

Austrian Nationals, the late war between the United Kingdom and Austria, and as regards Bulgaria and Bulgarian or former Bulgarian Nationals, the late war between the United Kingdom and Bulgaria have been so vested in or granted to the Custodian as aforesaid and the expression "vested application" as hereinafter used means such benefit and rights of or in respect of any application for the grant of a British patent as may by reason or on account of the late war have been so vested in the Custodian as aforesaid:

And whereas it is expedient that such Order or Orders and directions as are hereinafter contained shall be made and given in regard to vested patents and vested applications:

Now, therefore, the Board of Trade, in exercise of the powers conferred upon them by Section 5 (1) of the Trading with the Enemy Amendment Act, 1914, and/or the Treaty of Peace (Austria) Order, 1920, and/or the Treaty of Peace (Bulgaria) Order, 1920, and of all other powers (if any) them hereunto enabling, do hereby order and direct as follows:—

1. (i) Subject to the provisions hereinafter contained the Custodian shall forthwith divest himself of the vested patents and of the vested applications in favour as the case may be of the respective persons who were at the commencement of the late war or would but for such war and the relative Vesting Orders now be entitled thereto.

Provided always that if by any Order made under the Trading with the Enemy Amendments Acts or any of them which may affect any vested patent or vested application, any condition was imposed upon the Custodian which might operate so as to prohibit him from dealing with such patent or application the prohibiting condition shall be and stand discharged upon the Board of Trade certifying to that effect but so nevertheless that such divesting as aforesaid shall not take effect as regards such patent or application unless and until the Board of Trade shall so certify:

(ii) In the subsequent provisions of this Order the following expressions shall mean and be construed as follows, that is to say: "restored patent" shall mean and include any vested patent of which the Custodian shall have divested himself under the directions in the preceding sub-clause contained and also such interest, share, rights, or title in or to any British patent as may be or may have been granted upon or in pursuance or by virtue of a restored application: "restored application" shall mean and include any vested application of which the Custodian shall have divested himself as aforesaid and also to the extent to which the same may be or may have been revived as next hereinafter mentioned any application for the grant of a British patent which may be or may have been revived under the provisions either of the Treaty of Peace between the United Kingdom and Austria or of the Treaty of Peace between the United Kingdom and Bulgaria (which Treaties are hereinafter referred to as the "Treaties of Peace"): "patentee" shall mean and include the person for the time being entitled to the benefit of a restored patent: "licensee" shall in relation to a licence mean and include any person for the time being entitled to the benefit of the licence.

2. Subject to the provisions of this Order dealings in regard to a restored patent are per-

mitted between British Nationals and Austrian or as the case may be Bulgarian Nationals (as such Nationals are respectively defined by the said Treaty of Peace Orders).

3. An assignment or assurance *inter vivos* of a restored patent or a restored application shall not be made nor shall any licence be granted under a restored patent except after notice to and with the consent of the Board of Trade and any such purporting assignment or assurance *inter vivos* or any such purporting licence which may be made or granted except after such notice and with such consent shall be void and of no effect. And any devolution of a restored patent or of a restored application otherwise than by an assignment or assurance *inter vivos* shall not be operative unless and until assented to by the Board of Trade.

4. A restored patent shall remain and be subject to any licence under or in respect thereof which may have been granted by the Board of Trade under the Patents, Designs and Trade Marks (Temporary Rules) Acts, 1914 (A), or by the Custodian under Section 5 (1) of the Trading with the Enemy Amendment Act, 1914, and any such licence shall with the additional rights, powers and privileges next hereinafter conferred upon the Licensee be and remain as valid and effectual as if this Order had not been made:

Provided always that in addition to any other rights, privileges or powers to which he may be entitled the Licensee exclusive or otherwise as the case may be shall be deemed to have and shall have all the rights, privileges and powers of such a Licensee under the provisions of Section 1 of the Patents and Designs Act, 1919 (A):

Provided further that all powers which by or under any such licence as aforesaid may have been given to or vested in the Board of Trade or the Custodian shall as regards any powers given to or vested in the Custodian be and be deemed to have been transferred to the Board of Trade, and as to all such powers, whether given to or vested in the Board of Trade, or given to or vested in the Custodian, shall be and remain exercisable by the Board of Trade.

5. The Board of Trade have and shall continue to have power upon the application of any person to grant to or in favour of the applicant a compulsory licence under any restored patent upon such terms as to Royalty or otherwise as may be thought fit (a) if in the opinion of the Board of Trade it is in the public interest that such licence shall be granted, or (b) if the Patentee shall refuse to grant to the applicant a licence upon reasonable terms. And for the purpose of and in connection with the exercise of such power the Board of Trade shall have all the powers of the Comptroller of Patents, Trade Marks and Designs (hereinafter called the Comptroller) under the Patents and Designs Act, 1919, in a case in which abuse of the monopoly rights has been established.

6. The Board of Trade shall, as regards any licence which has been or may be granted under any restored patent, whether the licence is granted as mentioned in Clause 4 hereof or as mentioned in Clause 5 hereof, have power upon the application of the Licensee or of the Patentee, to make such revisions or amend-

(A) 4-5 G. 5, c.c. 27 and 73.