



Patents Act 1949

1949 CHAPTER 87 12 13 and 14 Geo 6

Application, investigation, opposition, etc.

9 Reference in case of potential infringement.

- (1) If, in consequence of the investigations required by the foregoing provisions of this Act or of proceedings under section fourteen or section thirty-three of this Act, it appears to the comptroller that an invention in respect of which application for a patent has been made cannot be performed without substantial risk of infringement of a claim of any other patent, he may direct that a reference to that other patent shall be inserted in the applicant's complete specification by way of notice to the public unless within such time as may be prescribed either—
 - (a) the applicant shows to the satisfaction of the comptroller that there are reasonable grounds for contesting the validity of the said claim of the other patent; or
 - (b) the complete specification is amended to the satisfaction of the comptroller.
- (2) Where, after a reference to another patent has been inserted in a complete specification in pursuance of a direction under the foregoing subsection,—
 - (a) that other patent is revoked or otherwise ceases to be in force; or
 - (b) the specification of that other patent is amended by the deletion of the relevant claim; or
 - (c) it is found, in proceedings before the court or the comptroller, that the relevant claim of that other patent is invalid or is not infringed by any working of the applicant's invention,the comptroller may, on the application of the applicant, delete the reference to that other patent.
- (3) An appeal shall lie from any decision or direction of the comptroller under this section.

Changes to legislation:

There are currently no known outstanding effects for the Patents Act 1949, Section 9.