

APPENDIX D

S. 41 of U. K. Patents Act, 1949

(As recommended by the Ilsley Commission to replace

S. 41 of the Canadian Patent Act)

"41.—(1) Without prejudice to the foregoing provisions of this Act, where a patent is in force in respect of—

- (a) a substance capable of being used as food or medicine or in the production of food or medicine; or
- (b) a process for producing such a substance as aforesaid; or
- (c) any invention capable of being used as or as part of a surgical or curative device,

the comptroller shall, on application made to him by any person interested, order the grant to the applicant of a licence under the patent on such terms as he thinks fit, unless it appears to him that there are good reasons for refusing the application.

(2) In settling the terms of licences under this section the comptroller shall endeavour to secure that food, medicines and surgical and curative devices shall be available to the public at the lowest prices consistent with the patentees' deriving a reasonable advantage from their patent rights.

(3) A licence granted under this section shall entitle the Licensee to make, use, exercise and vend the invention as a food or medicine, or for the purposes of the production of food or medicine or as part of a surgical or curative device, but for no other purposes.