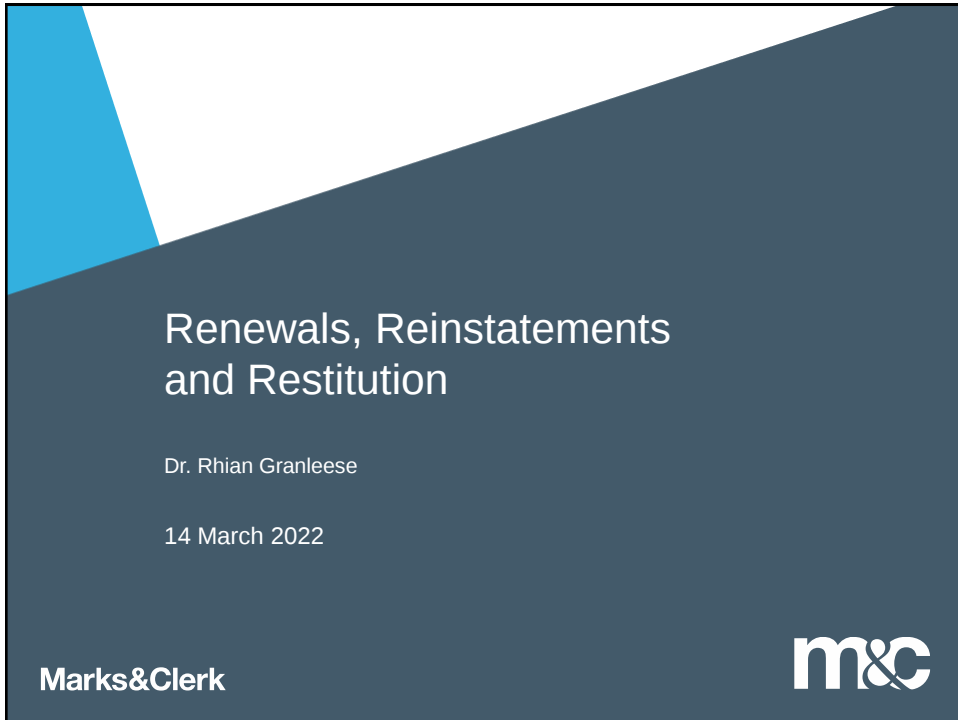




Renewals, Reinstatements
and Restitution

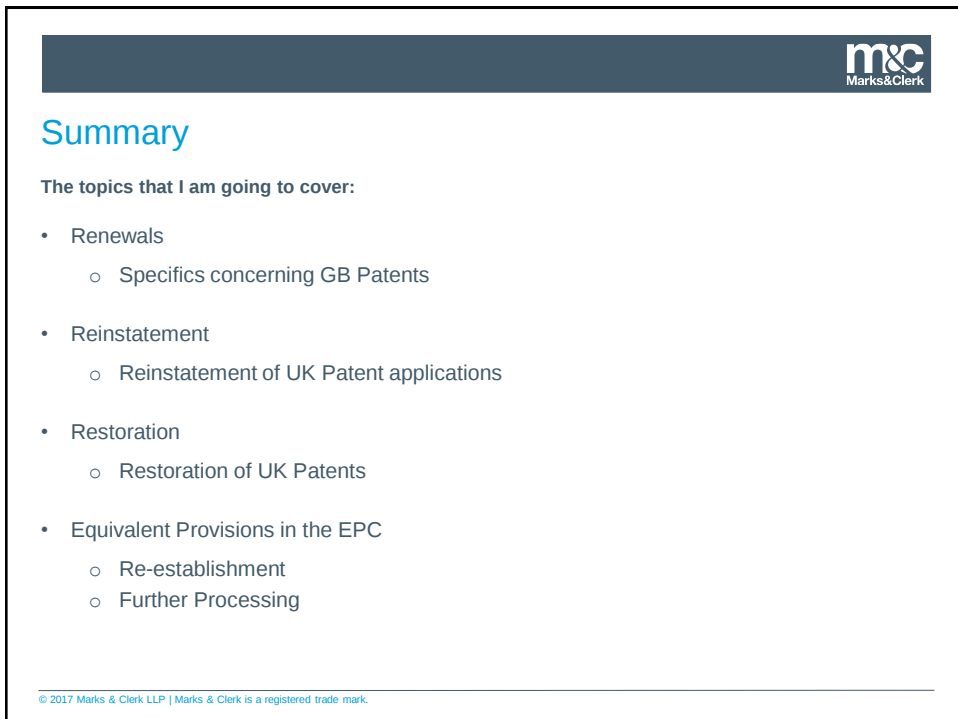
Dr. Rhian Granleese

14 March 2022

Marks&Clerk



1





Summary

The topics that I am going to cover:

