

## WHAT DO WE NEED TO REGISTER A LICENSE

- 5.06 1) the grantor must be on our register  
How else do we know there is authority to act
- 2) full name and address of the licensee  
How else can we identify the licensee
- 3) number(s) of the patent  
This is the only specific way to identify the case
- 4) signature of the grantor  
there can be no grant of a licence without that completion of the document
- 5) what type of licence is it, see above if not advised make a general registration eg. licence.  
clarify where possible
- 6) if you have a short-form licence for registration and a main agreement the main agreement is NOT OPEN TO PUBLIC INSPECTION, make-up a pink NOPI jacket, which is placed immediately in front of the green assignment jacket, hold the main agreement there until registration, then return it endorsed with stamp when confirming registration.

### RELEVANT CASES:

[GB2201548](#)

[EP0155634](#)

[GB2242258](#)



## LICENSE GLOSSARY

### 5.07 LICENCES

Patents Act 1977, Patent Rules 1995

A grant of rights to use somebody else's patent.

Section 30(4)

#### **Exclusive**

Only the licensee can use the patent, not even the owner can continue to work.

Section 130(1)

#### **Sole**

The only licence, but not to exclude the owner legal convention

#### **Non-exclusive**

The owner can also use.

#### **Sub-licence**

Granted by a licensee to a third party.

1)right to assign,2) sub-licence,3) grant other licences,

refer to the licence agreement, but excepting exclusive licences these are all presumed to exist. 1&2 exist for exclusive licences.

Section 30(4)(a&b)

#### **Co-ownership**

all the owners must agree to any licences, but all owners may use the patent individually as well as together.

Section 36(3)&(2)

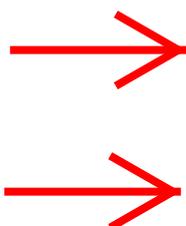
Licences may be for all aspects or some, eg. to make, use, sell, distribute, wholesale, retail, sub-licence.

See the contractual terms as set out in the document

#### **Infringement**

exclusive licensees can sue in their own right. Sole and non-exclusive licensees can usually only ask the proprietor to sue for them (but refer to the licence).

Section (68)



**Stamp Duty**

can only be payable on an exclusive licence, and then only if the  
licence was executed before 28 March 2000 and

- 1)the licence is irrevocable
- 2)the licence cannot be terminated