



Patents, Designs, Copyright and Trade Marks (Emergency) Act

1939 CHAPTER 107 2 and 3 Geo 6

4 Effect of war on grant of patents and registration of designs and trade marks.

(1) Notwithstanding the provisions of section one of the Trading with the ^{M1}Enemy Act 1939 or any rule of law relating to intercourse or dealings with or for the benefit of enemies, it shall be lawful, subject to the provisions of this Act—

- (a) for a patent to be granted under [^{F1}the ^{M2}Patents Act 1977];
- (b) for a design to be registered under [^{F2}the ^{M3}Registered Designs Act 1949]; or
- (c) for a trade mark to be registered under [^{F3}the Trade Marks Act 1994];

on the application of an enemy:

Provided that, where such a grant or registration as aforesaid is effected on the application of an enemy,—

- (i) the grantee or person registered shall not be entitled to require the delivery of the patent or the grant or issue of the certificate of registration, as the case may be; and
- (ii) the patent, or the rights conferred by the registration, as the case may be, shall be subject to any relevant provisions of any enactment for the time being in force relating to the property of an enemy.

(2) A declaration made by His Majesty under [^{F1}section 90 of the ^{M4}Patents Act 1977] declaring a country to be a Convention country, shall not cease to have effect for the purposes of [^{F1}section 5] of that Act by reason that His Majesty is at war with that country.

(3) The comptroller may, in any case in which in his opinion it is desirable in the public interest so to do, refuse to take, or suspend the taking of, any proceedings on or in relation to an application of an enemy for a patent or for the registration of a design or of a trade mark.

(4) No act requisite for enabling such a grant or registration as aforesaid to be effected, in so far as it is done for that purpose and for that purpose only, shall, whether the grant or registration is effected or not, be treated as a contravention of any of the provisions

Changes to legislation: There are currently no known outstanding effects for the Patents, Designs, Copyright and Trade Marks (Emergency) Act, Section 4. (See end of Document for details)

of section one of the Trading with the ^{M5}Enemy Act 1939, or of any rule of law relating to intercourse or dealings with or for the benefit of enemies.

- (5) References in this section to an application of an enemy shall be construed as including references to an application of an enemy jointly with any other person, whether an enemy or not, and, in the case of an application for a patent, to an application made in respect of an invention communicated by an enemy.

Textual Amendments

- F1** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 17\(2\)\(a\)](#)
F2 Words substituted by virtue of [Registered Designs Act 1949 \(c. 88\), s. 48\(6\)](#)
F3 Words in [s. 4\(1\)\(c\)](#) substituted (31.10.1994) by [1994 c. 26, s. 106\(1\), Sch. 4 para. 3\(3\)\(a\)](#); S.I. [1994/2550, art. 2](#)
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Modifications etc. (not altering text)

- C1** [S. 4\(1\)\(c\)](#) extended by [Patents, Designs and Marks Act 1986 \(c. 39, SIF 67A\), s. 2, Sch. 2 para. 2\(2\)](#)
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Marginal Citations

- M1** 1939 c. 89.
M2 1977 c. 37.
M3 1949 c. 88.
M4 1977 c. 37.
M5 1939 c. 89.

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