E. Re-establishment of rights

<u>1</u>	Introduction	746
2.	Right to file request for re-establishment of rights	746
2.1.	Exception for opponent – time limit for filing statement of grounds of appeal	746
2.2.	Re-establishment only in cases of failure to observe a time limit for which it	
	was for the applicant to observe	747
3.	Non-observance of time limit directly causing a loss of right	747
3.1.	The meaning of "time limit"	747
3.1.1	Requirement of pendency when filing divisional application is not a time	
	limit	748
3.1.2	Designation of States	748
3.1.3	"Time limitation" condition for requests for correction	748
3.2.	Time limits excluded from re-establishment under Article 122(4) EPC and	
	Rule 136(3) EPC	748
3.3.	Time limits concerning the PCT proceedings	749
3.4.	Loss of rights as a direct consequence by virtue of the EPC	750
4.	Admissibility of requests for re-establishment of rights	750
4.1.	Time limits for filing a request for re-establishment (Rule 136(1) EPC)	750
4.1.1	Two-month time limit from the removal of the cause of non-compliance	751
	a) Removal of the cause of non-compliance	751
	b) Responsible person	753
	c) Legal fiction of deemed notification	755
4.1.2	One-year time limit following the expiry of the unobserved time limit	756
4.2.	Inability to observe a time limit	757
4.2.1	Deliberate act missing a time limit; tactical considerations	757
4.2.2	Financial difficulties	758
4.3.	Making good the omitted act	758
4.4.	Substantiation of the request for re-establishment	759
4.5.	Number of re-establishment fees due where more than one time limit is	
	missed	760
4.6.	Correction of deficiencies in the request for re-establishment	761
5.	Merit of request for re-establishment of rights	761
5.1.	Submissions to be taken into account	761
5.2.	General comments on due care	762
5.3.	Exceptional circumstances	763
5.3.1	Organisational restructuring	763
5.3.2	Change to or withdrawal of representation	763
5.3.3	Complex transfers of company ownership	764
5.3.4	Monitoring or computer systems matters	764
5.3.5	Sudden serious illness and severe psychological stress	764
5.4.	Isolated mistake within a satisfactory system for monitoring time limits or for	
	processing mail	765
5.4.1	"Isolated mistake" by representative	765
5.4.2	A system operating efficiently for many years as evidence that it is	
	normally satisfactory	766
5.4.3	Cause of mistake remains unclear	766