

The Patents Rules, 2003¹ (Patents Rules, 2003)

[As amended up to Noti. No. G.S.R. 215(E), dated 16-3-2024]

[2nd May, 2003]

Whereas certain draft rules were published in exercise of the powers conferred by Section 159 of the Patents Act, 1970 (39 of 1970) *vide* notification of the Government of India in Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) *vide* S.O. 1018(E), dated 20th September, 2002, in Part II, Section 3, sub-section (ii) of the Gazette of India, (Extraordinary), dated 20th September, 2002 for inviting objections and suggestions from persons likely to be affected thereby before expiry of a period of thirty days from the date on which copies of the Gazette containing the Notification were made available to the public;

And whereas the copies of the Gazette containing the said Notification were made available to the public on 3rd October, 2002;

And whereas objections and suggestions received from the public on the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by Section 159 of the Patents Act, 1970 (39 of 1970) and in supersession of the Patents Rules, 1972 published in the Gazette of India, *vide* S.O. 301(E), dated 20th April, 1972 in Part II, Section 3, sub-section (ii), except as respect things done or omitted to be done before such supersession, Central Government hereby makes the following rules, namely:

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) These rules may be called the Patents Rules, 2003.

(2) They shall come into force on the date² on which the Patents (Amendment) Act, 2002 comes into force.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) “Act” means the Patents Act, 1970 (39 of 1970);

(b) “appropriate office” means the appropriate office of the patent office as specified in Rule 4;

(c) “article” includes any substance or material, and any plant, machinery or apparatus, whether affixed to land or not;

³[(ca) “educational institution” means a university established or incorporated by or under Central Act, a Provincial Act, or a State Act, and includes any other educational institution as recognised by an authority designated by the Central Government or the State Government or the Union territories in this regard;]

(d) “Form” means a Form specified in the Second Schedule;

⁴[(da) “person other than a natural person” shall include a “small entity”];

⁵[(db) “Request for examination” means a request for examination, including

expedited examination, made under Section 11-B in respect of Rule 24-B or Rule 24-C;]

(e) "Schedule" means Schedule to these rules;

(f) "Section" means a section of the Act;

⁶[(fa) "small entity" means,—

(i) in case of an enterprise engaged in the manufacture or production of goods, an enterprise where the investment in plant and machinery does not exceed the limit specified for a medium enterprise under clause (a) of sub-section (1) of Section 7 of the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006); and

(ii) in case of an enterprise engaged in providing or rendering of services, an enterprise where the investment in equipment is not more than the limit specified for medium enterprises under clause (b) of sub-section (1) of Section 7 of the Micro, Small and Medium Enterprises Development Act, 2006.

Explanation 1.—For the purpose of this clause, "enterprise" means an industrial undertaking or a business concern or any other establishment, by whatever name called, engaged in the manufacture or production of goods, in any manner, pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951 (65 of 1951) or engaged in providing or rendering of any service or services in such an industry.

Explanation 2.—In calculating the investment in plant and machinery, the cost of pollution control, research and development, industrial safety devices and such other things as may be specified by notification under the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006), shall be excluded.

Explanation 3.—The reference rates of foreign currency of the Reserve Bank of India shall prevail.]

²[(fb) ⁸[(i) "Startup" means—

(a) an entity in India recognised as a startup by the competent authority under Startup India initiative,

(b) In case of a foreign entity, an entity fulfilling the criteria for turnover and period of incorporation/registration as per Startup India Initiative and submitting declaration to that effect.

Explanation: In calculating the turnover, reference rates of foreign currency of Reserve Bank of India shall prevail.]

(g) words and expressions used, but not defined in these rules, shall have the meanings respectively assigned to them in the Act.

3. Prescribed particulars.—Save as otherwise provided in these rules, the particulars contained in the form are hereby prescribed as the particulars, if any, required under the relevant provision or provisions of the Act.

4. Appropriate office.—(1) The appropriate office of the patent office shall—

(i) for all the proceedings under the Act, ⁹[* * *] ¹⁰[* * *] be the head office of the patent office or the branch office, as the case may be, within whose territorial limits—

(a) the applicant or first mentioned applicant in case of joint applicants for a patent, normally resides or has his domicile or has a place of business or the

place from where the invention actually originated; or

(b) the applicant for a patent or party in a proceeding if he has no place of business or domicile in India, the address for service in India given by such applicant or party is situated; and

(ii) ¹¹[* * *]

(2) The appropriate office once decided in respect of any proceedings under the Act shall not ordinarily be changed.

¹²[(3) Notwithstanding anything contained in sub-rule (2), the Controller may transfer an application for patent so filed, to head office or, as the case may be, branch office of the Patent Office.

(4) Notwithstanding anything contained in sub-rule (1), further application referred to in Section 16 of the Act, shall be filed at the appropriate office of the first mentioned application only.

(5) All further applications referred to Section 16 of the Act filed in an office other than the appropriate office of the first mentioned application, before the commencement of the Patents (Amendment) Rules, 2013, shall be transferred to the appropriate office of the first mentioned application.]

¹³[5. Every person, concerned in any proceedings to which the Act or these rules relate and every patentee, shall furnish to the Controller an address for service, including a postal address in India and an e-mail address, and such address for service shall be treated for all purposes connected with such proceedings or patent as the address of the person concerned in the proceedings or of the patentee. Unless such an address for service is given, the Controller shall be under no obligation either to proceed or deal with any proceeding, or patent or to send any notice that may be required to be given under the Act or these rules and the Controller may take suo motu decision in the matter:

Provided that a patent agent shall also be required to furnish to the Controller a mobile number registered in India.]

6. Leaving and serving documents.—¹⁴[(1) Any application, notice or other document authorized or required to be filed, left, made or given at the patent office, or to the Controller or to any other person under the Act or these rules, may be tendered by hand or sent by a letter addressed to the Controller at the appropriate office or to that person through post or registered post or speed post ¹⁵[* * *] or by electronic transmission duly authenticated. If it is sent by post or registered post or speed post ¹⁶[* * *] or by electronic transmission duly authenticated, it shall be deemed to have been filed, left, made or given at the time when the mail containing the same would have been delivered in the ordinary course of post or registered post or speed post ¹⁷[* * *], or by electronic transmission duly authenticated, as the case may be. In proving such sending, it shall be sufficient to show that the mail was properly addressed and transmitted:

¹⁸[* * *]]

¹⁹[(1-A) Notwithstanding anything contained in sub-rule (1), a patent agent shall file, leave, make or give all documents only by electronic transmission duly authenticated:

Provided that any document, if asked to be submitted in original, shall be submitted within a period of fifteen days, failing which such documents shall be deemed not to have been filed.]

²⁰[(2) Any written communication addressed to a patentee at his postal address or e-

mail address, as it appears on the register of patents or at his address for service given under Rule 5, or to any applicant or opponent in any proceedings under the Act or these rules, at the postal address or e-mail address, appearing on the application or notice of opposition, or given for service, shall be deemed to be properly addressed.]

(3) All notices and all written communications addressed to a patentee, or to any applicant or opponent in any proceedings under the Act or these rules, and all documents forwarded to the patentee or to the said applicant or opponent, shall, except when they are sent by special messenger, be sent by registered post or speed post ²¹[* * *] or by electronic transmission duly authenticated.

(4) The date of a notice or a written communication addressed to a patentee or to any applicant or opponent in any proceedings under the Act and these rules shall be the date of dispatch of the said notice or written communication, by registered post or speed post ²²[* * *] or fax or by electronic transmission duly authenticated, as the case may be, unless otherwise specified under the Act or these rules.

(5) In case of delay in receipt of a document or a communication sent by the patent office to a party in any proceedings under the Act or these rules, the delay in transmitting or resubmitting a document to the patent office or doing any act by the party may be condoned by the Controller if a petition for such condonation of delay is made by the party to the Controller immediately after the receipt of the document or a communication along with a statement regarding the circumstances of the fact and evidence in support of the statement:

Provided that the delay condoned by the Controller shall not exceed the period between the date on which the party was supposed to have received the document or communication by ordinary course of mail or electronic transmission and the actual date of receipt of the same.

²³[(6) Without prejudice to sub-rule (5) and notwithstanding anything contained in sub-rule (2) of Rule 138, the Controller may condone the delay in transmitting or resubmitting a document to the patent office or performing any act by a party, if a petition for such condonation of delay is made by the party to the Controller along with a statement regarding the circumstances of the fact and evidence in support of the statement, to the satisfaction of the Controller, that the delay was due to war, revolution, civil disorder, strike, natural calamity, a general unavailability of electronic communication services or other like reason in the locality where the party resides or has place of business, and that such situation was of such severity that it disrupted the normal communication in that area and that the relevant action was taken as soon as reasonably possible not later than one month from the date when such situation had ceased to exist:

Provided that the delay condoned by the Controller shall not exceed the period for which the national emergency was in force, or six months from the expiry of the prescribed period, whichever is earlier.

(7) Any liability or burden of proof regarding the authenticity of any document filed, left, made or given under these rules, including electronically transmitted documents, shall lie only with the party filing, leaving, making or giving the document.]

7. Fees .—(1) The fees payable under Section 142 in respect of the grant of patents and applications therefor, and in respect of other matters for which fees are required to be payable under the Act shall be as specified in the First Schedule.

²⁴[Provided that ten per cent additional fee shall be payable when the applications for

patent and other documents are filed through physical mode, namely, in hard copy format:

²⁵[Provided further that in the case of a small entity, or startup, or educational institution, every document for which a fee has been specified shall be accompanied by Form 28.]]

(2) ²⁶[(a) The fees payable under the Act or these rules may be paid at the appropriate office either in cash or through electronic means or may be sent by bank draft or banker's cheque payable to the Controller of Patents and drawn on a scheduled bank at the place where the appropriate office is situated and if the draft or banker's cheque is sent by post, the fees shall be deemed to have been paid on the date on which the draft or banker's cheque has actually reached the Controller.]

(b) ²⁷[* * *]

²⁸[(c) Where a fee is payable in respect of a document, the entire fee shall accompany the document.]

Provided that the Controller may accept the fee in part and allow remaining part of the fee to be paid at any time within one month from the date of filing of the document notwithstanding the expiry of the due date for filing of such document and on such payment the document shall be taken on record from the date of its filing.

²⁹[(3) In case an application processed by a natural person, startup, small entity or educational institution is fully or partly transferred to a person other than a natural person, startup, small entity or educational institution, the difference, if any, in the scale of fees between the fees charged from the natural person, startup, small entity or educational institution and the fees chargeable from the person other than a natural person, startup, small entity or educational institution, shall be paid by the new applicant along with the request for transfer.]

³⁰[* * *]

³¹[* * *]

³²[*Explanation.* Where a startup or small entity, having filed an application for a patent, ceases to be a startup or small entity due to the lapse of the period during which it is recognized by the competent authority, or its turnover subsequently crosses the financial threshold limit as notified by the competent authority, no such difference in the scale of fees shall be payable.]

³³[* * *]

³⁴[(4) Fees once paid in respect of any proceeding shall not ordinarily be refunded irrespective of whether the proceeding has taken place or not:

Provided that, if the Controller is satisfied that during the online filing process, the fee was paid more than once for the same proceeding, the excess fee shall be refunded.]

³⁵[(4-A) Notwithstanding anything contained in sub-rule (4), upon the withdrawal of an application in respect of which a request for examination has been filed, but before issuance of first statement of objection, the fee may be refunded to the extent prescribed in the First Schedule on a request made by the applicant in Form, 29.]

(5)(i) Subject to the approval of the Controller, any person may deposit money in advance and request the Controller to realise any fee payable by him from the said deposit and in such case the date of the receipt of the request to realise the fee is

deemed to have been received, whichever is earlier, shall be taken as the date of payment of the fee:

Provided that the requisite amount of money is available at the credit of the person making such request.

(i) Subject to the approval of the Controller, any person may discontinue the deposit of money in advance and in such case the balance, if any, shall be refunded.

8. Forms.—(1) The forms set forth in the Second Schedule with such variations as the circumstances of each case may require shall be used for the purposes mentioned therein.

³⁶[(2) Where no Form is so specified for any purpose, the applicant may use Form, 30 specified in the Second Schedule.]

³⁷[9. Filing of documents and copies, etc.—(1) All documents and copies of the documents, except affidavits and drawings, filed with patent office, shall—

- (a) be typewritten or printed in Hindi or English (unless otherwise directed or allowed by the Controller) in large and legible characters not less than 0.28 centimetre high with deep indelible ink with lines widely spaced not less than one and half spaced only upon one side of the paper;
- (b) be on such paper which is flexible, strong, white, smooth, non-shiny, and durable of size A-4 of approximately 29.7 centimetre by 21 centimetre with a margin of at least 4 centimetre on the top and left hand part and 3 centimetre on the bottom and right hand part thereof;
- (c) be numbered in consecutive Arabic numerals in the centre of the bottom of the sheet; and
- (b) contain the numbering to every fifth line of each page of the description and each page of the claims at right half of the left margin.

(2) Any signature which is not legible or which is written in a script other than English or Hindi shall be accompanied by a transcription of the name either in Hindi or English in capital letters.

(3) In case, the application for patent discloses sequence listing of nucleotides or amino acid sequences, the sequence listing of nucleotides or amino acid sequences shall be filed in computer readable text format along with the application, and no print form of the sequence listing of nucleotides or amino acid sequences is required to be given.

(4) Additional copies of all documents shall be filed at the appropriate office as may be required by the controller.

(5) Names and addresses of applicant and other persons shall be given in full together with their nationality and such other particular, if any, as are necessary for their identification.]

CHAPTER II

APPLICATION FOR PATENTS

10. Period within which proof of the right under Section 7(2) to make the application shall be furnished.—Where, in an application for a patent made by virtue of an assignment of the right to apply for the patent for the invention, if the proof of the right to make the application is not furnished with the application, the applicant shall within a period of ³⁸[six months] after the filing of such application furnish such proof.

Explanation.—For the purposes of this rule, the ³⁹[six months] period in case of an application corresponding to an international application in which India is designated shall be reckoned from the actual date on which the corresponding application is filed in India.

11. Order of recording applications.—The applications filed in a year shall constitute a series identified by the year of such filing. In case of an application filed corresponding to an international application in which India is designated, such application shall constitute a series distinct from the rest of the applications identified by the year of filing of corresponding applications in India.

12. Statement and undertaking regarding foreign applications.—(1) The statement and undertaking required to be filed by an applicant for a patent under sub-section (1) of Section 8 shall be made in Form 3.

⁴⁰[(1-A) The period within which the applicant shall file the statement and undertaking under sub-section (1) of Section 8 shall be ⁴¹[six months] from the date of filing the application.

Explanation.—For the purpose of this rule, the period of ⁴²[six months] in case of an application corresponding to an international application in which India is designated shall be reckoned from the actual date on which the corresponding application is filed in India.]