- Renewals
 - Specifics concerning GB Patents
- Reinstatement
 - Reinstatement of UK Patent applications
- Restoration
 - Restoration of UK Patents
- Equivalent Provisions in the EPC
 - Re-establishment
 - Further Processing

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A simple guide

- Renewal fees – these are fees that need to be paid to keep the patent/application alive – if they are not paid – the patent/application will lapse
- Restoration – If you miss a renewal – not all is lost!
 - In the UK – the process for getting the patent back is called restoration
- Reinstatement – the name given in the UK for the process given to get an application back if you have missed a deadline during the prosecution of the application
- Re-establishment – the name given in the EPC for the process for recovering a missed time limit either relating to a prosecution deadline or a renewal fee deadline
- Further processing – another mechanism under the EPC for recovering a missed deadline (does not apply to renewal fees)

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Renewals

The syllabus for FC1 expects knowledge of:

The duration of a UK patent

Specifically-

- Define the term of a patent and the renewal process for maintaining the patent

You are expected to know

- Section 25
- Rules - 36 to 39

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Section 25: Term of patent

Provisions as to patents after grant.

- (1) A patent granted under this Act shall be treated for the purposes of the following provisions of this Act as having been granted, and shall take effect, on the date on which notice of its grant is published in the journal and, subject to subsection (3) below, shall **continue in force until the end of the period of 20 years beginning with the date of filing** the application for the patent or with such other date as may be prescribed.
- (2) A rule prescribing any such other date under this section shall not be made unless a draft of the rule has been laid before, and approved by resolution of, each House of Parliament.
- (3) **Where any renewal fee in respect of a patent is not paid by the end of the period prescribed for payment (the “prescribed period”) the patent shall cease to have effect at the end of such day, in the final month of that period, as may be prescribed.**

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Section 25: Term of patent (cont)

- (4) **If during the period ending with the sixth month after the month in which the prescribed period ends the renewal fee and any prescribed additional fee are paid, the patent shall be treated for the purposes of this Act as if it had never expired, and accordingly;**
 - (a) anything done under or in relation to it during that further period shall be valid;
 - **(b) an act which would constitute an infringement of it if it had not expired shall constitute such an infringement;** and
 - (c) an act which would constitute the use of the patented invention for the services of the Crown if the patent had not expired shall constitute that use.
- (5) Rules shall include provision requiring the comptroller to notify the registered proprietor of a patent that a renewal fee has not been received from him in the Patent Office before the end of the prescribed period and before the framing of the notification.

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General

- Renewal date – date that sets the renewal period
 - Normally anniversary of filing
 - But first renewal can be different if near grant
- Renewal period – period in which renewal fee can be paid
 - Always 3 months ending with last day of month in which renewal date falls
- Required to pay for 5th year onwards
 - But paid in advance for the coming year
- Don't need to pay until after grant
 - But do need to pay any back renewals if they fell due before grant
- Anyone may pay the renewal fees on a patent - there is no requirement that this be done either by the proprietor or with his agreement.

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Summary Rule 36

- Definitions:
- “renewal date”; “renewal fee”; “renewal period”
- (2) If the renewal fee **is not paid before the end of the renewal period**, the patent shall cease to have effect—
 - (a) where the renewal fee is payable by virtue of section 77(5A), at the end of the final day of the renewal period;
 - (b) in any other case, at the end of the renewal date.
- (3) **Patents Form 12 must be filed** before the end of the renewal period.
- (4) But where payment is made under section 25(4) or section 28(3), Patents Form 12 must accompany the renewal fee and the prescribed additional fee.
- (5) On receipt of the renewal fee the comptroller must issue a certificate of payment.

