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सत्यमेव जयते

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### **PUBLIC NOTICE**

It has been found that in a number of patent applications which require the deposition of biological material to an international depository authority under the Budapest Treaty as provided under Section 10 (4) (d) (ii) (A) of the Patents Act, 1970, either the date of deposition of biological material is later than the date of filing of the patent application or reference of deposition of such biological material is not mentioned at all, which contravenes the provisions of the Act.

According to the provisions of the Act, the deposition of such material in an International Depository Authority (IDA) under the Budapest Treaty shall not be later than the date of filing of patent application in India. However, the reference of deposition of biological material in the patent application shall be made within three months from the date of filing of such application as per Rule 13 (8) of the Patents Rules, 2003.

In view of the above, it is hereby informed that applicants should ensure that the deposition of the biological material to the IDA is made prior to the date of filing of patent application in India and the reference of such deposition in the specification is made within three months from the date of filing of such application, if the same is not already made.

In case of non-compliance of the above-mentioned provisions, the concerned applications are liable to be refused under the Act.

  
2/7/2014

(Chaitanya Prasad)  
Controller General of Patents, Designs & Trade Marks