.

10 In relation to a complete specification which was accepted before the commencement of this Act, this Act shall have effect as if for the words " the date of the publication ", wherever those words occur, there were substituted the words " the date of the acceptance ".

11 Where a specification filed before the commencement of this Act has become open to public inspection, it shall continue to be open to public inspection notwithstanding anything in section seventy-nine of this Act.

12 Where a specification which, before the commencement of this Act, has become open to public inspection under subsection (4) of section ninety-one of the Patents and Designs Act, 1907, has been amended before acceptance, nothing in subsection (2) of section thirty-one of this Act shall be construed as authorising reference to be made, in construing the specification, to the specification as it subsisted before acceptance.

13 Where two or more persons are registered as grantee or proprietor in respect of a patent which was granted or for which application was made before the commencement of this Act, the right of each of those persons to assign the whole or part of his interest in the patent shall not be restricted by reason only of the provisions of section fifty-four of this Act.

14 A condition of any contract in force immediately before the commencement of this Act shall not be invalidated by reason only of the provisions of section fifty-seven of this Act.

15 The provisions of section thirty of the Patents and Designs Act, 1907, and of any rules made by virtue of that section shall continue to apply in relation to any patent granted before the commencement of this Act in pursuance of that section notwithstanding the repeal of that Act.

16 Notwithstanding the repeal of the Patents and Designs Act, 1907, subsection (2) of section thirty-eight A of that Act shall continue to apply in any case where the complete specification was filed before the commencement of this Act.

17 Subsections (1) and (3) of section twenty-two of this Act shall not apply to any patent granted before the commencement of- this Act.

18 Subsection (1) of section twenty-six of this Act shall apply in relation to any application made before the commencement of this Act as it applies in relation to an application made after the commencement of this Act.

19 Section twenty-seven of this Act shall nave effect, in relation to a patent which has ceased to have effect before the commencement of this Act, as if for the reference to section twenty-two of this Act there were substituted a reference to section seventeen of the Patents and Designs Act, 1907.

20 Where the time allowed under section twelve of the Patents and Designs Act, 1907, for the sealing of a patent has expired before the commencement of this Act and the patent has not been sealed, section twenty-eight of this Act shall have effect in relation to the application for the patent as if for the reference to section nineteen of this Act there were substituted a reference to section twelve of the Patents and Designs Act, 1907.

21 In relation to any proceedings pending at the commencement of this Act the provisions of sections thirty and sixty-two of this Act shall not apply but the provisions of sections twenty-two and thirty-two A of the Patents and Designs Act, 1907, shall continue to apply notwithstanding the repeal of that Act.

22 Section sixty-three of this Act shall not apply in relation to any infringement of a patent committed before the commencement of this Act.

23 Any register kept under the Patents and Designs Act, 1907, shall be deemed to form part of the corresponding register under this Act.

24 Nothing in this Act shall affect the term of any patent granted before the commencement of the' Patents, etc. (International Conventions) Act, 1938.

25 Nothing in this Act shall affect the operation of section four of the Patents and Designs Act, 1946.

26 Any document referring to any enactment repealed by this Act shall be construed as referring to the corresponding enactment of this Act.

27 Any reference in this Schedule to the Patents and Designs Act, 1907, shall be construed as a reference to that Act as amended by any subsequent enactment other than the Patents and Designs Act, 1949.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Statute of Monopolies	21 Jac. 1. c. 3.
Petty Sessions (Ireland) Act, 1851	14 & 15 Vict. c. 93.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Courts of Land Fees (Scotland) Act, 1895	58 & 59 Vict. c. 14.
Patents and Designs Act, 1907	7 Edw. 7. c. 29.
Solicitors Act, 1932	22 & 23 Geo. 5. c. 37.
Solicitors (Scotland) Act, 1933	23 & 24 Geo. 5. c. 21.
Arbitration Act, 1934	24 & 25 Geo. 5. c. 14.
Trade Marks Act, 1938	1 & 2 Geo. 6. c. 22.
Patents, etc. (International Conventions) Act, 1938	1 & 2 Geo. 6. c. 29.

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Short Title	Session and Chapter
Patents, Designs, Copyright and Trade Marks (Emergency) Act, 1939	2 & 3 Geo. 6. c. 107.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
Patents and Designs Act, 1946	9 & 10 Geo. 6. c. 44.
Atomic Energy Act, 1946	9 & 10 Geo. 6. c. 80.
Crown Proceedings Act, 1947	10 & 11 Geo. 6. c. 44.
Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948	11 & 12 Geo. 6. c. 66.
Patents and Designs Act, 1949	12, 13 & 14 Geo. 6. c. 62.
Civil Aviation Act, 1949	12, 13 & 14 Geo. 6. c. 67.