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First Renewal Fee

Rule 37 UKPA

(2) Subject to paragraphs (3) and (4)—

- (a) the first renewal date is **the fourth anniversary of the date of filing**; and
- (b) the renewal period is three months ending with the last day of the month in which that renewal date falls.

Need to use both in exam answers – i.e.:

"Renewal date = 10 October 2018

Can pay any time in renewal period = three months ending with 31 October 2018."

Only ever due after grant

If grant is within 3m of 4th anniversary of filing or later...

(3) Where a patent is granted under the Act during the period of three months ending with the fourth anniversary of the date of filing, or at any time after that anniversary—

- (a) the **first renewal date** is the last day of the period of three months beginning immediately after the date on which the patent was granted; and
- (b) the **renewal period** begins with the date on which the patent was granted and ends with the last day of the month in which that renewal date falls.

E.g.

- Filed 4th October 2014
- Granted 4th September 2018
- First renewal date = 4th December 2018 (i.e. 4th September + 3m)
- Renewal period = 4th September 2018 – 31st December 2018

EP(UK) Patent

(4) Where the grant of a patent is mentioned in the European Patent Bulletin during the period of three months ending with the fourth anniversary of the date of filing, or at any time after that anniversary—

- (a) the first renewal date is the **later of—**
 - (i) the last day of the period of three months beginning immediately after the date on which the grant of the patent was mentioned in the European Patent Bulletin (case A), or
 - (ii) the next anniversary of the date of filing to fall after the date on which the grant of the patent was so mentioned (case B); and
- (b) the renewal period is—
 - (i) in case A, the period beginning with the date on which the grant of the patent was mentioned in the European Patent Bulletin and ending with the last day of the month in which the first renewal date falls, or
 - (ii) in case B, three months ending with the last day of the month in which the first renewal date falls.

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EP(UK) Patent

Examples

EP Filed 4th October 2014

Grant mentioned in bulletin on 4th September 2018

- First renewal date/period later of
 - CASE A - 4th December 2018 / 4th September - 31st December 18
 - CASE B - 4th October 2018 / 31st July 2018 – 31st October 2018

EP Filed 4th October 2014

Grant mentioned in bulletin on 4th November 2018

- First renewal date / period later of
 - CASE A - 4th February 2019 / 4th November 18 – 28 February 19
 - CASE B - 4th October 2019 / 31st July 2019 – 31st October 2019

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Subsequent Renewals

Back to normal

38.—(1) This rule prescribes the period for the payment of a renewal fee in respect of renewal dates subsequent to the first renewal date.

- (2) The renewal period is three months ending with **the last day of the month** in which the renewal date falls.
- (3) For those purposes—
 - (a) the second renewal date is the next anniversary of the date of filing to fall after the first renewal date; and
 - (b) each subsequent renewal date is the anniversary of the previous renewal date.

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Grace Period

- 6 months after last day to pay
- Late fee – £24 per month but free for 1st month
- No consequences of having not paid
 - No loss of rights
 - No third party rights

<https://www.gov.uk/renew-patent>

[JLR](#)
[End of day](#)
[Buy Tomorrow](#)
[Sell Tomorrow](#)
[RWA](#)
[IQE](#)
[Boo](#)
[Zoo](#)
[GFM](#)
[GM](#)

Renew a patent

Renew your GB patent or European patent (UK) online.

When to renew

You must renew your patent on the fourth anniversary of when you filed for it. You then need to renew every year near the 'due date' - the last day of the month in which you first filed.

Renew up to 3 months before, or within 1 month after, the due date to avoid late payment fees.

You can renew up to 6 months after the due date but you'll have to pay £24 on top of the renewal fee for each extra month.

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Summary Rule 39 -

Applies where the renewal fee has not been received by the end of the renewal period.

- (2) If the renewal fee remains unpaid, the comptroller must send a renewal notice to the proprietor of the patent—
 - (a) where the renewal fee is payable by virtue of section 77(5A), before the end of the period of six weeks beginning immediately after the later of—
 - (i) the end of the renewal period, and
 - (ii) the date on which the comptroller receives notification of the restoration of the patent from the European Patent Office;
 - (b) in any other case, before the end of the period of six weeks beginning immediately after the end of the renewal period.