(2) The time within which the applicant for a patent shall keep the Controller informed of the details in respect of other applications filed in any country in the undertaking to be given by him under clause (b) of sub-section (1) of Section 8 shall be ⁴³[three months from the date of issuance of first statement of objections under sub-rule (3) of Rule 24-B or sub-rule (8) of Rule 24-C].

⁴⁴[(3) The Controller may, use accessible and available databases, for considering the information relating to applications filed in a country outside India.

(4) The Controller may, under sub-section (2) of Section 8, for reasons to be recorded in writing, direct the applicant to furnish a fresh statement and undertaking in Form 3 within two months from the date of such communication by the Controller.

(5) Notwithstanding anything contained in these rules, the Controller may condone the delay or extend the time for filing Form 3 for a period up to three months upon a request made in Form 4.]

13. Specifications.—(1) Every specification, whether provisional or complete, shall be made in Form, 2.

(2) A specification in respect of a divisional application under Section 16 shall contain specific reference to the number of the original application from which the divisional application is made.

⁴⁵[(2-A) A patent applicant may, if he so desires, file one or more further applications under Section 16, including in respect of an invention disclosed in the provisional or complete specification or a further application filed under Section 16.]

(3) A specification in respect of a patent of addition under Section 54 shall contain a specific reference to the number of the main patent, or the application for the main patent, as the case may be, and a definite statement that the invention comprises of an improvement in, or a modification of, the invention claimed in the specification of the main patent granted or applied for.

⁴⁶[(4) Where the invention requires explanation through drawings, such drawings shall be prepared in accordance with the provisions of Rule 15 and shall be supplied with, and referred to in detail, in the specification, including the claims where the features illustrated in the drawings shall be followed by their respective reference signs in parentheses:

Provided that in case of a complete specification, if the applicant desires to adopt the drawings filed with the provisional specification as the drawings or part of the drawings for the complete specification, it shall be sufficient to refer to them in the complete specification as those left or filed with the provisional specification.]

(5) Irrelevant or other matter, not necessary, in the opinion of the Controller, for elucidation of the invention, shall be excluded from the title, description, claims and drawings.

(6) Except in the case of an application (other than a convention application ⁴⁷[or an application filed under the Patent Cooperation Treaty designating India]) which is accompanied by a complete specification, a declaration as to the inventorship of the invention shall be filed in Form, 5 with the complete specification or at any time before the expiration of one month from the date of filing of the complete specification, as the Controller may allow on an application made in Form, 4.

Explanation.—⁴⁸[* * *]

(7)(a) The abstract as specified under clause (d) of sub-section (4) of Section 10, accompanying the specification shall commence with the title of the invention. The title of the invention shall disclose the specific features of the invention normally in not more than fifteen words.

⁴⁹[(b) The abstract shall contain a concise summary of the matter contained in the specification and the summary shall indicate clearly the technical field to which the invention belongs, technical advancement of the invention as compared to the existing knowledge and principal use of the invention excluding any speculative use and where necessary, the abstract shall contain the chemical formula, which characterises the invention.]

(c) The abstract may not contain more than one hundred and fifty words.

(d) If the specification contains any drawing, the applicant shall indicate on the abstract the figure, or exceptionally, the figures of the drawings which may accompany the abstract when published. Each main feature mentioned in the abstract and illustrated by a drawing shall be followed by the reference sign used in that drawing.

(e) The abstract shall be so drafted that it constitutes an efficient instrument for the purposes of searching in the particular technical field, in particular by making it possible to assess whether there is a need to consult the specification itself.

⁵⁰[(8) The period within which reference to the deposit shall be made in the specification under sub-clause (A) of clause (i) of sub-section (4) of Section 10 shall be three months from the date of filing of the application:

Provided that in case of a request for publication under Rule 24-A, such reference shall be made on or before the date of filing of such request.]

⁵¹[14. Amendments to Specifications.—(1) When amendments are made to a provisional or complete specification or any drawing accompanying it, the pages incorporating such amendments shall be retyped and submitted to form a continuous document.

(2) A marked copy clearly identifying the amendments carried out and a statement clearly indicating the portion (page number and line number) of the specification or drawing being amended along with the reason shall also be filed.

(3) Amendments shall not be made by slips pasted on, or as footnotes or by writing in the margin of any of the said documents.

(4) When a retyped page or pages incorporating amendments are submitted, the corresponding earlier page shall be deemed to have been superseded and cancelled by the applicant.]

15. Drawings.—(1) Drawings, when furnished under Section 10 by the applicants otherwise than on requisition made by the Controller, shall accompany the specifications to which they relate.

(2) No drawings or sketch, which would require a special illustration of the specification, shall appear in the specification itself.

(3) At least one copy of the drawing shall be prepared neatly and clearly on a durable paper sheet.

(4) Drawings shall be on standard A4 size sheets with a clear margin of at least 4 centimeters on the top and left hand and 3 centimeters at the bottom and right hand of every sheet.

(5) Drawings shall be on a scale sufficiently large to show the inventions clearly and dimensions shall not be marked on the drawings.

(6) Drawing shall be sequentially or systematically numbered and shall bear—

(i) in the left hand top corner, the name of the applicant;

(ii) in the right hand top corner, the number of the sheets of drawings, and the consecutive number of each sheet; and

(iii) in the right hand bottom corner, the signature of the applicant or his agent.

(7) No descriptive matter shall appear on the drawings except in the flow diagrams.

16. Models.—Models or samples shall be furnished under Section 10 only when required by the Controller.

CHAPTER III

INTERNATIONAL APPLICATIONS UNDER PATENT COOPERATION TREATY (PCT)

17. Definitions.—In this Chapter, unless the context otherwise requires,—

(a) “Article” means an Article of the Treaty;

⁵²[(aa) “Examining Authority” means the Indian International Preliminary Examining Authority referred to in sub-rule (1) of Rule 19-F;

(ab) “International Bureau” means the International Bureau of World Intellectual Property Organisation;

(ac) “Searching Authority” means the Indian International Searching Authority referred to in sub-rule (1) of Rule 19-A.]

(b) “Treaty” or “PCT” means the Patent Cooperation Treaty;

(c) All other words and expressions used herein and not defined but defined in the PCT shall have the same meaning as assigned to them in that Treaty.

⁵³[18. Appropriate office in relation to international applications.—(1) The receiving office, the designated office and the elected office, as the case may be, for the purposes of international applications shall be the appropriate office referred to in Rule 4.

(2) Notwithstanding anything contained in sub-rule (1), the Patent Office, Delhi branch shall be the appropriate office for dealing with the International Bureau and any other International Searching Authority and International Preliminary Examining Authority.

(3) An international application shall be filed at and processed by the appropriate office, referred to in sub-rule (1), in accordance with the provisions of this chapter, the Treaty and the regulations under the Treaty.

(4) The appropriate office referred to in sub-rule (1), shall, on receipt of an international application,

- (a) keep one copy of the application to be called the "home copy" in its office;
- (b) transmit one copy to be called the "record copy" to the International Bureau; and
- (c) transmit one copy to be called "search copy" to the competent International Searching Authority referred to in Article 16 of the Treaty,

and simultaneously furnish complete details of such application to the Patent Office, Delhi branch.]

54[19. International applications filed with appropriate office as receiving office.—(1) An international application shall be filed with the appropriate office in triplicate either in English or Hindi language.

(2) The fees payable in respect of an international application shall, in addition to the fees specified in the regulations under the Treaty, be the fees as specified in the First Schedule and the Fifth Schedule.

(3) Where an international application has not been filed in triplicate, the appropriate office shall, upon payment of fees specified in the First Schedule, prepare the required additional copies.

(4) On receipt of a request from the applicant and on payment of the fees specified in the First Schedule, the appropriate office shall prepare a certified copy of the priority document and promptly transmit the same to the International Bureau and intimate the applicant and the Patent Office, Delhi branch.]

55[19-A. Indian International Searching Authority.—(1) The Patent Office, Delhi branch shall perform the functions of the Indian International Searching Authority under the treaty in accordance with an agreement between the Indian Patent Office and the International Bureau.

(2) The fees payable to the Searching Authority shall, in addition to the fees specified in the regulations made under the Treaty, be the fees as specified in the Fifth Schedule.

(3) The Searching Authority referred to in sub-rule (1), shall establish international search report in respect of international applications, or, as the case may be, declare in accordance with sub-rule (3) of Rule 19-B, in cases where India has been indicated as a competent International Searching Authority.]

56[19-B. International search report.—(1) The Searching Authority shall, on receipt of the search copy, notify the International Bureau and the applicant about the receipt of search copy with identification mark 'ISA/IN' along with the international application number and its serial number and the date of receipt of the search copy.

(2) Notwithstanding anything contained in the proviso to item (i) of sub-rule (2) of Rule 24-B, the Searching Authority shall, upon receipt of the search copy, refer the international application, in the order in which the search copy was received, to an examiner or any other officer appointed under sub-section (2) of Section 73 of the Act for preparing an international search report, in accordance with the provisions contained in the Treaty and the regulations under the Treaty, ordinarily within a period of one month but not exceeding two months from the date of such reference.

(3) The Searching Authority, if it considers that—

- (a) the international application relates to a subject matter which the Searching Authority is not required to search and accordingly decides not to search; or

- (b) the description, claims or drawings fail to comply with the requirements prescribed under the regulations under the Treaty to such an extent that a meaningful search could not be carried out,
- the Authority shall so declare and notify the applicant and the International Bureau that no international search report shall be established.
- (4) In a case where any situation referred to in clause (a) or clause (b) of sub-rule (3) is found to exist in connection with certain claims only, the Searching Authority shall indicate this fact in the International Search Report in respect of such claims, and for other claims, it shall establish the International Search Report.
- (5) The Searching Authority, if it considers that the international application does not comply with the requirement of unity of invention, in accordance with the provisions contained in Rule 13 of the regulations under the Treaty, shall send a notice specifying the reasons for which the international application is not considered as complying with the requirement of unity of invention and inviting the applicant—
- (a) to pay the additional fees specified in the Fifth Schedule, indicating the amount of fees to be paid, within a period of one month from the date of such invitation; and
 - (b) to pay, where applicable, the protest fee specified in the Fifth Schedule, indicating the amount of fee to be paid, within a period of one month from the date of such invitation.
- (6) The Searching Authority shall establish the International Search Report on those parts of the international application which relate to the invention first mentioned in the claims ("main invention") and subject to payment of additional fee within the period specified in sub-rule (5), on those parts of the international application which relate to inventions in respect of which such additional fees were paid.
- (7) Any applicant may pay the additional fees under protest, that is, accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fees is excessive.
- (8) The examination of the protest referred to in sub-rule (7) shall be carried out by a Review Committee constituted by the Controller.
- (9) The Review Committee constituted under sub-rule (8) shall examine the extent to which the protest is justified and shall accordingly order for the total or partial reimbursement of the additional fee to the applicant.
- (10) Where the applicant has not paid the fees for the protest in accordance with clause (b) of sub-rule (5), the protest shall be considered not to have been made and the Searching Authority shall so declare.
- (11) The protest fee shall be refunded to the applicant where the Review Committee referred to in sub-rule (8) finds that the protest was entirely justified.
- (12) Where the international application contains the disclosure of one or more nucleotide or amino acid sequences and the sequences are not furnished in computer-readable text format, the Searching Authority shall send a notice to the applicant to submit the sequence listing in computer-readable text format and pay the late furnishing fee specified in the Fifth Schedule, within a period of one month from the date of such notice and if the applicant fails to comply with the notice, the Searching Authority shall search the international application to the extent that a meaningful search can be carried out without the sequence listing.]

⁵⁷[19-C. Time limit for establishing international search report.—The Searching Authority shall establish the International Search Report and written opinion or, as the case may be, the declaration referred to in sub-rule (3) of Rule 19-B within a period of three months from the date of receipt of the search copy by the Searching Authority, or within a period of nine months from the date of priority, whichever expires later.]

⁵⁸[19-D. Transmittal of the International Search Report and written opinion.—The Searching Authority shall transmit one copy of the International Search Report or of the declaration referred to in Article 17(2)(a) of the Treaty, and one copy of the written opinion established under Rule 43 bis.1 of the regulations under the Treaty, to the International Bureau and one copy to the applicant, on the same day.]

⁵⁹[19-E. Confidential treatment.—All matters pertaining to international applications shall be kept confidential in accordance with the treaty and the regulations under the Treaty.]

⁶⁰[19-F. Indian International Preliminary Examining Authority.—(1) The Patent Office, Delhi branch shall perform the functions of the International Preliminary Examining Authority under the Treaty in accordance with an agreement between the Indian Patent Office and the International Bureau.

(2) The Examining Authority referred to in sub-rule (1), shall establish—

- (a) the International Preliminary Examination Report in respect of all international applications electing India as an International Preliminary Examining Authority;
- (b) the International Preliminary Examination Report in respect of the demands filed by the nationals or residents of other countries in accordance with an agreement between Indian Patent Office and the International Bureau, upon being notified by the International Bureau;
- (c) the International Preliminary Examination in respect of demands made by the nationals or residents of other countries not party to the Treaty or not bound by Chapter II of the Treaty, if the Assembly has so approved.]

⁶¹[19-G. Period for making a demand.—(1) The demand for international preliminary examination shall be made within the period specified in the Treaty or regulations under the Treaty.

(2) In case the demand is made after the expiry of the period specified in sub-rule (1), it shall be considered to have not been made and no International Preliminary Examination Report shall be prepared.]

⁶²[19-H. Fees payable to Examining Authority.—The fees payable to the Examining Authority shall, in addition to the fees specified in the regulations under the Treaty, be the fees specified in the Fifth Schedule.]

⁶³[19-I. Manner of making a demand.—A demand shall be made in accordance with the provisions contained in these rules, the Treaty and the regulations under the Treaty.]

⁶⁴[19-J. Processing of demands for international preliminary examination.—(1) The Examining Authority, on receipt of the demand for international preliminary examination, if the Examining Authority is competent to conduct an international preliminary examination, shall assign the identification mark 'IPEA/IN' and shall notify the Applicant and the International Bureau.

(2) In case where the Examining Authority is not competent to conduct the international preliminary examination of the international application, it shall transmit the

demand promptly to the International Bureau.]

⁶⁵[19-K. International Preliminary Examination Report.—(1) Notwithstanding anything contained in the proviso to item (i) of sub-rule (2) of Rule 24-B, the Examining Authority shall refer the international application, in accordance with the provisions contained in the Treaty and the regulations under the Treaty, in the order in which the demand was received in the Examining Authority to an examiner or any other officer appointed under sub-section (2) of Section 73 of the Act for preparing an International Preliminary Examination Report ordinarily within a period of three months but not exceeding four months from the date of such reference.

(2) Claims relating to inventions in respect of which no International Search Report has been established shall not be the subject of international preliminary examination.

