



Patents Act 1977

1977 CHAPTER 37

PART I

NEW DOMESTIC LAW

Provisions as to patents after grant

28 Restoration of lapsed patents.

[^{F1}(1) Where a patent has ceased to have effect by reason of a failure to pay any renewal fee, an application for the restoration of the patent may be made to the comptroller within the prescribed period.

(1A) Rules prescribing that period may contain such transitional provisions and savings as appear to the Secretary of State to be necessary or expedient.]

(2) An application under this section may be made by the person who was the proprietor of the patent or by any other person who would have been entitled to the patent if it had not ceased to have effect; and where the patent was held by two or more persons jointly, the application may, with the leave of the comptroller, be made by one or more of them without joining the others.

[^{F2}(2A) Notice of the application shall be published by the comptroller in the prescribed manner.]

(3) If the comptroller is satisfied that—

(a) the proprietor of the patent took reasonable care to see that any renewal fee was paid within the prescribed period or that that fee and any prescribed additional fee were paid within the six months immediately following the end of that period, . . . ^{F3}

the comptroller shall by order restore the patent on payment of any unpaid renewal fee and any prescribed additional fee.

(4) An order under this section may be made subject to such conditions as the comptroller thinks fit (including a condition requiring compliance with any provisions of the rules

Status: Point in time view as at 29/12/2004. This version of this provision has been superseded.
Changes to legislation: Patents Act 1977, Section 28 is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

relating to registration which have not been complied with), and if the proprietor of the patent does not comply with any condition of such an order the comptroller may revoke the order and give such directions consequential on the revocation as he thinks fit.

(5) F4

Textual Amendments	
F1	S. 28(1)(1A) substituted and inserted respectively by Copyright, Designs and Patents Act 1988 (c.48, SIF 67A), s. 295, Sch. 5 para. 6(2)
F2	S. 28(2A) inserted by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 295, Sch. 5 para. 6(3)
F3	Words repealed (with savings) by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), ss. 295, 303(2), Sch. 5 para. 6(4), Sch. 8
F4	S. 28(5)–(9) repealed by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), ss. 295, 303(2), Sch. 5 para. 6(5), Sch. 8

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