
STATUTORY INSTRUMENTS

2004 No. 2358

The Patents (Amendment) Rules 2004

Amendment of the Patents Rules 1995

10. After rule 36 there shall be inserted—

“Reinstatement of applications under section 20A

36A.—(1) Any request under section 20A for the reinstatement of an application shall be made before the end of the relevant period.

(2) The relevant period is the first to expire of—

(a) the period of twelve months starting on the date on which the application was terminated; or

(b) the period of two months starting on the date on which the removal of the cause of non-compliance occurred.

(3) The request shall be made on Patents Form 14/77 supported by evidence of the statements made in it.

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

(5) Where, upon consideration of the evidence provided in accordance with paragraph (3), the comptroller is not satisfied that a case for an order under section 20A has been made out, he shall notify the applicant accordingly.

(6) Where the comptroller has notified the applicant under paragraph (5), the applicant may, before the end of the period of one month starting on the date of the notification, request to be heard by the comptroller.

(7) Where the applicant requests a hearing under paragraph (6), the comptroller shall give the applicant an opportunity to be heard, after which he shall determine whether the request under section 20A shall be allowed or refused.

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

(9) 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.”