(3) The Examination Authority, if considers that—

- (a) the international application relates to a subject matter on which the Examination Authority is not required to carry out an international preliminary examination, and, decides not to carry out such examination; or
- (b) that the description, the claims, or the drawings, are so unclear, or the claims are so inadequately supported by the description, that no meaningful opinion can be formed on the questions of novelty, inventive step (non-obviousness), or industrial applicability, the Examining Authority shall not go into these questions and shall inform the applicant of this opinion and the reasons therefor.

(4) In a case where any situation referred to in clause (a) or clause (b) of sub-rule (3) is found to exist in connection with certain claims only, the Examining Authority shall indicate this fact in the International Preliminary Examining Report in respect of such claims, and for other claims, it shall establish the International Preliminary Examination Report.

(5) Where the Examining Authority finds that the international application does not comply with the requirement of unity of invention, in accordance with the provisions contained in Rule 13 of the regulations under the Treaty and chooses to invite the applicant, at his option, to restrict the claims or to pay additional fees, it shall issue a notice to the applicant:

- (a) specifying at least one possibility of restriction which, in the opinion of the Examining Authority, would be in compliance with the applicable requirement;
- (b) specifying the reasons for which the international application is not considered as complying with the requirement of unity of invention;
- (c) inviting the applicant to comply with the invitation within one month from the date of such notice;
- (d) indicating the amount of the required additional fees to be paid in case the applicant so chooses; and
- (e) inviting the applicant to pay, the protest fee within one month from the date of such notice, and indicate the amount to be paid, as specified in the Fifth Schedule.

(6) Any applicant may pay the additional fees under protest, that is, accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fees is excessive.

(7) The examination of the protest referred to in sub-rule (5) shall be carried out by a Review Committee constituted by the Controller.

(8) The Review Committee constituted under sub-rule (7) shall examine the extent to which the protest is justified and shall accordingly order for the total or partial reimbursement of the applicant of the additional fee.

(9) The protest fee shall be refunded to the applicant where the Review Committee referred to in sub-rule (6) finds that the protest was entirely justified.]

⁶⁶[19-L. Period for establishing international preliminary examination report and its transmission.—The period for establishing the International Preliminary Examination Report shall be:

- (i) twenty-eight months from the priority date; or
- (ii) six months from the period specified under Rule 69.1 of the regulations under the Treaty for the start of the international preliminary examination; or
- (iii) six months from the date of receipt by the Examining Authority of the translation furnished under Rule 55.2 of the regulations under the Treaty, whichever expires last.]

⁶⁷[19-M. Transmittal of the International Preliminary Examination Report.—The Examining Authority shall transmit one copy of the International Preliminary Examination Report and its annexures, if any, to the International Bureau, and one copy to the applicant, on the same day.]

⁶⁸[19-N. Conditions for and extent of refund.—The fee paid by the applicant may be refunded, waived or reduced to the extent and in accordance with the conditions specified in the Treaty or the regulations under the Treaty and the agreement entered between the Indian Patent Office and the International Bureau.]

20. International applications designating or designating and electing India.—

⁶⁹[(1) An application corresponding to an international application filed under Patent Cooperation Treaty may be made in Form, 1 under sub-section (1-A) of Section 7.

Explanation.—For the purpose of this rule, “an application corresponding to an international application” means an international application as filed under Patent Cooperation Treaty which includes any amendments made by the applicant under Article 19 and communicated to Designated Office under Article 20 or any amendment made under sub-clause (b) of clause (2) of Article 34 of the Treaty:

Provided that the applicant, while filing such application corresponding to an international application designating India, may delete a claim, in accordance with the provisions contained in Rule 14.]

(2) The Patent Office shall not commence processing of an application filed corresponding to international application designating India before the expiration of the time-limit prescribed under sub-rule (4) ⁷⁰[(i)].

(3) An applicant in respect of an international application designating India shall, before the time-limit prescribed in sub-rule (4) ⁷¹[(i)],—

- (a) pay the prescribed national fee and other fees to the patent office in the manner prescribed under these rules and under the regulations made under the Treaty;
- (b) and where the international application was either not filed or has not been published in English, file with the patent office, a translation of the application in English, duly verified by the applicant ⁷²[or the person duly authorized by him] that the contents thereof are correct and complete.

⁷³[(4)(i) The time limit referred to in sub-rule (2) shall be thirty-one months from the

priority date as referred to in Article 2(x);

(ii) Notwithstanding anything contained in clause (i), the Patent Office may, on the express request filed in Form, 18 along with the fee specified in First Schedule, process or examine the application at any time before thirty-one months.]

(5) The translation of the international application referred to in sub-rule (3) shall include a translation in English of,—

- (i) the description;
- (ii) the claims as filed;
- (iii) any text matter of the drawings;
- (iv) the abstract;
- (v) in case the applicant has not elected India and if the claims have been amended under Article 19, then the amended claims together with any statement filed under the said Article; and
- (vi) in case the applicant has elected India and any amendments to the description, the claims and text matter of the drawings that are annexed to the international preliminary examination report.

(6) If the applicant fails to file a translation of the amended claims and annexures referred to in sub-rule (5), even after invitation from the appropriate office to do so, within a time-limit as may be fixed by that office having regard to the time left for meeting the requirements, the amended claims and annexures shall be disregarded in the course of further processing the application by the appropriate office.

(7) The applicant in respect of an international application designating India shall when complying with sub-rule (3), preferably use forms set out in the Second Schedule before the appropriate office as designated office.

⁷⁴[21. Filing of priority document.—(1) Where the applicant in respect of an international application designating India has not complied with the requirements of paragraphs (a), (b) or (b-bis) of Rule 17.1 of the regulations under the Patent Cooperation Treaty, and subject to paragraph (d) of the said Rule 17.1 of regulations under the Treaty, the applicant shall file the priority document referred to in that rule before the expiration of the time limit referred to in sub-rule (4) of Rule 20 in the Patent Office.

(2) Where sub-paragraph (i) or sub-paragraph (ii) of paragraph (e) of Rule 51bis.1 of the regulations under the Patent Cooperation Treaty is applicable, an English translation thereof duly verified by the applicant or the person duly authorised by him shall be filed within the time limit specified in sub-rule (4) of Rule 20.

(3) Where the applicant does not comply with the requirements of sub-rule (1) or sub-rule (2), the Patent Office shall invite the applicant to file the priority document or the translation thereof, as the case may be, within three months from the date of such invitation, and if the applicant fails to do so, the claim of the applicant for the priority shall be disregarded for the purposes of the Act.]

22. Effect of non-compliance with certain requirements.—An international application designating India shall be deemed to be withdrawn if the applicant does not comply with the requirements of Rule 20.

23. The requirements under this Chapter to be supplemental of the regulations, etc., under the Treaty.—(1) The provisions of this Chapter shall be supplemental to the PCT and the regulation and the administrative instructions made thereunder.

(2) In case of a conflict between any provisions of the rules contained in this Chapter

and provisions of the Treaty and the regulations and the administrative instructions made thereunder, the provisions of the Treaty and the regulations and administrative instructions made thereunder shall apply in relation to international applications.

CHAPTER IV

PUBLICATION AND EXAMINATION OF APPLICATIONS

⁷⁵[24. Publication of application.—The period for which an application for patent shall not ordinarily be open to public under sub-section (1) of Section 11-A shall be eighteen months from the date of filing of application or the date of priority of the application, whichever is earlier:

⁷⁶[Provided that the period within which the Controller shall publish the application in the Journal shall ordinarily be one month from the date of expiry of said period, or one month from the date of request for publication under Rule 24-A.]

24-A. Request for publication.—A request for publication under sub-section (2) of Section 11-A shall be made in Form, 9.

24-B. Examination of application.—(1)(i) A request for examination under Section 11-B shall be made in Form, 18 ⁷⁷[within ⁷⁸[thirty-one months]] from the date of priority of the application or from the date of filing of the application, whichever is earlier;

⁷⁹[(ii) The period within which the request for examination under sub-section (3) of Section 11-B to be made shall be ⁸⁰[thirty-one months] from the date of priority, if applicable, or ⁸¹[thirty-one months] from the date of filing of the application;]

⁸²[(iii) The request for examination under sub-section (4) of Section 11-B shall be made within ⁸³[thirty-one months] from the date of priority or from the date of filing of the application, or within six months from the date of revocation of the secrecy direction, whichever is later;]

⁸⁴[(iv) The request for examination of application as filed according to the 'Explanation' under sub-section (3) of Section 16 shall be made within ⁸⁵[thirty-one months] from the date of filing of the application or from the date of priority of the first mentioned application or within six months from the date of filing of the further application, whichever is later;]

(v) The period for making request for examination under Section 11-B, of the applications filed before the 1st day of January, 2005 shall be the ⁸⁶[the period specified under the Section 11-B before the commencement of the Patents (Amendment) Act, 2005 or] the period specified under these rules, whichever expires later.

⁸⁷[(vi) Notwithstanding anything contained in this sub-rule, in respect of an application filed before commencement of the Patents (Amendment) Rules, 2024, the period for making request for examination under sub-section (1) of Section 11-B shall be the period specified under this sub-rule before the commencement of the Patents (Amendment) Rules, 2024.]

(2) ⁸⁸[(i) Where the request for examination has been filed under sub-rule (1) and application has been published under Section 11-A, the Controller shall refer the application, specification and other documents related thereto to the examiner and such reference shall be made in the order in which the request is filed:

Provided that in case of a further application filed under Section 16, the order of

reference of such further application shall be the same as that of the first mentioned application:

Provided further that in case the first mentioned application has already been referred for examination, the further application shall have to be accompanied by a request for examination, and such further application shall be published within one month and be referred to the examiner within one month from the date of such publication.]

(ii) The period within which the examiner shall make the report under sub-section (2) of Section 12, shall ordinarily be one month but not exceeding three months from the date of reference of the application to him by the Controller.

⁸⁹[(iii) the period within which the Controller shall dispose of the report of the examiner shall ordinarily be one month from the date of the receipt of such report by the Controller.]

⁹⁰[(3) A first statement of objections, along with any documents as may be required, shall be issued by the Controller to the applicant or his authorised agent within one month from the date of disposal of the report of Examiner by the Controller:

Provided that where the request for examination was filed by a person interested, only an intimation of such examination may be sent to such person interested.

(4) Reply to the first statement of objections and subsequent reply, if any, shall be processed in the order in which such reply is received.

(5) The time for putting an application in order for grant under Section 21 shall be six months from the date on which the first statement of objections is issued to the applicant to comply with the requirements.

(6) The time for putting an application in order for grant under Section 21 as prescribed under sub-rule (5) may be further extended for a period of three months on a request in Form, 4 for extension of time along with prescribed fee, made to the Controller before expiry of the period ⁹¹[specified herein].]

⁹²[24-C. Expedited examination of applications.—(1) An applicant may file a request for expedited examination in Form, 18-A along with the fee as specified in the first schedule only by electronic transmission duly authenticated within the period prescribed in Rule 24-B on any of the following grounds, namely—

(a) that India has been indicated as the competent International Searching Authority or elected as an International Preliminary Examining Authority in the corresponding international application; or

⁹³[(b) that the applicant is a startup; or]

⁹⁴[(c) that the applicant is a small entity; or

(d) that if the applicant is a natural person or in the case of joint applicants, all the applicants are natural persons, then the applicant or at least one of the applicants is a female; or

(e) that the applicant is a department of the Government; or

(f) that the applicant is an institution established by a Central, Provincial or State Act, which is owned or controlled by the Government; or

(g) that the applicant is a Government company as defined in clause (45) of Section 2 of the Companies Act, 2013 (18 of 2013); or

(h) that the applicant is an institution wholly or substantially financed by the Government;

Explanation.—For the purpose of this clause, the term ‘substantially financed’ shall have the same meaning as in the Explanation to sub-section (1) of Section 14 of the Comptroller and Auditor General’s (Duties, Powers and Conditions of Service) Act, 1971(56 of 1971); or

- (i) that the application pertains to a sector which is notified by the Central Government on the basis of a request from the head of a department of the Central Government.:

Provided that public comments are invited before any such notification; or

- (j) that the applicant is eligible under an arrangement for processing a patent application pursuant to an agreement between Indian Patent Office and a foreign Patent Office.

Explanation.—The patentability of patent applications filed under clause (j) above will be in accordance with the relevant provisions of the Act.]

(2) A request for examination filed under Rule 24-B may be converted to a request for expedited examination under sub-rule (1) of Rule 24-C by paying the relevant fees and submitting requisite documents as required under sub-rule (1).

(3) Except where the application has already been published under sub-section (2) of Section 11-A or a request for publication under Rule 24-A has already been filed, a request for expedited examination shall be accompanied by a request for publication under Rule 24-A.

(4) Where the request for expedited examination does not comply with the requirements of this rule, such a request shall be processed in accordance with the provisions contained in Rule 24-B, with an intimation to the applicant, and shall be deemed to have been filed on the date on which the request for expedited examination was filed.

(5) The Controller shall refer the request for expedited examination along with the application and specification and other documents to the examiner, in respect of the applications where the request for expedited examination has been received, in the order of filing of such requests:

⁹⁵[Provided that a request for expedited examination under this rule filed by a startup or small entity shall not be questioned merely on the ground that the startup or small entity, having filed an application for a patent, ceases to be a startup or small entity due to the lapse of the period during which it is recognised by the competent authority, or its turnover subsequently crosses the financial threshold limit as notified by the competent authority.]

(6) The period within which the examiner shall make the report under sub-section (2) of Section 12, shall ordinarily be one month but not exceeding two months from the date of reference of the application to him by the Controller.

(7) The period within which the Controller shall dispose of the report of the examiner shall be one month from the date of receipt of such report by the Controller.

(8) A first statement of objections along with any document, if required, shall be issued by the Controller to the applicant or his authorised agent within fifteen days from the date of disposal of the report of examiner by the Controller.

(9) Reply to the first statement of objections and subsequent reply, if any, in respect of an application where the request for expedited examination was filed, shall be processed in the order in which such reply for such application is received.

(10) The time for putting an application in order for grant under Section 21 shall be six

months from the date on which the first statement of objections is issued to the applicant.

(11) The time for putting an application in order for grant under Section 21, as prescribed in sub-rule (10) may be further extended for a period of three months on a request for extension made in Form, 4 along with the prescribed fee, made to the Controller before the expiry of the period ⁹⁶[specified herein].

(12) The Controller shall dispose of the application within a period of three months from the date of receipt of the last reply to the first statement of objections or within a period of three months from the last date to put the application in order for grant under Section 21 of the Act, whichever is earlier:

Provided that this time limit shall not be applicable in case of pre-grant opposition.

(13) Notwithstanding anything contained this rule, the Controller may limit the number of requests for expedited examination to be received during the year by way of a notice to be published in the official journal.]