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Rule 39 – (cont)

- (3) The comptroller must send the renewal notice to—
 - (a) **the last address specified by the proprietor on payment of a renewal fee (or to another address that has since been notified to him for that purpose by the proprietor);** or
 - (b) where such an address has not been so specified or notified, the address for service entered in the register.
- (4) The renewal notice must remind the proprietor of the patent— (a) that payment is overdue; and (b) of the consequences of non-payment

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In exam

What to look for

- Has it granted? If not, no renewal fees need to be paid yet
- When did it grant?
- Is it a direct UK or an EP?
 - This will be clear from the question
- State both renewal date and renewal period
- May be more than one fee to pay after grant
 - State how many
 - Can call them 1st renewal fee, 2nd renewal fee, etc
 - Or 5th year renewal fee, 6th year renewal fee, etc
- Always calculate and state when next renewal fee is due

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Restoration – In the UK

- What happens if you miss a renewal fee?.....

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Section 28: Restoration of lapsed patents

Provisions as to **patents after grant**.

(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**.

(2A) Notice of the application shall be published by the comptroller in the prescribed manner.

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Section 28: Restoration of lapsed patents

(3) If the comptroller is satisfied that the failure of the proprietor of the patent;

- (a) to pay the renewal fee within the prescribed period; or
- (b) to pay that fee and any prescribed additional fee within the period ending with the sixth month after the month in which the prescribed period ended, **was unintentional**, 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 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) to (9) [repealed]

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Section 28A: Effect of order for restoration of patent

- (1) The effect of an order for the restoration of a patent is as follows.
- (2) Anything done under or in relation to the patent during the period between expiry and restoration shall be treated as valid.
- (3) Anything done during that period which would have constituted an infringement if the patent had not expired shall be treated as an infringement;
 - (a) if done at a time when it was possible for the patent to be renewed under section 25(4), or
 - (b) if it was a continuation or repetition of an earlier infringing act.

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Section 28A (cont)

- (4) If after it was no longer possible for the patent to be so renewed, and before publication of notice of the application for restoration, a person;
 - (a) **began in good faith to do an act which would have constituted an infringement of the patent if it had not expired**, or
 - (b) **made in good faith effective and serious preparations** to do such an act, he has the right to continue to do the act or, as the case may be, to do the act, notwithstanding the restoration of the patent; but this right does not extend to granting a licence to another person to do the act.

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Section 28A: Effect of order for restoration of patent

(5) If the act was done, or the preparations were made, in the course of a business, the person entitled to the right conferred by subsection (4) may;

- (a) authorise the doing of that act by any partners of his for the time being in that business, and
- (b) assign that right, or transmit it on death (or in the case of a body corporate on its dissolution), to any person who acquires that part of the business in the course of which the act was done or the preparations were made.

(6) Where a product is disposed of to another in exercise of the rights conferred by subsection (4) or (5), that other and any person claiming through him may deal with the product in the same way as if it had been disposed of by the registered proprietor of the patent.

(7) The above provisions apply in relation to the use of a patent for the services of the Crown as they apply in relation to infringement of the patent.

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Rule 40 - Restoration of lapsed patents under section 28

- (1) An application under section 28 for restoration of a patent may be made at any time **before the end of the period ending with the thirteenth month after the month in which the period specified in section 25(4) ends.**
- (2) The application must be made on **Patents Form 16.**
- (3) The notice of the application must be published in the journal.
- (4) The applicant **must file evidence in support of the application.**
- (5) If that evidence does not accompany the application, the comptroller must specify a period within which the evidence shall be filed.
- (6) If, on consideration of that evidence, the comptroller is not satisfied that a case for an order under section 28 has been made out, he must notify the applicant accordingly.
- (7) The applicant may, **before the end of the period of one month beginning** immediately after the date of that notification, request to be heard by the comptroller.
- (8) If the applicant requests a hearing, the comptroller must give the applicant an opportunity to be heard before he determines whether to grant or refuse the application under section 28.
- (9) Where the comptroller grants the application he must advertise the fact in the journal.

