



知識產權署

Intellectual Property Department

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# Application to restore a withdrawn standard patent (R) application due to non-payment of maintenance fee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

- a. Please complete this form in English unless otherwise stated.
- b. 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) who assists or supports the Patents Registry in performing its functions under the Patents Ordinance, Cap. 514 and its subsidiary legislation.
- c. This form must be signed and dated.
- d. 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).
- e. Please enquire through the following means:
  - E-mail: [enquiry@ipd.gov.hk](mailto:enquiry@ipd.gov.hk)
  - Internet homepage address: [www.ipd.gov.hk](http://www.ipd.gov.hk)
- f. The Patents Ordinance, Cap. 514 and Patents (General) Rules, Cap. 514C can be viewed at [www.ipd.gov.hk](http://www.ipd.gov.hk).

#### 2. Use of personal data:

Personal data collected by the Registrar of Patents ("the Registrar") in the forms filed with the Registrar will be used for the purposes set out in the Personal Information Collection Statement at [https://www.ipd.gov.hk/eng/personal\\_information.htm](https://www.ipd.gov.hk/eng/personal_information.htm).

#### 3. Use of other information:

- a. The Patents Registry will use any information relating to any commercial enterprise or entity provided in this form and any document(s) filed in relation to it for processing your application, request or notice, and for the purposes of collection set out in the Personal Information Collection Statement at [https://www.ipd.gov.hk/eng/personal\\_information.htm](https://www.ipd.gov.hk/eng/personal_information.htm). **They may be made available for public inspection, in full or in part, pursuant to section 147 of the Patents Ordinance, Cap. 514. Such information may be accessed through the Internet.**
- b. **DO NOT include any business information of your own or that of third parties which you consider to be confidential or commercially sensitive.** Where such information is included in this form or any document(s) filed in relation to it, the Registrar will treat it an express and voluntary consent given by you and any such third party to disclosure of all such information for the purpose of public inspection.

#### 4. Submission of application/request/notice:

- a. 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. The fee schedule can be viewed at [www.ipd.gov.hk/eng/forms\\_fees.htm](http://www.ipd.gov.hk/eng/forms_fees.htm). 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) made payable to THE GOVERNMENT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION.
- b. This form can also be submitted electronically. For details, please visit [IPD's e-Filing System](#).

\*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/Area

**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 an address for service in Hong Kong. Please note that a P.O. Box or "care of" address is not acceptable.

Flat/Floor/Building

Street/District

**HONG KONG**

**(c) Telephone no.**

In Hong Kong

**(d) Fax no.**

In Hong Kong

**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**

You must provide an address in Hong Kong where you reside or carry on your business activities. Please note that a P.O. Box or "care of" address is not acceptable.

Flat/Floor/Building

Street/District

**HONG KONG**

**13. \*Signature**

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)**