25. Identification of published applications.—Publication of application under sub-sections (2) and (5) of Section 11-A shall be identified by the letter 'A' along with the number of application.

⁹⁷[26. A request for withdrawing the application under sub-section (4) of Section 11-B shall be made in Form, 29.]

⁹⁸[27. Inspection and supply of published documents.—After the date of publication of the application under Section 11-A, the application together with the complete specification and provisional specification, if any, the drawing, if any, ⁹⁹[the abstract and any other document] filed in respect of the application may be inspected at the appropriate office by making a written request to the Controller on payment of the fee in that behalf and copies thereof may be obtained on payment of fees specified in the First Schedule.]

28. Procedure in case of anticipation by prior publication.—(1) If the Controller is satisfied after investigation under Section 13 that the invention so far as claimed in any claim of the complete specification has been published in any specification or other document referred to in clause (a) of sub-section (1) or sub-section (2) of the said section, the Controller shall communicate the gist of specific objections and the basis thereof to the applicant and the applicant shall be afforded an opportunity to amend his specification.

(2) If the applicant contests any of the objections communicated to him by the Controller under sub-rule (1), or if he refiles his specification along with his observations as to whether or not the specification is to be amended, he shall be given an opportunity to be heard in the matter if he so requests:

Provided that such request shall be made on a date earlier than ten days of the final date of the period ¹⁰⁰[referred to] under sub-section (1) of Section 21:

Provided further that a request for hearing may be allowed to be filed within such shorter period as the Controller may deem fit in the circumstances of the case.

(3) If the applicant requests for a hearing under sub-rule (2) within a period of one month from the date of communication of the gist of objections, or, the Controller, considers it desirable to do so, whether or not the applicant has refiled his application, he shall forthwith fix a date and time for hearing having regard to the period remaining for putting the application in order or to the other circumstances of the case.

(4) The applicant shall be given ten days' notice of any such hearing or such shorter notice as appears to the Controller to be reasonable in the circumstances of the case and the applicant shall, as soon as possible, notify the Controller whether he will attend the hearing.

(5) After hearing the applicant, or without a hearing if the applicant has not attended or has notified that he does not desire to be heard, the Controller may specify or permit such amendment of the specification as he thinks fit to be made and may refuse to ¹⁰¹[grant the patent] unless the amendment so specified or permitted is made within such period as may be fixed.

¹⁰²[(6) The hearing may also be held through video-conferencing or audio-visual communication devices:

Provided that such hearing shall be deemed to have taken place at the appropriate office.

Explanation.—For the purposes of this rule, the expression “communication device” shall have the same meaning as assigned to it in clause (ha) of sub-section (1) of Section 2 of the Information Technology Act, 2000 (21 of 2000).

(7) In all cases of hearing, written submissions and the relevant documents, if any, shall be filed within fifteen days from the date of hearing.]

¹⁰³[28-A. Procedure in relation to consideration of report of examiner under Section 14.—In case the applicant contests any of the objections communicated to him, the procedure specified under Rule 28 may apply.]

29. Procedure in case of anticipation by prior claiming.—(1) When it is found that the invention so far as claimed in any claim of the complete specification, is claimed in any claim of any other specification falling within clause (b) of sub-section (1) of Section 13, the applicant shall be so informed and shall be afforded an opportunity to amend his specification.

¹⁰⁴[(2) If the applicant's specification is otherwise in order for grant and an objection under clause (b) of sub-section (1) of Section 13 is outstanding, the Controller may postpone the grant of patent and allow a period of two months for removing the objection.]

¹⁰⁵[29-A. Grace period.—An application to avail the period specified under Section 31 shall be filed in Form 31, along with the fees specified in the First Schedule.]

30. Amendment of the complete specification in case of anticipation.—(1) If the applicant so requests at any time, or if the Controller is satisfied that the objection has not been removed within the period referred to in sub-clause (2) of Rule 29, a date for hearing the applicant shall be fixed forthwith and the applicant shall be given at least ten days' notice of the date so fixed. The applicant shall, as soon as possible, notify the Controller whether he will attend the hearing.

(2) After hearing the applicant, or without a hearing if the applicant has not attended or has notified that he does not desire to be heard, the Controller may specify or permit such amendment of the specification as will be to his satisfaction to be made and may direct that reference to such other specification, as he shall mention shall be inserted in the applicant's specification unless the amendment is made or agreed to within such period as he may fix.

31. Form of reference to another specification.—When in pursuance of Rule 30, the Controller directs that a reference to another specification shall be inserted in the

applicant's complete specification, such reference shall be inserted after the claims and shall be in the following form, namely:

"Reference has been directed, in pursuance of Section 18(2) of the Patents Act, 1970, to the specification filed in pursuance of application No. "

32. Procedure in case of potential infringement.—If in consequence of an investigation made under Section 13 ¹⁰⁶[* * *], it appears to the Controller that the applicant's invention cannot be performed without substantial risk of infringement of a claim of another patent, the applicant shall be so informed and the procedure provided in Rule 29 shall, so far as may be necessary, be applicable.

33. Form of reference to another patent.—Where the Controller directs that a reference to another patent shall be inserted in the applicant's complete specification under sub-section (1) of Section 19, such reference shall be inserted after the claims in the following form, namely—

"Reference has been directed, in pursuance of Section 19(1) of the Patents Act, 1970, to Patent No."

34. Manner in which a claim under Section 20(1) shall be made.—(1) A claim under sub-section (1) of Section 20 shall be made in Form, 6.

(2) The original assignment or agreement or an official copy or notarised copy thereof shall also be produced for the Controller's inspection and the Controller may call for such other proof of title or written consent as he may require.

35. Manner in which a request may be made under Section 20(4).—(1) A request under sub-section (4) of Section 20 shall be made in Form, 6.

(2) The request shall be accompanied by proof of death of the joint applicant and a certified copy of the probate of the will of the deceased or letters of administration in respect of his estate or any other document to prove that the person who gives the consent is the legal representative of the deceased applicant.

36. Manner of application under Section 20(5).—(1) An application under sub-section (5) of Section 20 shall be made in Form, 6 in duplicate and shall be accompanied by a statement setting out fully the facts upon which the applicant relies and the directions which he seeks.

(2) A copy of the application and statement shall be sent by the Controller to every other joint applicant.

¹⁰⁷[37. Numbering of applications on the grant of patent.—On the grant of a patent, the application shall be accorded a number (called serial number) in the series of numbers accorded to patents under the Indian Patents and Designs Act, 1911 (2 of 1911) which shall be the number of the patent so granted.]

38. Inspection of application, specification, etc.—¹⁰⁸[* * *]

¹⁰⁹[CHAPTER V]

CHAPTER VI

¹¹⁰[OPPOSITION PROCEEDINGS TO GRANT OF PATENT]

¹¹¹[55. ¹¹²[Opposition to the patent].—¹¹³[(1) Representation for opposition under sub-section (1) of Section 25 shall be filed in Form, 7(A) at the appropriate office with a copy to the applicant, and shall include a statement and evidence, if any, in support of the representation and a request for hearing, if so desired.]

(1-A) Notwithstanding anything contained in sub-rule (1), no patent shall be granted

before the expiry of a period of six months from the date of publication of the application under Section 11-A.]

(2) The Controller shall consider such representation only when a request for examination of the application has been filed.

¹¹⁴[(3) On consideration of the representation if the Controller is satisfied that,—

(a) no prima facie case is made out in the representation, he shall notify the opponent accordingly, and—

(i) unless the opponent requests to be heard in the matter, the Controller shall, within one month from the date of such notification, pass an order recording the grounds for refusal of the representation;

(ii) if opponent requests for a hearing, the Controller shall, after giving the opponent an opportunity of being heard, pass an order within one month from the date of hearing, recording his reasons for refusal or prima facie acceptance of the representation and the applicant shall be notified accordingly.

(b) a prima facie case is made out in the representation, the Controller shall, within one month of receiving the representation, pass an order recording his reasons and notify the applicant accordingly.]

¹¹⁵[(4) On receiving the notice under sub-rule (3), the applicant shall, if he so desires, file his statement and evidence, if any, in support of his application within ¹¹⁶[two months] from the date of the notice, with a copy to the opponent.

(5) On consideration of the statement and evidence filed by the applicant, the representation including the statement and evidence filed by the opponent, submissions made by the parties, and after hearing the parties, if so requested, the Controller may either reject the representation or require the complete specification and other documents to be amended to his satisfaction before the patent is granted or refuse to grant a patent on the application, by passing a speaking order to simultaneously decide on the application and the representation ordinarily within one month from the completion of above proceedings.]

¹¹⁷[(5-A) The procedure specified in sub-rules (2) to (4) of Rule 62 shall, as far as may be, apply to the procedure for hearing under this rule.]

¹¹⁸[(5-B) An application for a patent, in which a representation for opposition has been filed and notice has been issued by the Controller under Rule 3, shall be examined in accordance with Rule 24-C.]

(6) ¹¹⁹[* * *]

► **Objections regarding patent.**—A perusal of the rules will show that on consideration of the representation from the objectors, if the controller is of the opinion that the application for patent shall be refused or the complete specification requires amendment, under Rule 55(4) he shall give notice to the applicant to that effect along with the copy of such representation.

If the pre-grant opposition is upheld, the patent will be refused, which is clear from the provisions of Rule 55(5) and Rule 55(6), *Indian Network For People Living With Hiv/Aids v. Union of India*, 2008 SCC OnLine Mad 892. *Indian Network For People Living With Hiv/Aids v. Union of India*, 2008 SCC OnLine Mad 892.

55-A. Filing of notice of opposition.—The notice of opposition to be given under ¹²⁰[sub-section (2) of Section 25] shall be made in Form, 7 and sent to the Controller in duplicate at the appropriate office.

56. Constitution of Opposition Board and its proceeding.—(1) On receipt of ¹²¹[notice of opposition under Rule 55-A], the Controller shall, by order, constitute an Opposition Board consisting of three members and nominate one of the members as the Chairman of the Board.

(2) An examiner appointed under sub-section (2) of Section 73 shall be eligible to be a member of the Opposition Board.

(3) The examiner, who has dealt with the application for patent during the proceeding for grant of patent thereon shall not be eligible as member of Opposition Board as specified in sub-rule (2) for that application.

(4) The Opposition Board shall conduct the examination of the notice of opposition along with documents filed under Rules, 57 to 60 referred to under ¹²²[sub-section (3) of Section 25], submit a report with reasons on each ground taken in the notice of opposition with its joint recommendation within ¹²³[two months] from the date on which the documents were forwarded to them.

57. Filing of written statement of opposition and evidence.—The opponent shall send a written statement in duplicate setting out the nature of the opponent's interest, the facts upon which he bases his case and relief which he seeks and evidence, if any, along with notice of opposition and shall deliver to the patentee a copy of the statement and the evidence, if any.]

58. Filing of reply statement and evidence.—(1) If the ¹²⁴[patentee] desires to contest the opposition, he shall leave at the appropriate office a reply statement setting out fully the grounds upon which the opposition is contested and evidence if any, in support of his case within a period of two months from the date of receipt of the copy of the written statement and opponent's evidence, if any by him under Rule 57 and deliver to the opponent a copy thereof.

¹²⁵[(2) If the patentee does not desire to contest or leave his reply and evidence within the period as specified in sub-rule (1), the patent shall be deemed to have been revoked.]

59. Filing of reply evidence by opponent.—The opponent may, within one month from the date of delivery to him of a copy of the ¹²⁶[patentee's] reply statement and evidence under Rule 58, leave at the appropriate office evidence in reply strictly confined to matters in the ¹²⁷[patentee's] evidence and shall deliver to the ¹²⁸[patentee] a copy of such evidence.

60. Further evidence to be left with the leave of the Controller.—No further evidence shall be delivered by either party except with the leave or directions of the Controller:

Provided that such leave or direction is prayed before the Controller has fixed the hearing under Rule 62.

61. Copies of documents to be supplied.—(1) Copies of all documents referred to in the notice of opposition or in any statement or evidence filed in connection with the opposition and authenticated to the satisfaction of the Controller, shall be simultaneously furnished in duplicate unless the Controller otherwise directs.

(2) Where a specification or other document in a language other than English is referred to in the notice, statement or evidence, an attested translation thereof, in duplicate, in English shall be furnished along with such notice, statement or evidence, as the case may be.

62. Hearing.—¹²⁹[(1) On the completion of the presentation of evidence, if any, and on receiving the recommendation of Opposition Board or at such other time as the Controller may think fit, he shall fix a date and time for the hearing of the opposition and shall give the parties not less than ten days' notice of such hearing and may require members of Opposition Board to be present in the hearing.]

(2) If either party to the proceeding desires to be heard, he shall inform the Controller by a notice along with the fee as specified in the First Schedule.

(3) The Controller may refuse to hear any party who has not given notice under sub-rule (2).

(4) If either party intends to rely on any publication at the hearing not already mentioned in the notice, statement or evidence, he shall give to the other party and to the Controller not less than five days' notice of his intention, together with details of such publication.

¹³⁰[(5) After hearing the party or parties desirous of being heard, or if neither party desires to be heard, then without a hearing, and after taking into consideration the recommendation of Opposition Board, the Controller shall decide the opposition and notify his decision to the parties giving reasons therefor.]

¹³¹[63. Determination of costs.—If the patentee notifies the Controller that he desires to withdraw the patent after notice of opposition is given, the Controller, depending on the merits of the case, may decide whether costs should be awarded to the opponent.]

¹³²[63-A. Request made under Section 26(1).—Request under Section 26(1) shall be made on Form 12 within three months from the date of the order of the Controller and shall be accompanied by a statement setting out the facts upon which the petitioner relies and relief he claims.]

64. Time within which complete specification is to be amended under Section 27.—¹³³[* * *]

65. Procedure to be followed.—¹³⁴[* * *]

66. Form of making a request under Section 28(2).—A request under sub-section (2) of Section 28 shall be made in Form 8.

67. Form of making a claim under Section 28(3).—(1) A claim under sub-section (3) of Section 28 shall be made in Form 8, and shall be accompanied by a statement setting out the circumstances under which the claim is made.

(2) A copy of the claim and the statement shall be sent by the Controller to every applicant for the patent (not being the claimant) and to any other person whom the Controller may consider to be interested.

68. Form of application to be made under Section 28(7).—(1) An application under sub-section (7) of Section 28 shall be made in Form 8 and shall be accompanied by a statement setting out the circumstances under which the application is made.

(2) A copy of the application and the statement shall be sent by the Controller to each patentee or the applicant for patent, as the case may be, and to any other person whom the Controller may consider to be interested.

¹³⁵[69. Procedure for the hearing of claim or an application under Section 28.—The procedure specified in Rules 55-A and 57 to 63 relating to the filing of notice of opposition, written statement, reply statement, leaving evidence, hearing and cost shall,

so far as may be, apply to the hearing of a claim or an application under Section 28 as they apply to the opposition proceedings subject to the modification that reference to patentee shall be construed as the person making the claim, or an application, as the case may be.]

