



Patents Act 1949

1949 CHAPTER 87 12 13 and 14 Geo 6

Proceedings for infringement, etc.

62 Relief for infringement of partially valid specification.

- (1) If in proceedings for infringement of a patent it is found that any claim of the specification, being a claim in respect of which infringement is alleged, is valid, but that any other claim is invalid, the court may grant relief in respect of any valid claim which is infringed:
Provided that the court shall not grant relief by way of damages or costs except in the circumstances mentioned in the next following subsection.
- (2) Where the patent is dated before the first day of November, nineteen hundred and thirty-two, or the plaintiff proves that the invalid claim was framed in good faith and with reasonable skill and knowledge, the court shall grant relief in respect of any valid claim which is infringed subject to the discretion of the court as to costs and as to the date from which damages should be reckoned.
- (3) As a condition of relief under subsection (1) or subsection (2) of this section the court may direct that the specification shall be amended to its satisfaction upon an application made for that purpose under section thirty of this Act, and such an application may be made accordingly whether or not all other issues in the proceedings have been determined.
- (4) In relation to a patent which is dated before the first day of November, nineteen hundred and thirty-two, the provisions of this section shall have effect notwithstanding anything in subsection (3) of section fifty-nine of this Act.

Changes to legislation:

There are currently no known outstanding effects for the Patents Act 1949, Section 62.