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What you need to know

- Define the term of a patent and the renewal process for maintaining the patent
- Explain the restoration process and the implications of restoring a lapsed patent
- Apply the above to a scenario

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Example question

2017 – Question 4 – P2

Question 4

Your client, Mr Smith (S), calls to say he is considering making and selling a product which he believes falls within the scope of the claims of unrelated patents GB1 and EP2 which are directed towards different subject matter. GB1 was filed on 7 February 2013 and granted on 18 March 2016. EP2 was filed on 10 September 2013 designating GB, and the mention of grant in the European Patent Bulletin took place on 24 August 2017.

Mr Smith tells you he has checked the UK Register of Patents and there is no record of any renewal fees having been paid to the UK Intellectual Property Office on either of the two patents. He believes he is therefore free to make and sell the product with no risk of infringement in the UK.

Write notes for a meeting with your client.

10 marks

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Example Mark Scheme

UK

401 The first renewal fee (for year 5) on GB1 was due on 28 (end of) February 2017 and has not been paid.

402 The renewal fee for GB1 could have been paid late together **with an additional fee**, up to 31 (end of) August 2017.

403 This has not been paid so GB1 has lapsed.

404 It may be possible to seek restoration of GB1 (up to 30 (end of) September 2018) provided the failure to pay was **unintentional**.

405 But **serious and effective preparations in good faith** would permit the client to continue his activities.

406 providing the client's activities began after 31 Aug/ from 1 September 2017/after grace period and before publication of the notice of an application for restoration **EP**

407 The first renewal fee (for year 5) on EP2 is due 30 (end of) November 2017 because...

408 EP2 was granted within 3 months of the anniversary of the filing date so a three month period is permitted from the grant in which to pay the renewal fee (ending on the last day of the month).

409 EP2 is still in force and will be infringed if the product is (made and/or sold) in the UK.

410 File opposition to EP2 by **24 May 2018/within 9 months from grant**

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Example question

- Your client, Great Gears Ltd, owns UK patent GB1234567 relating to a gear assembly. You receive the following email from a director of Great Gears Ltd:
 - *We have recently become aware of a competitor, Britney Gears Ltd, who has started manufacturing and selling an almost identical gear assembly. We have checked the status of our patent online and have found it has lapsed due to non-payment of a renewal fee. We are surprised by this as we use a renewal reminder service to send us reminders but we never received the reminder. Our default instructions to the reminder service are to pay a renewal fee in the absence of instructions from us. What can we do?*
- Prepare notes for a meeting with your client, restricting your answer to issues relating to patents only. The notes should contain advice to your client in relation to both actions your client could take and also third-party rights.

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Example Mark Scheme

If the renewal fee was due in the last six months:	1 mark
Pay late with surcharge	1 mark
Begin infringement proceedings.	1 mark
If the renewal fee was due more than 19 months ago (will also accept 13 months from the end of the six-month period for late payment of the renewal fee)	1 mark
then there is nothing that can be done	1 mark
If the renewal fee was due between 6 and 19 months ago, apply for restoration:	1 mark
Must show that failure to pay the renewal fee was 'unintentional'	1 mark
Evidence required	1 mark
then there are no third-party rights	1 mark
Statement about default instructions useful evidence	1 mark
Statement from renewal reminder service regarding failure to send a reminder	1 mark
and failure to pay the renewal fee in absence of instructions useful.	1 mark

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Sample Mark Scheme (cont)

If the manufacture/sale started in the six months when the renewal fee could have been paid late	1 Mark
then there are no third-party rights	1 Mark
If manufacture/sale started after that the notification of non-payment	0.5 marks
but before an application for restoration is published (0.5 marks),	0.5 marks
then: If this was done in good faith	1 Mark
Britney Gears Ltd can continue to do the act	1 Mark
Some discussion of the words 'the act'	1 Mark
Does not extend to granting a licence	1 Mark
Customers of Britney Gears Ltd may deal in the product as if it came from Great Gears	1 Mark

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Other ways to recover missed deadlines

UK Application stage

- Extensions – can be obtained retrospectively
- **Reinstatement**

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Reinstatement

- The law relating to the UK patent application process
- Recall the provisions relating to reinstatement of a UK patent application and apply to a scenario
- PA 20A – Reinstatement of applications PR 32
- PA 20B – Effect of reinstatement

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Reinstatement – Section 20A

(1) Subsection (2) below applies where an **application** for a patent is **refused, or is treated as having been refused or withdrawn**, as a direct consequence of a failure by the applicant to comply with a requirement of this Act or rules **within a period** which is;

- (a) set out in this Act or rules, or
- (b) specified by the comptroller.