70. Mention of inventor.—Any mention of the inventor under sub-section (1) of Section 28 shall be made in the relevant documents in the following form, namely:

“The inventor of this invention/substantial part of this invention within the meaning of Section 28 of the Patents Act, 1970, is of”.

¹³⁶[70-A. Certificate of inventorship.—(1) The Controller may issue a certificate of inventorship to an inventor in respect of a patent in force, on a request made by the inventor in Form 8-A along with fee specified in the First Schedule.

(2) The Controller may issue a duplicate certificate of inventorship to an inventor in respect of a patent in force on a request made by the inventor in Form 8-A along with the fee specified in the First Schedule and such request shall contain a statement setting out the circumstances in which the original certificate of inventorship was lost, destroyed, damaged or cannot be produced.]

CHAPTER VII

SECRECY DIRECTIONS

¹³⁷[71. Permission for making patent application outside India under Section 39.—(1) The request for permission for making patent application outside India shall be made in Form 25.

¹³⁸[(2) The Controller shall dispose of the request made under sub-rule (1) within a period of twenty-one days from the date of filing of such request:

Provided that in case of inventions relating to defence or atomic energy, the period of twenty-one days shall be counted from the date of receipt of consent from the Central Government.]

72. Communication of result of reconsideration under Section 36(2).—(1) The result of every reconsideration under sub-section (1) of Section 36 shall be communicated to the applicant for patent within fifteen days of the receipt of the notice by the Controller.

(2) Extension of time on revocation of secrecy directions under Section 38.—The extension of time to be given for doing anything required or authorised to be done under Section 38 shall not exceed the period for which directions given by the Central Government under sub-section (1) of Section 35 were in force.

CHAPTER VIII

¹³⁹[GRANT] OF PATENTS

73. Sealing of patents.—¹⁴⁰[* * *]

¹⁴¹[74. Form of patent.—(1) A patent shall be in the form as specified in the Third Schedule with such modifications as the circumstances of each case may require and shall bear the number accorded to the application under Rule 37.

(2) The patent certificate shall ordinarily be issued within seven days from the date of grant of patent under Section 43.]

¹⁴²[74-A. Inspection of documents related to grant of patent.—After the date of publication of a grant of a patent, the application together with the complete specification and provisional specification, if any, the drawing if any, abstract and other documents

related thereto may be inspected at the appropriate office by making a written request to the Controller and on payment of fee and may obtain copies on payment of fee specified in the First Schedule.]

75. Amendment of patent under Section 44.—An application under Section 44 for the amendment of a patent shall be made in Form 10 along with substantiating evidence and be accompanied by the patent.

76. Manner of applying for direction under Section 51(1).—An application for directions under sub-section (1) of Section 51 shall be made in Form 11 and shall be accompanied by a statement setting out the facts upon which the applicant relies.

(2) A copy of the application and of the statement shall be sent by the Controller to every other person registered as grantee or proprietor of the patent.

77. Manner of application under Section 51(2).—(1) An application for directions under sub-section (2) of Section 51 shall be made in Form 11 and shall be accompanied by a statement setting out the facts upon which the applicant relies.

(2) A copy of the application and statement shall be sent by the Controller to the person in default.

¹⁴³[78. Procedure for the hearing of proceedings under Section 51.—The procedure specified in Rules 55-A and 57 to 63 relating to the filing of notice of opposition, written statement, reply statement, leaving evidence, hearing and costs shall, so far as may be, apply to the hearing of an application under Section 51 as they apply to the hearing of an opposition proceeding.]

79. Request under Section 52(2).—(1) A request under sub-section (2) of Section 52 shall be made in Form 12 within three months from the date of the order of the ¹⁴⁴[Appellate Board or] court referred to in sub-section (1) of the said section and shall be accompanied by a statement setting out the facts upon which the petitioner relies and the relief he claims and a certified copy of the order of the ¹⁴⁵[Appellate Board or] court.

(2) Where the ¹⁴⁶[Appellate Board or] court has ordered the grant of patent to the applicant only for a part of the invention, the new patent granted shall be accorded a number in the same series of numbers accorded to the complete specifications accepted on the same day as the patent is granted.

80. Renewal fees under Section 53.—(1) To keep a patent in force, the renewal fees specified in the First Schedule shall be payable at the expiration of the second year from the date of the patent or of any succeeding year and the same shall be remitted to the patent office before the expiration of the second or the succeeding year.

¹⁴⁷[(1-A) The period for payment of renewal fees so specified in sub-rule (1) may be extended to such period not being more than six months if the request for such extension of time is made in Form 4 with the fee specified in the First Schedule.]

(2) While paying the renewal fee, the number and date of the patent concerned and the year in respect of which the fee is paid shall be quoted.

¹⁴⁸[(3) The annual renewal fees payable in respect of two or more years may be paid in advance:

Provided that where the renewal fees is paid in advance through electronic mode for a period of at least 4 years, a ten per cent reduction in fee shall be applicable for such renewal.]

(4) The Controller shall, after making such enquiry as he may deem necessary, credit any renewal fee and issue a certificate that the fee has been paid.

CHAPTER IX

AMENDMENT OF APPLICATION, SPECIFICATION OR ANY DOCUMENT RELATING THERETO

81. Amendment of application, specification or any document relating thereto.—(1) An application under Section 57 for the amendment of an application for a patent or a complete specification or any document related thereto shall be made in Form 13.

(2) If the application for amendment under sub-rule (1) relates to an application for a patent which has not been ¹⁴⁹[granted], the Controller shall determine whether and subject to what conditions, if any, the amendment shall be allowed.

¹⁵⁰[3(a) If the application for amendment under sub-rule (1) is made after grant of patent and the nature of the proposed amendment is substantive, the application shall be published.

(b) Any person interested in opposing the application for amendment shall give a notice of opposition in Form 14 within three months from the date of publication of the application.

(c) The procedure specified in Rules 57 to 63 relating to the filing of written statement, reply statement, leaving evidence, hearing and costs shall, so far as may be, apply to the hearing of the opposition under Section 57 as they apply to the hearing of an opposition proceeding.]

82. Preparation of amendment specifications, etc.—Where the Controller allows the application for a patent or the complete specification or any other document to be amended, the applicant shall, if the Controller so requires and within the time to be specified by him, leave at the appropriate office an amended application or the specification or the other document, as the case may be, in accordance with the provisions of these rules.

¹⁵¹[83. Publication of the amendment allowed.—The amendments allowed after a patent has been granted, shall be published.]

CHAPTER X

RESTORATION OF PATENTS

84. Restoration of patents.—(1) An application for the restoration of a patent under Section 60 shall be made in Form 15.

(2) Where the Controller is satisfied that a prima facie case for the restoration of any patent has not been made out, he shall intimate the applicant accordingly and unless the applicant makes a request to be heard in the matter within one month from the date of such intimation the Controller shall refuse the application.

(3) Where applicant requests for a hearing within the time allowed and the Controller, after giving the applicant such a hearing, is prima facie satisfied that the failure to pay the renewal fees was unintentional, he shall ¹⁵²[publish the application].

¹⁵³[85. Opposition to restoration under Section 61.—(1) At any time, within two months from the date of publication of the application under sub-rule (3) of Rule 84, any person interested may give notice of opposition thereto in Form 14.

(2) A copy of the notice of opposition shall be sent by the Controller to the applicant.

(3) The procedure specified in Rules 57 to 63 relating to the filing of written statement, reply statement, leaving evidence, hearing and costs shall, so far as may be, apply to the hearing of the opposition under Section 60 as they apply to the hearing in the opposition proceeding.]

86. Payment of unpaid renewal fees.—(1) Where the Controller decides in favour of the applicant, the applicant shall pay the unpaid renewal fees and the additional fee specified in the First Schedule, within a month from the date of the order of the Controller allowing the application for restoration.

(2) The Controller shall [154](#)[publish his decision.]

CHAPTER XI

SURRENDER OF PATENTS

[155](#)[87. Surrender of Patents.—(1) The Controller shall publish the notice of an offer given under Section 63.

(2) Any person interested may, within three months from the date of publication of the notice, give notice of opposition to the Controller in Form 14 in duplicate.

(3) The procedure specified in Rules 57 to 63 relating to the filing of written statement, reply statement, leaving evidence, hearing and costs shall, so far as may be, apply to the hearing of the opposition under Section 63 as they apply to the hearing in opposition proceeding.

(4) If the Controller accepts the patentee's offer to surrender the patent, he may direct the patentee to return the patent, and on receipt of such patent, the Controller shall by order revoke it and publish the revocation of the patent.]

CHAPTER XII

REGISTER OF PATENTS

88. Register of patents under Section 67.—(1) Upon the [156](#)[grant] of a patent, the Controller shall enter in the register of patents at each appropriate office, the name, address and nationality of the grantee as the patentee thereof, the title of the invention (including the categories to which the invention relates), the date of the patent and the date of [157](#)[grant] thereof together with the address for service of the patentee.

(2) The Controller shall also enter in the register of patents particulars regarding proceedings under the Act before the Controller or [158](#)[Appellate Board or] the courts in respect of every patent.

(3) Where the register of patents or any part thereof is in computer floppies, diskettes or any other electronic form it shall be maintained and accessed only by the person who is duly authorised by the Controller and no entry or alteration of any entry or rectification of any entry in the said register shall be made by any person who is not so authorised by the Controller.

89. Registration of documents under Section 68.—[159](#)[* * *]

90. Registration of title and interest in patents.—(1) An application referred to in sub-section (1) or sub-section (2) of Section 69 shall be made in [160](#)[Form 16].

(2) An application for an entry in the register of patents of any other document purporting to affect the proprietorship of the patent by the person benefiting under the document shall be made in [161](#)[Form 16].

91. Presentation of assignment, etc. of patent to Controller.—Every assignment and every other document giving effect to or being evidence of the transfer of a patent or affecting the proprietorship thereof or creating an interest therein as claimed in such application, shall, unless the Controller otherwise directs, be presented to him together with the application which shall be accompanied by two copies of the assignment or other document certified to be true copies by the applicant or his agent and the Controller may

call for such other proof of title or written consent as he may require.

92. Registration of title or interest in a patent.—After the receipt of an application under sub-section (1) or sub-section (2) of Section 69, the controller shall register the title of the person concerned or his interest in a patent, as the case may be, and an entry in the following form shall be made in the register, namely:—

“In pursuance of an application received on the	
Proprietor	Assignment
registered as <i>licensee</i>	by virtue of <i>licence</i>
<i>Mortgagee, etc.</i>	<i>Mortgage deed, etc.</i>
dated and made between	
of the one part and	of the other part”.

¹⁶²[93. Entry of Renewal fee.—Upon receipt of the payment of the prescribed renewal fee in respect of a patent, the Controller shall enter in the register of patents the fact that the fee has been paid and the date of payment of such fee and issue a certificate of renewal of the patent.]

94. Alteration of address.—(1) A patentee may make a request in writing along with fee payable to the Controller for the alteration of his name, nationality, address or address for service as entered in the register of patents in respect of any patent granted to him. The Controller may require such proof of the alteration as he may think fit before acting on a request to alter the name or nationality.

(2) If the Controller allows a request made under sub-rule (1), he shall cause the entries in the register to be altered accordingly.

(3) If a patentee makes a request in writing along with fee payable for entering an additional address for service in India and if the Controller is satisfied that the request should be allowed, he shall have the additional address for service entered in the register.

95. Inspection of register of patents under Section 72 and fees payable therefor.—(1) The register of patents shall be open for public inspection during office hours on payment of the fees specified therefor in the First Schedule.

(2) When register of patents or any part thereof is in computer floppies, diskettes or any other electronic form the person authorised by the Controller under sub-rule (3) of Rule 88 shall provide access to the computer floppies, diskettes or other electronic form or printouts of the records thereof.

CHAPTER XIII

COMPULSORY LICENCE AND REVOCATION OF PATENT

¹⁶³[96. Application for compulsory licence etc.—An application to the Controller for an order under Section 84, Section 85, Section 91 or Section 92 or Section 92-A shall be in Form 17, or Form 19, as the case may be. Except in the case of an application made by the Central Government, the application shall set out the nature of the applicant's interest and terms and conditions of the licence the applicant is willing to accept.]

97. When a prima facie case is not made out.—(1) If, upon consideration of the evidence, the Controller is satisfied that a prima facie case has not been made out for the making of an order under any of the sections referred to in Rule 96, he shall notify the applicant accordingly, and unless the applicant requests to be heard in the matter, within one month from the date of such notification, the Controller shall refuse the application.

(2) If the applicant requests for a hearing within the time allowed under sub-rule (1), the Controller shall, after giving the applicant an opportunity of being heard, determine

whether the application may be proceeded with or whether it shall be refused.

98. Notice of opposition under Section 87(2).—(1) A notice of opposition under sub-section (2) of Section 87 shall be given in Form 14 and shall be sent to the Controller within two months from the date of the [164](#)[publication] of the application under sub-section (1) of the said section.

(2) The notice of opposition referred to in sub-rule (1) shall include the terms and conditions of the licence, if any, the opponent is prepared to grant to the applicant and shall be accompanied by evidence in support of the opposition.

(3) The opponent shall serve a copy of his notice of opposition and evidence on the applicant and notify the Controller when such service has been effected.

(4) No further statement or evidence shall be delivered by either party except with the leave of or on requisition by the Controller.

(5) The Controller shall forthwith fix a date and time for the hearing of the case and shall give the parties not less than ten days' notice of such hearing.

(6) The procedure specified in sub-rules (2) to (5) of Rule 62, shall, so far as may be, apply to the procedure for hearing under this rule as they apply to the hearing [165](#)[in opposition proceedings].

[166](#)[99. Manner of publication of the revocation order.—The Controller shall publish the order made by him under sub-section (3) of Section 85 revoking a patent.]

100. Application under Section 88(4).—(1) An application under sub-section (4) of Section 88 for the revision of the terms and conditions of a licence which have been settled by the Controller shall be in [167](#)[Form 20] and shall state the facts relied upon by the applicant and the relief he seeks and shall be accompanied by evidence in support of the application.

(2) If the Controller is satisfied that a prima facie case has not been made out for the revision of the terms and conditions of the licence, he may notify the applicant accordingly and unless within a month the applicant requests to be heard in the matter, the Controller may refuse the application.

(3) The Controller, after giving the applicant an opportunity of being heard, shall determine whether the application shall be proceeded with or whether the application shall be refused.

101. Procedure to be followed in case of applications under Section 88(4).—(1) If the Controller allows the application to be proceeded with, he shall direct the applicant to serve copies of the application and of the evidence in support thereof upon the patentee or any other person appearing in the register to be interested in the patent or upon any other person on whom, in his opinion, such copies should be so served.

