



香港特別行政區政府知識產權署
The Government of the Hong Kong Special Administrative Region
Intellectual Property Department

P12-1

For official use

Patents Form P12

Application to restore a withdrawn standard patent (R) application due to non-payment of maintenance fee

Application to restore a lapsed standard patent

Application to restore a lapsed short-term patent

Patents Ordinance (Cap. 514)

Patents (General) Rules (Cap. 514C)

Important notes

1. General notes:

- Please complete this form in English unless otherwise stated.
- By submitting this form, you will be treated as having given consent to the Patents Registry and its service provider to copy or communicate all the information provided to any third party (in or outside Hong Kong, China) who assists or supports the Patents Registry in performing its functions under the Patents Ordinance, Cap. 514 and its subsidiary legislation.
- This form must be signed and dated.
- If there is not enough space for any part on this form, please continue on an additional sheet. Number each additional sheet and state the number of additional sheet(s).
- Please enquire through the following means:
 - E-mail: enquiry@ipd.gov.hk
 - Internet homepage address: www.ipd.gov.hk

2. Use of personal data:

- Personal data provided in this form and any supporting document will be used by the Registrar of Patents ("the Registrar") for the "Purposes of Collection" set out in the Personal Information Collection Statement ("the PICS") at <https://www.ipd.gov.hk/en/privacy-policy-statement/personal-information-collection-statement/index.html>.
- In particular, **YOU SHOULD BE AWARE THAT** personal data collected by the Registrar may, in full or part, be—
 - made available online for public access and inspection;** and
 - published or disclosed to the "Classes of Transferees" in or outside Hong Kong, China as set out in the PICS,** including but not limited to the World Intellectual Property Organization and other intellectual property authorities/institutions/organizations **which may subsequently make the relevant data available online for public access and inspection.**
- DO NOT** include in this form and any supporting document any irrelevant or unnecessary personal data (whether yours or others).

3. Use of other information:

- Other information, including those information relating to any business enterprise or entity, provided in this form and any supporting document will also be so used by the Registrar for the purposes as referred to in paragraph 2.a. above.
- Such information collected by the Registrar may, in full or part, also be so made available online, published or disclosed as set out in paragraph 2.b.(i) and (ii) above.
- DO NOT** include in this form and any supporting document any information (whether yours or others) **which is considered as confidential or commercially sensitive.**

4. Submission of application/request/notice:

In person or by mail with the appropriate fee to the Registrar of Patents, 24/F, Wu Chung House, No. 213 Queen's Road East, Wanchai, Hong Kong, China. The fee schedule can be viewed at <https://www.ipd.gov.hk/en/patents/forms-and-fees/index.html>. Payment can be made in person by cash, or by sending a cheque/bank draft (in Hong Kong dollars which can be cleared in Hong Kong, China) made payable to THE GOVERNMENT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION.

*Denotes mandatory fields

01. Reference

Filer's reference

02. *Application no./Patent no.

Application no./Patent no.

This form is for one patent application or patent.

03. *Type of application for restoration

Type of application for restoration

Please mark one box only.

☐

restoration of an application for standard patent (R)

☐

restoration of a lapsed standard patent

☐

restoration of a lapsed short-term patent

04. *Full name of the applicant(s) or proprietor(s)

(a) Name in English

(b) Name in Chinese
(if applicable)

05. Details of the person(s) (other than the applicant or proprietor) applying for the restoration

If the person(s) applying for the restoration is/are the applicant(s) or proprietor(s) mentioned in Part 04 above, please leave this part empty.

(a) Name in English

If the name is not in Roman letters or in Chinese, please include a transliteration in Roman letters.

(b) Name in Chinese
(if applicable)

(c) Address

Flat/Floor/Building

Street/District

Country/Territory

06. *Date and period of application deemed withdrawn / patent ceased to have effect

(a) Date on which the application was deemed withdrawn /the patent ceased to have effect

DD-MM-YYYY

(b) How long has the application been deemed withdrawn /the patent ceased to have effect

months

07. Reasons for non-payment of maintenance/renewal fee

Reasons for non-payment of maintenance/renewal fee

08. Statements in support (for restoration of the standard patent (R) application only)

If you are applying for restoration of a lapsed patent, please leave this part empty.

