



Patents Act 1949

1949 CHAPTER 87 12 13 and 14 Geo 6

Proceedings for infringement, etc.

67 Reference to comptroller of disputes as to infringement.

- (1) Any dispute between a patentee or an exclusive licensee and any other person—
 - (a) whether any claim of the specification of a patent is infringed by anything done by that other person; or
 - (b) whether any such claim which is alleged to be so infringed is valid,may, by agreement between the parties, be referred to the comptroller for determination in accordance with such procedure as may be prescribed by rules made by the Board of Trade under this Act:
Provided that if it appears to the comptroller that any dispute referred to him under this section involves questions which would more properly be determined by the court, he may decline to deal therewith.
- (2) If on a reference under this section the comptroller finds that any claim of the specification of the patent is valid and is infringed, he may, subject to the provisions of this section and of section fifty-nine of this Act, grant relief by way of damages; but the damages awarded in the proceedings shall not (unless otherwise agreed between the parties) exceed one thousand pounds.
- (3) Subsection (1) of section thirty and section sixty-two of this Act shall apply to proceedings before the comptroller on a reference under this section as they apply to proceedings for infringement of a patent before the court.
- (4) [^{F1}Nothing in any of sections 1 to 15 of and schedule 1 to the Arbitration (Scotland) Act 2010 or][^{F2}Part I of the Arbitration Act 1996], [^{F3}applies] to proceedings before the comptroller on a reference under this section.
- (5) The decision of the comptroller on a reference under this section shall not be binding upon any party thereto in any subsequent proceedings before the court for infringement of the patent or for revocation of the patent; but a patentee or licensee shall not be entitled, in any such subsequent proceedings for infringement, to any relief in respect of an alleged infringement which was in issue in proceedings under this section.

Changes to legislation: There are currently no known outstanding effects for the Patents Act 1949, Section 67. (See end of Document for details)

Textual Amendments

- F1** Words in s. 67(4) inserted (S.) (5.6.2010) by Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (No. 220), art. 1, **Sch. para. 2(a)**
- F2** Words in s. 67(4) substituted (31.1.1997) by 1996 c. 23, s. 107(1), **Sch. 3 para. 8**; S.I. 1996/3146, **art. 3** (with Sch. 2)
- F3** Word in s. 67(4) substituted (S.) (5.6.2010) by Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (No. 220), art. 1, **Sch. para. 2(b)**

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