(2) The applicant shall inform the Controller the date on which the service of copies of application and of the evidence on the patentee and other persons referred to in sub-rule (1) has been effected.

(3) The patentee or any other person on whom copies of the application and of the evidence have been served, may give to the Controller notice of opposition in Form 14 within one month from the date of such service. Such notice shall contain the grounds relied upon by the opponent and shall be accompanied by evidence in support of the opposition.

(4) The opponent shall serve copies of the notice of opposition and his evidence on the applicant and inform the Controller the date on which such service has been effected.

(5) No further evidence or statement shall be filed by either party except with special leave of or on requisition by the Controller.

(6) On completion of the above proceedings, the Controller shall forthwith fix a date and the time for the hearing of the case and shall give the parties not less than ten days' notice of such hearing.

(7) The procedure specified in sub-rules (2) to (5) of Rule 62 shall, so far as may be, apply to the procedure for hearing under this rule as they apply to the hearing ¹⁶⁸[in opposition proceeding].

(8) If the Controller decides to revise the terms and conditions of licence he shall forthwith amend the licence granted to the applicant in such manner, as he may deem necessary.

102. Application for termination of compulsory licence under Section 94.—(1) An application for termination of compulsory licence under Section 94(1) shall be made in ¹⁶⁹[Form 21] by the patentee or any other person deriving title or interest in the patent. The application shall be accompanied by the evidence in support of the application.

(2) The applicant shall serve a copy of the application and evidence on the holder of the compulsory licence and shall inform the Controller the date on which the service has been effected.

(3) The holder of the compulsory licence may file his objection along with evidence, if any, to the application within one month from the date of receipt of the application and evidence by him to the Controller and serve a copy thereof to the applicant.

(4) No further evidence or statement shall be filed by either party except with special leave of or on requisition by the Controller.

(5) On completion of the above proceedings, the Controller shall forthwith fix a date and the time for the hearing of the case and shall give the parties not than ten days' notice of such hearing.

(6) The procedure specified in sub-rules (2) to (5) of Rule 62 so far as may be, apply to the procedure for hearing under this rule as they apply to the hearing ¹⁷⁰[in opposition proceeding].

(7) If the Controller decides to terminate the compulsory licence he shall forthwith issue an order giving terms and conditions, if any, of such termination and serve copies of the order to both the parties.

CHAPTER XIV

SCIENTIFIC ADVISERS

103. Roll of scientific advisers.—(1) The Controller shall maintain a roll of scientific advisers for the purpose of Section 115. The roll shall be updated annually. The roll shall contain the ¹⁷¹[names, addresses, specimen signatures and photographs] of scientific advisers, their designations, information regarding their educational qualifications, the disciplines of their specialisation and their technical, practical and research experience.

(2) A person shall be qualified to have his name entered in the roll of scientific advisers, if he—

(i) holds a degree in science, engineering, technology or equivalent;

¹⁷²[(ii) has at least fifteen years' technical, practical or research experience; and]

(iii) holds or has held a responsible post in a scientific or technical department of the Central or State Government or in any organisation.

[173](#)[103-A. Disqualifications for inclusion in the roll of scientific advisers.—A person shall not be eligible to be included in the roll of scientific advisers, if he—

- (i) has been adjudged by a competent court to be of unsound mind;
- (ii) is an undischarged insolvent;
- (iii) being a discharged insolvent, has not obtained from the court a certificate to the effect that his insolvency was caused by misfortune without any misconduct on his part;
- (iv) has been convicted by a competent court, whether within or outside India of an offence to undergo a term of imprisonment, unless the offence of which he has been convicted has been pardoned or unless on an application made by him, the Central Government has, by order in this behalf, removed the disability; or
- (v) has been guilty of professional misconduct.]

[174](#)[104. Manner of application for inclusion in the roll of scientific advisers.—Any interested person may apply to the Controller for inclusion of his name in the roll of scientific advisers by furnishing his bio-data.]

105. Inclusion of the name of any other person in the roll of scientific advisers.—The Controller may, notwithstanding anything contained in Rules 103 and 104, enter the name of any person in the roll of scientific advisers, if he is of the opinion after such inquiry as he deems fit, that such person should be entered in the roll of scientific advisers.

106. Power to relax.—Where the Controller is of the opinion that it is necessary or expedient so to do, he may, by order, for reasons to be recorded in writing, relax any of the qualifications specified in sub-rule (2) of Rule 103 with respect to any person, if such person is otherwise well qualified.

107. Removal of names from the roll of scientific advisers.—The Controller may remove the name of any person from the roll of scientific advisers, if—

- (a) such person makes a request for such removal; or
- (b) the Controller is satisfied that his name has been entered in the roll by error or on account of misrepresentation or suppression of any material fact; or

- [175](#)[(c) such person has been convicted of an offence and sentenced to a term of imprisonment or has been guilty of misconduct in his professional capacity and the Controller is of the opinion that his name should be removed from the roll; or
- (d) such person is dead:

Provided that except in the cases falling under clauses (a) and (d) above, before removing the name of any person from the roll of scientific advisers under this rule, such person shall be given a reasonable opportunity of being heard.]

[176](#)[CHAPTER XIV-A

ADJUDICATION OF PENALTIES AND APPEALS

107-A. Definitions.—In this Chapter, unless the context otherwise requires,—

- (a) “adjudicating officer” means an officer authorized under Section 124-A of the Act;
- (b) “Appellant” means a person aggrieved with an order of adjudicating officer and prefers an appeal before the appellate authority under sub-section (1) of Section 124-B of the Act;
- (c) “appellate authority” means an authority officer authorized under sub-section (1) of Section 124-B of the Act;

(d) words and expressions used in these rules and not defined but defined in the Act, shall have the meaning respectively assigned to them in the act.

107-B. Complaint.—(1) Any person may file a complaint in Form 31 through electronic means to the adjudicating officer regarding any contravention committed under Sections 120, 122, and 123 of the Act.

107-C. Holding of inquiry.—(1) For the purpose of adjudication under Section 124-A of the Act whether any person has committed any contravention as specified in that section, the adjudicating officer shall, issue a notice through electronic means to such person requiring him to show cause within such period as may be specified in the notice (being not less than seven days from the date of service thereof) why an inquiry should not be held against him.

(2) Every notice under sub-rule (1) shall indicate the nature of contravention alleged to have been committed.

(3) After considering the cause, if any, shown by such person, the adjudicating officer is of the opinion that an inquiry should be held, he shall issue a notice requiring the appearance of that person personally or through a legal practitioner duly authorised by him on such date as may be fixed in the notice.

(4) On the date fixed, the adjudicating officer shall explain to the person proceeded against or his legal practitioner, the contravention, committed by such person and the provisions of the Act, in respect of which contravention is alleged to have committed.

(5) The adjudicating officer shall, then, give an opportunity to such person to produce such documents or evidence as he may consider relevant to the inquiry and if necessary, the hearing maybe adjourned to a future date and in taking such evidence the adjudicating officer shall not be bound to observe the provisions of the Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023).

(6) While holding an inquiry under this rule the adjudicating officer may require and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer may be useful for or relevant to the subject matter of the inquiry.

(7) If any person fails, neglects or refuses to appear as required by sub-rule (3) before the adjudicating officer, the adjudicating officer may proceed with the inquiry in the absence of such person after recording the reasons for doing so.

(8) If, upon consideration of the evidence produced before the adjudicating officer, the adjudicating officer is satisfied that the person has committed the contravention, he may, by order in writing, impose such penalty under the Act as he thinks fit.

(9) Every order made under sub-rule (8) shall specify the provisions of the Act in respect of which contravention has being committed and shall contain the reasons for imposing the penalty.

(10) Every order made under sub-rule (8) shall be dated and signed by the adjudicating officer.

(11) A copy of the order made under this rule and all other copies of proceedings shall be supplied free of charge to the person against whom the order is made.

(12) The adjudicating officer shall complete the proceeding within the three months form the issuance of the notice to the opposite party.

107-D. Appeal.—(1) Any person aggrieved by an order of the adjudicating under this rule, may prefer an appeal in Form 32 through electronic means to appellate authority, within sixty days from the date of the order, to the appellate authority, within sixty days

from the date of the order:

Provided that the appellate authority may entertain appeal after the expiry of the said period if he is satisfied that he has sufficient cause for not filing the appeal within such period.

(2) On receipt of the appeal, the appellate authority shall issue a notice requiring, to the Respondent, to file his reply within such period as may be specified in the notice.

(3) The appellate authority shall, after giving the parties a reasonable opportunity of being heard, pass a reasoned order, including an order for adjournment, and complete the proceedings ordinarily within six months from the date of the receipt of the appeal.

107-H. Serving upon parties.—(1) All communications under this Chapter shall be transmitted through electronic means only.

(2) In proving such transmission, it shall be sufficient to show that the communication was properly addressed and transmitted through electronic means.

107-I. Extension of time.—The adjudicating officer or the appellate authority may, for reasons to be recorded in writing, where there is a reasonable cause for the delay or failure to act, extend any period specified in this chapter till such period as he may think fit.

107-L. Order and penalties.—(1) Every order under this Chapter, shall be dated, digitally signed, communicated to all the parties, and also uploaded on the official website of the adjudicating officer or the appellate authority as the case may be.

(2) All sums realized by way of penalties under this Chapter shall be credited to the Consolidated Fund of India.]

CHAPTER XV PATENT AGENTS

108. Particulars to be contained in the register of patent agents.—¹⁷⁷[(1) The register of patent agents maintained under Section 125 shall contain the name, nationality, address of the principal place of business, addresses of branch offices, if any, the qualifications, the date of registration of every registered patent agent and the details of their renewal of registration and any other particulars so specified by the Controller.]

(2) Where the register of patent agents is in computer floppies, diskettes or any other electronic form, it shall be maintained and accessed only by the person who is duly authorised by the Controller and no entry or alteration of any entry or rectification of any entry in the said register shall be made by any person who is not so authorised by the Controller.

¹⁷⁸[(3)(i) Copies of register of patent agents shall be maintained in each of the branch offices;

(ii) The register of patent agents shall also contain specimen signatures and photographs of the persons registered as patent agents.]

109. Application for registration of patent agents.—(1) Every person who desires to be registered as patent agent shall make an application in ¹⁷⁹[Form 22].

(2) The applicant shall furnish such other information as may be required by the Controller.

¹⁸⁰[(3) A person desirous to appear in the qualifying examination under Rule 110 shall make a request to the Controller along with the fee specified in the First Schedule after announcement of such examination and within the period as may be specified in the announcement.]

110. Particulars of the qualifying examination for patent agents.—(1) The qualifying examination referred to in clause (c)(i) of sub-section (1) of Section 126 shall consist of a written test and a *viva voce* examination.

(2) The qualifying examination shall consist of the following papers and marks, namely:

Paper I—¹⁸¹[The Patents Act, 1970 (39 of 1970), The Patents Rules, 2003, The Designs Act, 2000 (16 of 2000) and The Designs Rules, 2001] 100

Paper II—Drafting and interpretation of ¹⁸²[patent specifications, design specifications] and other documents. 100

Viva Voce. ¹⁸³[50]

¹⁸⁴[(3) A candidate shall be required to secure a minimum of fifty marks in Paper I and Paper II and shall be declared to have passed the examination only, if he obtains an aggregate of sixty per cent of the total marks.]

111. Registration of patent agents.—After a candidate passes the qualifying examination specified in Rule 110 and after obtaining any further information which the Controller considers necessary he shall, on receipt of the fee specified therefor in the First Schedule, enter the candidate's name in the register of patent agents and issue to him a certificate of registration as a patent agent.

¹⁸⁵[111-A. Issue of duplicate certificate of patent agents.—The Controller may issue a duplicate certificate of registration as patent agent on a request made by the person so registered as patent agent along with fee specified in the First Schedule and contain a statement setting out the circumstances in which the original certificate issued under Rule 111 was lost, destroyed and can not be produced.]

112. Details to be included in an application for the registration of a patent agent.—An application by a person entitled to be registered as a patent agent under sub-section (2) of Section 126 shall also be made in ¹⁸⁶[Form 22].

113. Registration of patent agents under Section 126(2).—On receipt of an application for the registration of a person as a patent agent under Rule 112, the Controller may, if he is satisfied that the said person fulfils the conditions specified in sub-section (2) of Section 126 enter his name in the register of patent agents.

114. Disqualifications for registration as a patent agent.—A person shall not be eligible to be registered as a patent agent, if he—

- (i) has been adjudged by a competent court to be of unsound mind;
- (ii) is an undischarged insolvent;
- (iii) being a discharged insolvent, has not obtained from the court a certificate to the effect that his insolvency was caused by misfortune without any misconduct on his part;
- (iv) has been convicted by a competent court, whether within or outside India of an offence to undergo a term of imprisonment, unless the offence of which he has been convicted has been pardoned or unless on an application made by him, the Central Government has, by order in this behalf, removed the disability;
- (v) being a legal practitioner has been guilty of professional misconduct; or
- (vi) being a chartered accountant, has been guilty of negligence or misconduct.

115. Payment of fees.—The continuance of a person's name in the register of patent agents shall be subject to the payment of the fees specified therefor in the First Schedule.

116. Removal of a name from the register of patent agents.—(1) The Controller may delete from the register of patent agents, the name of any patent agent—

- (a) from whom a request has been received to that effect; or
- (b) when he is dead; or
- (c) when the Controller has removed the name of a person under sub-section (1) of Section 130; or

¹⁸⁷[(d) if he has defaulted in the payment of fees specified in Rule 115, by more than three months after they are due; or

(e) if he ceases to be a citizen of India:

Provided that except under clause (a) and (b), before removing the name of any person from the register of patent agents under this rule, such person shall be given a reasonable opportunity of being heard.]

(2) The removal of the name of any person from the register of patent agents shall be ¹⁸⁸[published] and shall be, where relevant forthwith communicated to the person concerned.

117. Restoration of name of persons removed from the register of patent agents.—(1) An application for the restoration of the name of any person removed from the register of patent agents under sub-section (2) of Section 130 shall be made in ¹⁸⁹[Form 23] within two months from the date of such removal.

(2) If the name of a person is restored to the register of patent agents, his name shall be continued therein for a period of one year from the date on which his last annual fee became due.

¹⁹⁰[(3) The restoration of a name to the register of patent agents shall be communicated to the patent agent and also published on the official website.]

118. Alteration of names etc. in the register of patent agents.—¹⁹¹[(1) A patent agent may apply for the alteration of his name, address of the principal place of business and branch offices, if any, or the qualifications entered in the register of patent agents, e-mail address, telephone number, fax number or any other particulars under sub-section (1) of Section 125. On receipt of such application and the fee specified therefor in the First Schedule for such request for alteration of particulars, the Controller shall cause the necessary alterations to be made in the register of patent agents.]