(2) Subject to subsection (3) below, the comptroller shall reinstate the application if, and only if;

- (a) the **applicant requests** him to do so;
- (b) the **request complies with the relevant requirements of rules**; and
- (c) he is satisfied that the failure to comply referred to in subsection (1) above was **unintentional**.

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Reinstatement – Section 20A

(3) The comptroller shall not reinstate the application if;

- (a) **an extension remains available** under this Act or rules for the period referred to in subsection (1) above; or
- (b) the period referred to in subsection (1) above is set out or specified;
 - (i) in relation to any proceedings before the comptroller;
 - (ii) for the purposes of section 5(2A)(b) above; or
 - (iii) for the purposes of a request under this section or section 117B below.

(4) Where the application was made by two or more persons jointly, a request under subsection (2) above may, with the leave of the comptroller, be made by one or more of those persons without joining the others.

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Reinstatement – Section 20A

- (5) If the application has been published under section 16 above,
- (6) The reinstatement of an application under this section shall be by order....
- (7) If an application is reinstated under this section the applicant shall comply with the requirement referred to in subsection (1) above
- (8) ...period specified under subsection (7) above shall not be less than two months.
- (9) If the applicant fails to comply with subsection (7) above the application shall be treated as having been withdrawn on the expiry of the period specified under that subsection.

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Section 20B: Effect of reinstatement under section 20A

- (1) The effect of reinstatement under section 20A of an application for a patent is as follows.
- (2) Anything done under or **in relation to the application during the period between termination and reinstatement shall be treated as valid.**
- (3) If the application has been published under section 16 above before its termination anything done during that period which would have constituted an infringement of the rights conferred by publication of the application if the termination had not occurred shall be treated as an infringement of those rights;
 - (a) if done at a time when it was possible for the period referred to in section 20A(1) above to be extended, or
 - (b) if it was a continuation or repetition of an earlier act infringing those rights.

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Section 20B: Effect of reinstatement under section 20A

(4) If the application has been published under section 16 above before its termination and, after the termination and before publication of notice of the request for its reinstatement, a person;

- (a) began in good faith to do an act which would have constituted an infringement of the rights conferred by publication of the application if the termination had not taken place, or
- (b) made in good faith effective and serious preparations to do such an act, he has the right to continue to do the act or, as the case may be, to do the act, notwithstanding the reinstatement of the application and the grant of the patent; but this right does not extend to granting a licence to another person to do the act.

(4A) The right conferred by subsection (4) does not become exercisable until the end of the period during which a request may be made under this Act, or under the rules, for an extension of the period referred to in section 20A(1).

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Section 20B: Effect of reinstatement under section 20A

(5) If the act was done, or the preparations were made, in the course of a business, the person entitled to the right conferred by subsection (4) above may;

- (a) authorise the doing of that act by any partners of his for the time being in that business, and
- (b) assign that right, or transmit it on death (or in the case of a body corporate on its dissolution), to any person who acquires that part of the business in the course of which the act was done or the preparations were made.

(6) Where a product is disposed of to another in exercise of a right conferred by subsection (4) or (5) above, that other and any person claiming through him may deal with the product in the same way as if it had been disposed of by the applicant.

(6A) The above provisions apply in relation to the use of a patented invention for the services of the Crown as they apply in relation to infringement of the rights conferred by publication of the application for a patent (or, as the case may be, infringement of the patent). "Patented invention" has the same meaning as in section 55 below.

(7) In this section "termination", in relation to an application, means;

- (a) the refusal of the application, or
- (b) the application being treated as having been refused or withdrawn.