An application for restoration of an application for a standard patent (R) under section 34(1) of the Patents Ordinance (Cap. 514) must contain, amongst others, statements in relation to matters as specified in section 31(2)(a) and (b) of the Patents (General) Rules.

Statements in support of the restoration of the standard patent (R) application

Please mark the appropriate box(es).

As at the date of the restoration application,

☐

the designated patent application is still valid and not withdrawn

☐

a patent has not been granted in pursuance of that designated patent application

or

☐

a designated patent has been granted, the prescribed time for filing a request for registration and grant under section 23, Patents Ordinance has not expired.

Date of grant of the designated patent

DD-MM-YYYY

09. Statements in support (for restoration of the standard patent (R) application and a lapsed patent)

To allow **an application for restoration of an application for a standard patent (R)** under section 34(1) of the Patents Ordinance, the Registrar of Patents must be satisfied that the failure to pay the maintenance fee and any additional fee within the specified period occurred in spite of the applicant having taken all reasonable care required by the circumstances (**section 34(3)(a), the Patents Ordinance**).

To allow **an application for restoration of a lapsed patent** under section 40(1) (for a lapsed standard patent) or section 127 (for a lapsed short-term patent) of the Patents Ordinance, the Registrar of Patents must be satisfied that the failure to pay any renewal fee and any prescribed additional fee within the specified period occurred in spite of the applicant having taken all reasonable care required by the circumstances (**section 40(4), the Patents Ordinance**).

Statements for satisfying the Registrar of the fact as specified under

- (a) section 34(3)(a) of the Patents Ordinance in support of the restoration of an application for standard patent (R); or
- (b) section 40(4) of the Patents Ordinance in support of the restoration of a lapsed patent

10. Supporting document(s)

Evidence or supporting documents filed with this form (if any) in support of the statements made under Part 09 above

11. *Address for service

The address for service provided in this part shall be treated as being in substitution for any address for service previously filed.

All correspondence and/or document(s) will be sent to the address below.

***(a) Name**

***(b) Address**

You must provide details of an address for service in Hong Kong, China. Please note that a P.O. Box, a "care of" address or an address used solely for mail forwarding is not acceptable.

Flat/Floor/Building
Street/District
HONG KONG, CHINA

(c) Telephone no.

In Hong Kong, China

(d) Fax no.

In Hong Kong, China

12. Agent's details

Go to Part 13 if you are NOT an agent.

If you have been duly authorized to act as an agent, please complete this part. The details provided in this part shall be treated as being in substitution for any agent's details previously filed.

(a) Name

(b) Address

As an agent, you must provide the address of the premises in Hong Kong, China where you reside or carry on your business activities. Please note that a P.O. Box, a "care of" address or an address used solely for mail forwarding is not acceptable.

Flat/Floor/Building

Street/District

HONG KONG, CHINA

13. *Declaration/Signature

Warning: It is an offence in law to furnish any false statement/information or make a false declaration in this form.

(If you are signing this form in the capacity of an agent) I/We declare that:

I/We have been duly authorized to act as an agent as stated in Part 12.

I/We reside or carry on business activities on the premises at the address in Hong Kong, China as specified in Part 12.

I/We confirm that I/we have read and understood the "Important notes" of this form.

***(a) Authorized signature**

***(b) Name of signatory**

***(c) Official capacity of signatory**

Examples: Authorized person, Director, Partner or Principal Officer of Applicant(s)/Proprietor(s)/the person(s) (other than the applicant or proprietor) filing this application/Agent, Applicant/Proprietor/ the person (other than the applicant or proprietor) filing this application in person

***(d) Date**

DD-MM-YYYY

14. Attachment(s)

Total number of attachment(s)