(2) Every alteration made in the register of patent agents shall be ¹⁹²[published].

119. Refusal to recognise as patent agent.—If the Controller is of the opinion that any person should not be recognised as a patent agent in respect of any business under the Act as provided in sub-section (1) of Section 131 thereof, he shall communicate his reasons to that person and direct him to show cause why he should not refuse to recognise him as such agent, within such time as he may allow, and after considering the reply, if any, of that person and giving him an opportunity of being heard, the Controller may pass such orders as he may deem fit.

120. Publication of the names of patent agents, registered under the Act.—The names and addresses of persons registered as patent agents shall from time to time be published ¹⁹³[* * *].

MISCELLANEOUS

¹⁹⁴[121. Period within which copies of specification etc. are to be filed.—The period within which copies of specification or corresponding documents to be filed by the applicant under sub-section (1) of Section 138 shall be three months from the date of communication by the Controller.]

121-A. Address of communications.—All communications in relation to any proceeding under the Act or these rules shall be addressed to the Controller at the appropriate office.]

122. Correction of clerical errors.—A request for the correction of a clerical error in any document referred to in Section 78 shall be accompanied by a copy of the document highlighting the corrections clearly along with the fees payable therefor as specified in the First Schedule.

123. Manner of advertisement of the proposed correction of any error.—Where the Controller requires a notice of the nature of the proposed correction to be advertised, the request and the nature of the proposed correction shall be published ¹⁹⁵[* * *] and the person making the request shall also serve copies of the request and the copies of the document showing the proposed correction to such persons who, in the opinion of the Controller, may be interested.

124. Manner and time of opposition to the making of corrections.—(1) Any person interested may, at any time, within three months from the date of the advertisement of the request for correction ¹⁹⁶[* * *] give notice of opposition to the Controller in Form 14 in duplicate.

(2) Such notice of opposition shall be accompanied by a statement in duplicate setting out the nature of the opponent's interest, the facts on which he relies and the relief which he seeks.

(3) A copy of the notice and of the statement shall be sent by the Controller to the person making the request.

(4) The procedure specified in Rules 58 to 63 relating to the filing of reply statement, leaving evidence, hearing and costs shall, so far as may be, apply to the hearing of the opposition under Section 78 as they apply ¹⁹⁷[in the hearing of the opposition proceeding].

125. Notification of corrections.—The Controller shall notify the person making a request for the correction and the opponent, if any, of the corrections made in the relevant document.

126. Form, etc. of affidavits.—(1) The affidavits required by the Act or these rules to be filed at the patent office or furnished to the Controller shall be duly sworn to in the manner as prescribed in sub-rule (3).

(2) Affidavits shall be confined to such facts as the deponent is able, of his own knowledge, to prove except in interlocutory matters, where statements of belief of the deponent may be admitted, provided that the grounds thereof are given.

(3) Affidavits shall be sworn to as follows:—

(a) in India — before any court or person having by law authority to receive evidence, or before any officer empowered by such court as aforesaid to administer oaths or to take affidavits;

(b) in any country or place outside India — before a diplomatic or consular officer, within the meaning of the Diplomatic and Consular Officers (Oaths and Fees) Act,

1948 (41 of 1948) in such country or place or before a notary of the country or place, recognised by the Central Government under Section 14 of the Notaries Act, 1952 (53 of 1952), or before a Judge or Magistrate of the country or place.

(4) Alterations and interlineations shall, before an affidavit is sworn to or affirmed be authenticated by the initials of the person before whom the affidavit is sworn to.

127. Exhibits.—Where there are exhibits to be filed in an opposition or any other proceedings, a copy or impression of each exhibit shall be supplied to the other party at his request and expense; if copies or impressions of the exhibits cannot conveniently be furnished, the originals shall be left with the Controller for inspection by the person interested by prior appointment. The exhibits in original if not already left with the Controller shall be produced at the hearing.

128. Directions not otherwise prescribed.—(1) Where for the proper prosecution or completion of any proceedings under the Act or these rules, the Controller is of the opinion that it is necessary for a party to such proceedings to perform an act, file a document or produce evidence, for which provision has not been made in the Act or these rules, he may, by notice in writing, require such party to perform the act, file the document or produce the evidence specified in such notice.

(2) Where an applicant or a party to a proceeding desires to be heard or not heard, the Controller may, at any time, require him to submit his statement in writing giving such information as the Controller may deem necessary within the time specified by him.

¹⁹⁸[129. Exercise of discretionary power by the Controller.—Before exercising any discretionary power under the Act or these rules which is likely to affect an applicant for a patent or a party to a proceeding adversely, the Controller shall give such applicant or party, a hearing, after giving him or them, ten days notice of such hearing ordinarily.]

¹⁹⁹[129-A. Adjournment of hearing.—An applicant for patent or a party to a proceeding may make a request for adjournment of the hearing with reasonable cause along with the prescribed fee prescribed in First Schedule, at least three days before the date of hearing and the Controller, if he thinks fit to do so, and upon such terms as he may direct, may adjourn the hearing and intimate the parties accordingly:

Provided that no party shall be given more than two adjournments and each adjournment shall not be for more than thirty days.]

130. Application for review of decisions or setting aside of orders of the Controller.—(1) An application to the Controller for the review of his decision under clause (f) of sub-section (1) of Section 77 shall be made in ²⁰⁰[Form 24] within one month from the date of communication of such decision to the applicant or within such further period not exceeding one month thereafter as the Controller may on a request made in Form 4 allow and shall be accompanied by a statement setting forth the grounds on which the review is sought. Where the decision in question concerns any other person in addition to the applicant, the Controller shall forthwith transmit a copy of each of the application and the statement to the other person concerned.

(2) An application to the Controller for setting aside an order passed by him ex parte under clause (g) of sub-section (1) of Section 77 shall be made in ²⁰¹[Form 24] within one month from the date of communication of such order to the applicant or within such further period not exceeding one month as the Controller may on a request made in Form 4 allow and shall be accompanied by a statement setting forth the grounds on which the application is based. Where the order concerns any other person in addition to the

applicant, the Controller shall, forthwith transmit a copy each of the application and the statement to the other person concerned.

131. Form and manner in which statements required under Section 146(2) to be furnished.—(1) The statements shall be furnished by every patentee and every licensee under sub-section (2) of Section 146 in [202](#)[Form 27] which shall be duly verified by the patentee or the licensee or his authorised agent.

[203](#)[(2) The statements referred to in sub-rule (1) shall be furnished once in respect of every period of three financial year, starting from the financial year commencing immediately after the financial year in which the patent was granted, and shall be furnished within six months from the expiry of each such period. Provided that the Controller may condone the delay or extend the time in filing of such statement for a period up to three months upon a request made in Form 4:]

(3) The Controller may publish the information received by him under sub-section (1) or sub-section (2) of Section 146 [204](#)[* * *].

132. Form of application for the issue of a duplicate patent.—An application for the issue of a duplicate patent under Section 154 shall contain a statement setting out the circumstances in which the patent was lost or destroyed or cannot be produced together with the fee as specified therefor in the First Schedule.

[205](#)[133. Supply of certified copies and certificates under Sections 72 and 147.—(1) Certified copies of any entry in the register, or certificates of, or extracts from patents, specifications and other public documents in the patent office, or from registers and other records including records in computer floppies, diskettes or any other electronic form kept there, may be furnished by the Controller on a request therefor made to him and on payment of the fee specified therefor in the First Schedule:

Provided that certified copies shall be issued in the order in which the request is filed.

(2) Notwithstanding anything contained in sub-rule (1), certified copies shall be furnished within a period of one week if such request is made along with the fee specified therefore in the First Schedule.]

134. Request for information under Section 153.—(1) A request for information in respect of the following matters relating to any patent or application for patent shall be admissible, namely:

(a) as to when a complete specification following a provisional specification has been filed or an application for patent has been deemed to have been abandoned;

[206](#)[(aa) as to when the information under Section 8 has been filed;]

(b) as to when publication of application has been made under Section 11-A;

(c) as to when an application has been withdrawn under Section 11-B;

(d) as to when a request for examination has been made under Section 11-B;

(e) as to when the examination report has been issued under Section 12;

(f) as to when [207](#)[* * *] an application for patent has been refused;

(g) as to when a patent has been [208](#)[granted];

(h) as to when a renewal fee has been paid;

(i) as to when a term of a patent has expired or shall expire;

(j) as to when an entry has been made in the register or application has been made for the making of such entry; or

(k) as to when any application is made or action taken involving an entry in the

register, ²⁰⁹[publication] in the ²¹⁰[Official Journal] ²¹¹[or otherwise], if the nature of the application or action is specified in the request.

(2) Separate request shall be made in respect of each item of information required.

(3) The fee payable on a request to be made under Section 153 shall be as set out in the First Schedule.

135. Agency.—²¹²[(1) The authorisation of an agent for the purposes of the Act and these rules shall be filed in Form 26 or in the form of a power of attorney within a period of three months from the date of filing of such application or document, failing which no action shall be taken on such application or documents for further processing till such deficiency is removed.]

(2) Where any authorisation has been made under sub-rule (1), service upon the agent of any document relating to any proceeding or matter under the Act or these rules shall be deemed to be service upon the person so authorising him and all communications directed to be made to a person in respect of any proceeding or matter may be addressed to such agent, and all appearances before the Controller relating thereto may be made by or through such agent.

(3) Notwithstanding anything contained in sub-rules (1) and (2), the Controller may, if it is considered necessary, require the personal signature or presence of an applicant, opponent or party to such proceeding or matter.

136. Scale of costs.—(1) In all proceedings before the Controller, he may, subject to Rule 63, award costs as he considers reasonable, having regard to all the circumstances of the case:

Provided that the amount of costs awarded in respect of any matter set forth in the Fourth Schedule shall not exceed the amount specified therein.

(2) Notwithstanding anything contained in sub-rule (1), the Controller may, in his discretion award a compensatory cost in any proceeding before him which in his opinion is false or vexatious.

137. Powers of Controller generally.—²¹³(1) Any document for the amendment of which no special provision is made in the Act may be amended and any irregularity in procedure which in the opinion of the Controller may be obviated without detriment to the interests of any person, may be corrected if the Controller thinks fit and upon such terms as he may direct.

²¹⁴[(2) The provisions contained in sub-rule (1) shall be not be applicable for matters related to—(i) extension of time or condonation of delay under sub-rule (5) of Rule 12; (ii) clause (i) of sub-rule (4) and sub-rule (6) of Rule 20; (iii) Rule 21; (iv) sub-rules (1), (5) and (6) of Rule 24-B; (v) sub-rules (10) and (11) of Rule 24-C; (vi) sub-rule (4) of Rule 55; (vii) sub-rule (1-A) of Rule 80; (viii) sub-rules (1) and (2) of Rule 130; (ix) sub-rule (2) of Rule 131.]

²¹⁵[138. Power to extend time specified or condone delay.—Notwithstanding anything contained in these rules, the time specified for doing any act or taking any proceeding thereunder may be extended or any delay may be condoned by the Controller for a period of up to six months, upon a request made in Form 4, where such request is made before the expiry of the said period of six months:

Provided that such request may be made any number of times within the specified period of six months.]

139. Hearing before the Controller to be in public in certain cases.—Where the

hearing before the Controller of any dispute between two or more parties relating to an application for a patent or to any matter in connection with a patent takes place after the date of the publication of the complete specification, the hearing of the dispute shall be in public unless the Controller, after consultation with the parties to the dispute who appear in person or are represented at the hearing, otherwise directs.

[216](#) [THE FIRST SCHEDULE
(See Rule 7)

[217](#) [TABLE I

Number of Entry	On what payable	Number of the relevant Form	For e-filing		For physical filing	
			Natural person or startup or small entity or educational institution	Other(s), alone or with natural person or startup or small entity or educational institution	Natural person or startup or small entity or educational institution	Other(s), alone or with natural person or startup or small entity or educational institution
1	2	3	4	5	6	7
			Rupees	Rupees	Rupees	Rupees
1.	On application for a patent under Sections 7, 54* or 135 and Rule 20 (1) accompanied by provisional or complete specification—	1	1600 Multiple of 1600 in case of every multiple priority.	8000 Multiple of 8000 in case of every multiple priority.	1750 Multiple of 1750 in case of every multiple priority.	8800 Multiple of 8800 in case of every multiple priority.
	(i) for each sheet of specification in addition to 30, excluding sequence listing of nucleotides and/ or amino acid sequences under sub-rule (3) of rule (9);		(i) 160	(i) 800	(i) 180	(i) 880

	(ii) for each claim in addition to 10;		(ii) 320	(ii) 1600	(ii) 350	(ii) 1750
	(iii) for each page of sequence listing of nucleotides and/ or amino acid sequences under sub-rule (3) of rule (9).		(iii) 160 subject to a maximum of 24000	(iii) 800 subject to a maximum of 120000	Not allowed	Not allowed
	*An application for a patent made under Section 54 shall be eligible for a reduction of 50 per cent in fee as compared to other applications.					
2.	On filing complete specification after provisional up to 30 pages having up to 10 claims –	2	No fee	No fee	No fee	No fee
	(i) for each sheet of specification in addition to 30, excluding sequence listing of nucleotides and/ or amino acid sequences under sub-		(i) 160	(i) 800	(i) 180	(i) 880

	rule (3) of rule (9);					
	(ii) for each claim in addition to 10.		(ii) 320	(ii) 1600	(ii) 350	(ii) 1800
	(iii) for each page of sequence listing of nucleotides and/ or amino acid sequences under sub-rule (3) of rule (9). Note: A specification in respect of an application for a patent made under Section 54 shall be eligible for a reduction of 50 per cent in fee as compared to other specifications.		(iii) 160 subject to a maximum of 24000	(iii) 800 subject to a maximum of 120000	Not allowed	Not allowed
3.	On filing a statement and undertaking under Section 8.	3	No fee	No fee	No fee	No fee
4.	i) On request for extension of time under sections 53(2) and 142(4), rules 13(6), 80(1-A) and 130 (per month).	4	480	2400	530	2600

	ii) On request for extension of time or condonation of delay (per month) under sub-rule (4) of Rule 12 or sub-rule (2) or Rule 131.	4	2000	10000	2200	11000
	iii) On request for extension of time under sub-rule (6) of Rule 24-B (per month).	4	1000	4000	1100	4400
	iv) On request for extension of time under sub-rule (11) of Rule 24-C (per month).	4	2000	10000	2200	11000
	v) On request for extension of time under Rule 138 (per month).	4	10000	50000	11000	55000
5.	On filing a declaration as to inventorship under sub-rule (6) of Rule 13.	5	No fee	No fee	No fee	No fee
6.	On application for postdating.	-	800	4000	880	4400
7.	On application for deletion of reference under Section 19 (2).	-	800	4000	880	4400
8.	(i) On claim under Section 20(1);	6	800	4000	880	4400
	(ii) On request for	6	800	4000	880	4400

