

## SCHEDULES

### SCHEDULE 5

#### PATENTS: MISCELLANEOUS AMENDMENTS

##### *Application for restoration of lapsed patent*

- 6 (1) Section 28 of the Patents Act 1977 (restoration of lapsed patents) is amended as follows.
- (2) For subsection (1) (application for restoration within period of one year) substitute—
- “ (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.”.
- (3) After subsection (2) insert—
- “(2A) Notice of the application shall be published by the comptroller in the prescribed manner.”.
- (4) In subsection (3), omit paragraph (b) (requirement that failure to renew is due to circumstances beyond proprietor’s control) and the word “and” preceding it.
- This amendment does not apply to a patent which has ceased to have effect in accordance with section 25(3) of the Patents Act 1977 (failure to renew within prescribed period) and in respect of which the period referred to in subsection (4) of that section (six months’ period of grace for renewal) has expired before commencement.
- (5) Omit subsections (5) to (9) (effect of order for restoration).