
STATUTORY INSTRUMENTS

1995 No. 2093

The Patents Rules 1995

GRANT, AMENDMENT AND CONTINUATION OF PATENT

Restoration of lapsed patents under section 28

41.—(1) An application under section 28 for the restoration of a patent—

- (a) may be made at any time within the period of nineteen months beginning on the day on which it ceased to have effect; and
- (b) shall be made on Patents Form 16/77 supported by evidence of the statements made in it;

and the comptroller shall publish in the Journal notice of the making of the application.

(2) If, upon consideration of the evidence, the comptroller is not satisfied that a case for an order under section 28 has been made out, he shall notify the applicant accordingly and, unless within one month the applicant requests to be heard in the matter, the comptroller shall refuse the application.

(3) If the applicant requests a hearing within the time allowed, the comptroller shall, after giving the applicant an opportunity of being heard, determine whether the application shall be allowed or refused.

(4) If the comptroller decides to allow the application, he shall notify the applicant accordingly and require him, within two months after the notification is sent to him, to file Patents Form 53/77, together with Patents Form 12/77, duly completed, and the amount of any unpaid renewal fee, upon receipt of which the comptroller shall order the restoration of the patent and advertise the fact in the Journal.