
STATUTORY INSTRUMENTS

2007 No. 3291

The Patents Rules 2007

PART 2

APPLICATIONS FOR PATENTS

Search and substantive examination

Reinstatement of applications under section 20A

32.—(1) A request under section 20A for the reinstatement of an application must be made before the end of the relevant period.

(2) For this purpose the relevant period is—

- (a) two months beginning with the date on which the removal of the cause of non-compliance occurred; or
- (b) if it expires earlier, the period of twelve months beginning with the date on which the application was terminated.

(3) The request must be made on Patents Form 14.

(4) Where the comptroller is required to publish a notice under section 20A(5), it must be published in the journal.

(5) The applicant must file evidence in support of that request.

(6) Where that evidence does not accompany the request, the comptroller must specify a period within which the evidence must be filed.

(7) Where, on consideration of that evidence, the comptroller is not satisfied that a case for an order under section 20A has been made out, he must notify the applicant accordingly.

(8) The applicant may, before the end of the period of one month beginning with the date of that notification, request to be heard by the comptroller.

(9) Where the applicant requests a hearing, the comptroller must give him an opportunity to be heard, after which the comptroller shall determine whether the request under section 20A shall be allowed or refused.

(10) Where the comptroller reinstates the application after a notice was published under paragraph (4), he must advertise in the journal the fact that he has reinstated the application.

(11) In determining the date on which the removal of the cause of non-compliance occurred, the comptroller shall have regard to any relevant principles applicable under the European Patent Convention.