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Reinstatement – Summary

- Reinstatement is for missing a time limit during the Examination phase
- It is possible to apply for reinstatement after the compliance period has expired, but if we are past the time for extending the compliance period – it is not possible to file amendments
- The requirements for reinstatement are similar to those for restoration
- The 3rd party rights provisions are similar for both reinstatement and restoration

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Provisions under the EPC

International Patent Law FC3 (P5)

You need to know:

- The patent application process via the EPC
- In this section there is:
 - Describe the procedures for further processing and re-establishment
- EPC Art 121 Further processing
- EPC Art 122 Re-establishment of right
- EPR 135
- EPR 136
- EPR 71

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Re-establishment of rights - Article 122 EPC

- (1) An applicant for or proprietor of a European patent who, **in spite of all due care** required by the circumstances having been taken, was **unable to observe a time limit** vis-à-vis the European Patent Office shall have his rights re-established upon request **if the non-observance of this time limit has the direct consequence of causing the refusal of the European patent application** or of a request, or the deeming of the application to have been withdrawn, or the revocation of the European patent, or the loss of any other right or means of redress.
- (2) The European Patent Office shall grant the request, provided that the conditions of [paragraph 1](#) and any other requirements laid down in the Implementing Regulations are met. Otherwise, it shall reject the request.
- (3) **If the request is granted, the legal consequences of the failure to observe the time limit shall be deemed not to have ensued.**

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- (4) Re-establishment of rights shall be ruled out in respect of the time limit for requesting re-establishment of rights. The Implementing Regulations may rule out re-establishment for other time limits.
- (5) Any person who, in a designated Contracting State, has in good faith used or made effective and serious preparations for using an invention which is the subject of a published European patent application or a European patent in the period between the loss of rights referred to in [paragraph 1](#) and publication in the European Patent Bulletin of the mention of re-establishment of those rights, may without payment continue such use in the course of his business or for the needs thereof.
- (6) Nothing in this Article shall limit the right of a Contracting State to grant re-establishment of rights in respect of time limits provided for in this Convention and to be observed vis-à-vis the authorities of such State.

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Rule 136 - Re-establishment of rights

- 1) Any request for re-establishment of rights under [Article 122, paragraph 1](#), shall be filed in writing within **two months of the removal of the cause of non-compliance** with the period, **but at the latest within one year of expiry of the unobserved time limit**. However, a request for re-establishment of rights in respect of any of the periods specified in [Article 87, paragraph 1](#), and in [Article 112a, paragraph 4](#), shall be filed within two months of expiry of that period. The request for re-establishment of rights shall not be deemed to have been filed until the prescribed fee has been paid.
- 2) The request shall state the grounds on which it is based and shall set out the facts on which it relies. **The omitted act shall be completed within the relevant period** for filing the request according to [paragraph 1](#).
- 3) Re-establishment of rights shall be ruled out in respect of any period for which further processing under [Article 121](#) is available and in respect of the period for requesting re-establishment of rights.
- 4) The department competent to decide on the omitted act shall decide on the request for re-establishment of rights.

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Article 121 - Further processing of the European patent application

- (1) If an applicant fails to observe a time limit vis-à-vis the European Patent Office, he may request further processing of the European patent application.
- (2) The European Patent Office shall grant the request, provided that the requirements laid down in the Implementing Regulations are met. Otherwise, it shall reject the request.
- (3) If the request is granted, the legal consequences of the failure to observe the time limit shall be deemed not to have ensued.
- (4) Further processing shall be ruled out in respect of the time limits in [Article 87, paragraph 1](#), [Article 108](#) and [Article 112a, paragraph 4](#), as well as the time limits for requesting further processing or re-establishment of rights. The Implementing Regulations may rule out further processing for other time limits.

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Rule 135 Further processing

- (1) Further processing under [Article 121, paragraph 1](#), shall be **requested** by payment of the **prescribed fee** within two months of the communication concerning either the failure to observe a time limit or a loss of rights. The **omitted act shall be completed** within the period for making the request.
- (2) Further processing shall be ruled out in respect of the periods referred to in [Article 121, paragraph 4](#), and of the periods under [Rule 6, paragraph 1](#), [Rule 16, paragraph 1\(a\)](#), [Rule 31, paragraph 2](#), [Rule 36, paragraph 2](#), [Rule 40, paragraph 3](#), [Rule 51, paragraphs 2 to 5](#), [Rule 52, paragraphs 2 and 3](#), [Rules 55, 56, 58, 59, 62a, 63, 64](#), [Rule 112, paragraph 2](#), and [Rule 164, paragraphs 1 and 2](#).
- (3) The department competent to decide on the omitted act shall decide on the request for further processing

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Questions?

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