	direction under Section 20 (4) or 20 (5).					
9.	(i) On notice of opposition to grant of patent under Section 25 (2);	7	8000	40000	Not allowed	Not allowed
	(ii) On filing representation opposing of grant of patent under Section 25(1).	7-A	4000	20000	Not allowed	Not allowed
10.	On giving notice that hearing before Controller shall be attended under Rule 62 (2).	-	1500	7500	1700	8300
11.	On application under Section 28(2).	8	No fee	No fee	No fee	No fee
	On application under sections 28(3) or 28(7).	8	800	4000	880	4400
12.	Certificate of inventorship under Rule 70 -A.	8-A	900	Not applicable	1000	Not applicable
13.	Request for publication under Section 11-A(2) and Rule 24-A.	9	2500	12500	2750	13750
14.	On application under Section 44 for amendment of patent.	10	2400	12000	2650	13200
15.	On application for directions	11	2400	12000	2650	13200

	under Section 51(1) or 51(2).					
16.	On request for grant of a patent under sections 26(1) and 52(2).	12	2400	12000	2650	13200
17.	On request for converting a patent of addition to an independent patent under Section 55(1).	-	2400	12000	2650	13200
18.	For renewal of a patent under Section 53—					
(i)	before the expiration of the 2nd year from the date of patent in respect of 3rd year;	-	800	4000	880	4400
(ii)	before the expiration of the 3rd year in respect of the 4th year;	-	800	4000	880	4400
(iii)	before the expiration of the 4th year in respect of the 5th year;	-	800	4000	880	4400
(iv)	before the expiration of the 5th year in respect of the 6th year;	-	800	4000	880	4400
(v)	before the expiration of the 6th year in respect of	-	2400	12000	2650	13200

	the 7th year;					
(vi)	before the expiration of the 7th year in respect of the 8th year;	-	2400	12000	2650	13200
(vii)	before the expiration of the 8th year in respect of the 9th year;	-	2400	12000	2650	13200
(viii)	before the expiration of the 9th year in respect of the 10th year;	-	2400	12000	2650	13200
(ix)	before the expiration of the 10th year in respect of the 11th year;	-	4800	24000	5300	26400
(x)	before the expiration of the 11th year in respect of the 12th year;	-	4800	24000	5300	26400
(xi)	before the expiration of the 12th year in respect of the 13th year;	-	4800	24000	5300	26400
(xii)	before the expiration of the 13th year in respect of the 14th year;	-	4800	24000	5300	26400
(xiii)	before the expiration of the 14th year in respect of the 15th year;	-	4800	24000	5300	26400
(xiv)	before the expiration of the 15th year in respect of the 16th year;	-	8000	40000	8800	44000

(xv)	before the expiration of the 16th year in respect of the 17th year;	-	8000	40000	8800	44000
(xvi)	before the expiration of the 17th year in respect of the 18th year;	-	8000	40000	8800	44000
(xvii)	before the expiration of the 18th year in respect of the 19th year;	-	8000	40000	8800	44000
(xviii)	before the expiration of the 19th year in respect of the 20th year.	-	8000	40000	8800	44000
19.	On application for amendment of application for patent or complete specification or other related documents under Section 57—	13				
(i)	before grant of patent;		800	4000	880	4400
(ii)	after grant of patent;		1600	8000	1750	8800
(iii)	where amendment is for changing name or address or nationality or address for service.		320	1600	350	1750
20.	On notice of opposition to an application	14	2400	12000	2650	13200

	under sections 57 (4), 61(1) and 87(2) or to surrender a patent under Section 63(3) or to a request under Section 78(5).					
21.	On application for restoration of a patent under Section 60.	15	2400	12000	2650	13200
22.	Additional fee for restoration under Section 61(3) and Rule 86(1).	—	4800	24000	5300	26400
23.	On notice of offer to surrender a patent under Section 63.	—	No fee	No fee	No fee	No fee
24.	On application for the entry in the register of patents of the name of a person entitled to a patent or as a share or as a mortgage or as licensee or as otherwise or for the entry in the register of patents of notification of a document under sections 69(1) or 69(2) and rules 90(1) or 90(2).	16	1600 (In respect of each patent)	8,000 (In respect of each patent)	1750 (In respect of each patent)	8,800 (In respect of each patent)

25.	On application for alteration of an entry in the register of patents or register of patent agents under rules 94(1) or Rule 118(1).	—	320	1600	350	1750
26.	On request for entry of an additional address for service in the Register of Patents under Rule 94(3).	—	800	4000	880	4400
27.	On application for compulsory license under sections 84 (1), 91(1), 92 (1) and 92-A.	17	2400	12000	2650	13200
28.	On request for examination of application for patent—	18				
	(i) under Section 11-B and Rule 24 (1);		4000	20000	4400	22000
	(ii) under Rule 20(4)(ii).		5600	28000	6150	30800
29.	On request for expedited or delayed examination of application for patent under Rule 24 -C.	18-A	8000	60000	Not allowed	Not allowed
30.	Conversion of the request for examination	18-A	4000	40000	Not allowed	Not allowed

	filed under Rule 24-B to request for expedited or delayed examination under Rule 24-C.					
31.	On application for revocation of a patent under Section 85(1).	19	2400	12000	2650	13200
32.	On application for revision of terms and conditions of licence under Section 88(4).	20	2400	12000	2650	13200
33.	On request for termination of compulsory licence under Section 94.	21	2400	12000	2650	13200
34.	On application for registration as a patent agent under Rule 109(1) or Rule 112.	22	3200	Not applicable	3500	Not applicable
35.	On request for appearing in the qualifying examination under Rule 109(3).	—	1600	Not applicable	1750	Not applicable
36.	For continuance of the name of a person in the register of patent agents—					
	for the 1st year to be paid along	—	800	Not applicable	880	Not applicable

	with registration;					
	(ii) for every year excluding the 1st year to be paid on the 1st April in each year.	—	800	Not applicable	880	Not applicable
37.	On application for duplicate certificate of patent agent under Rule 111-A.	—	1600	Not applicable	1750	Not applicable
38.	On application for restoration of the name of a person in the register of patent agents under Rule 117(1).	23	1600 (Plus continuation fee under entry number 36)	Not applicable	1750 (Plus continuation fee under entry number 36)	Not applicable
39.	On a request for correction of clerical error under Section 78(2).	—	800	4000	880	4400
40.	On application for review or setting aside the decision or order of the controller under Section 77(1)(f) or 77(1)(g).	24	1600	8000	1750	8800
41.	On application for permission for applying patent outside India under Section 39 and Rule 71(1).	25	1600	8000	1750	8800
42.	On application for duplicate	—	1600	8000	1750	8800

	patent under Section 154 and Rule 132.					
43.	(i) On request for certified copies under Section 72 or for certificate under Section 147 and Rule 133(1).	—	1000 (up to 30 pages and, thereafter, 30 for each extra page)	5000 (up to 30 pages and, thereafter, 150 for each extra page)	1100 (up to 30 pages and, thereafter, 30 for each extra page)	5500 (up to 30 pages and, thereafter, 150 for each extra page)
	(ii) On request for certified copies under Section 72 or for certificate under Section 147 and Rule 133(2).	--	2400 (up to 30 pages and thereafter, 30 for each extra page)	12000 (up to 30 pages and thereafter, 30 for each extra page)	3300 (up to 30 pages and thereafter, 30 for each extra page)	13200 (up to 30 pages and thereafter, 30 for each extra page)
44.	For certifying office copies, printed each.	—	800	4000	880	4400
45.	On request for inspection of register under Section 72, inspection under Rule 27 or Rule 74-A.	—	320	1600	350	1750
46.	On request for information under Section 153 and Rule 134.	—	480	2400	530	2650
47.	On form of authorization of a patent agent.	26	No fee	No fee	No fee	No fee
48.	On petition not otherwise provided for.	—	1600	8000	1750	8800
49.	For supplying of photocopies of the documents, per page.	—	10	10	10	10

50.	Transmittal fee for international application.	—	3200	16000	3500	17600
51.	Transmittal fee for international application (for ePCT filing).	—	No fee	No fee	Not applicable	Not applicable
52.	For preparation of certified copy of priority document and for transmission of the same to the International Bureau of World Intellectual Property Organization.	—	1000 (up to 30 pages and, thereafter, 30 for each extra page)	5000 (up to 30 pages and, thereafter, 150 for each extra page)	1100 (up to 30 pages and, thereafter, 30 for each extra page)	5500 (up to 30 pages and, thereafter, 150 for each extra page)
53.	For preparation of certified copy of priority document and e-transmission through WIPO DAS.	—	No fee	No fee	Not applicable	Not applicable
54.	On statement regarding working of a patented invention on a commercial scale in India under Section 146(2) and Rule 131(1).	27	No fee	No fee	No fee	No fee
55.	To be submitted for claiming the	28	No fee	No fee	No fee	No fee

	status of a small entity or startup.					
56.	Application for withdrawing the application under Section 11-B(4), and Rules 7(4-A) and 26.	29	No fee	No fee	No fee	No fee
57.	Request for adjournment of hearing under Rule 129-A (for each adjournment).	-	1000	5000	1100	5500
58.	Miscellaneous form under Rule 8(2), to be used when no other form is prescribed.	30	As applicable			
59.	Grace period.	31	500	2500	550	2750]

TABLE II — FEES REFUNDABLE

On what account fee refundable	Refund of fees
Refund of fees under sub-rule (4-A) of Rule 7	90% of fee paid for request for examination or request for expedited examination.]

THE SECOND SCHEDULE

(See Rule 8)

FORMS

List of Forms

Form No.	Section and rule	Title
1	2	3
1.	Sections 7, 54, and 135 and Rule 20(1)	Application for grant of a patent
2.	Section 10; Rule 13	Provisional/Complete Specification
3.	Section 8 and Rule 12	Statement and undertaking
218 [4.	Sections 53(2) and 142(4), Rules 12(5), 13(6), 24-B(6), 24-C(11), 80(1-A), 130 and 138	Request for extension of time or condonation of delay]
5.	Section 10(6) and Rule 13(6)	Declaration as to inventorship

6.	Sections 20(1), 20(4), 20(5) and Rules 34(1), 35(1) or 36(1)	Claim or request regarding any change in applicant for patent
7.	Section 25(3) and Rule 55-A	Notice of opposition on grant of a patent
219 [7-A.	Section 25(1) and Rule 55(1)	For filing a representation opposing grant of a patent under sub-section (1) of Section 25]
8.	Sections 28(2), 28(3) or 28(7) and Rules 66, 67, 68	Request or claim regarding mention of inventor as such in a patent
220 [8-A.	Rule 70-A	Certificate of inventorship]
9.	Section 11-A(2) and Rule 24-A	Request for publication.
10.	Section 44 and Rule 75	Application for amendment of patent
11.	Sections 51(1), 51(2) and Rules 76, 77	Application for direction of the Controller
12.	Sections 26(1) and 52(2) and Rules 63-A and 79	Request for grant of patent
13.	Section 57 and Rule 81(1)	Application for amendment of the application for patent/complete specification
14.	Sections 57(4), 61(1), 63(3), 78(5) and 87(2) and Rules 81(3)(b), 85(1), 87(2), 98(1), 101(3) or 124	Notice of opposition to amendment/restoration/surrender of patent/grant of compulsory licence or revision of terms thereof or to a correction of clerical errors
15.	Section 60 and Rule 84	Application for restoration of patents
16.	Sections 69(1) or 69(2) and Rules 90(1) and 90(2)	Application for registration of title/interest in a patent or share in it or registration of any document purporting to affect proprietorship of the patent
17.	Sections 84(1), 91, 92 or 92-A and Rule 96	Application for compulsory licence
18.	Section 11-B and Rule 20(4)(i) and 24-B(1)(i)	Request for examination of application for patent
19.	Section 85(1) and Rule 96	Application for revocation of a patent for non-working
20.	Section 88(4) and Rule 100	Application for revision of terms and conditions of licence
21.	Section 94, Rule 102(1)	Request for termination of compulsory licence
22.	Rules 109(1) and 112	Application for registration of

		Patent Agent
23.	Section 130(2) and Rule 117(1)	Application for the restoration of the name in the register of Patent Agents
24.	Sections 77(1)(f), 77(1)(g) and Rules 130(1) and 130(2)	Application for review/setting aside Controller's decision/order
25.	Section 39 and Rule 71(1)	Request for permission for making patent application outside India
26.	Sections 127, 132 and Rule 135	Form of authorization of a Patent Agent/or any person in a matter or proceeding under the Act
27.	Section 146(2) and Rule 131(1)	Statement regarding the working of the Patented invention on commercial scale in India
221 [28.	Rules 2(fa) and 7	To be submitted by a small entity with every document for which a fee has been specified]
222 [29.	Section 11-B(4) and Rules 7(4-A), 24-C(5) and 26	Request for withdrawal of patent application
30.	Rule 8(2)	Miscellaneous form, to be used when no other form is prescribed.]
223 [31.	Section 124-A, Rule 107-C	Complaint for contravention of Sections 120, 122 and 123]
224 [32.	Section 124-B, Rule 107-F	Appeal against an order of the adjudicating officer]

225 [FORM 1 THE PATENTS ACT, 1970 (39 OF 1970) AND THE PATENTS RULES, 2003 APPLICATION FOR GRANT OF PATENT (See Sections 7, 54 and 135 and sub-rule (1) of Rule 20)		(FOR OFFICE USE ONLY)	
		Application No.	
		Filing date:	
		Amount of Fee paid:	
		CBR No:	
		Signature:	
1. APPLICANT'S REFERENCE/IDENTIFICATION NO. (AS ALLOTTED BY OFFICE)			
2. TYPE OF APPLICATION [Please tick (✓) at the appropriate category]			
Ordinary ()	Convention ()	PCT-NP ()	PPH ()

Divisional ()	Patent of Addition ()	Divisional ()	Patent of Addition ()	Divisional ()	Patent of Addition ()
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3-A. APPLICANT(S)						
Name in Full	Gender (optional, for individuals)	Nationality	Country of Residence	Age (optional, for natural persons)	Address of the Applicant	
	- Male - Female - Others - Prefer not to disclose			- years - Prefer not to disclose	House No.	
					Street	
					City	
					State	
					Country	
					Pin code	
					Email (OTP verification mandatory-will be redacted)	
Contact number (OTP verification mandatory-will be redacted)						

3-B. CATEGORY OF APPLICANT [Please tick (✓) at the appropriate category]			
Natural Person ()	Other than Natural Person	Educational institution ()	
		Small Entity ()	Start-up () Others ()
4. INVENTOR(S) [Please tick (✓) at the appropriate category]			
Are all the inventor(s) same as the applicant(s) named above?	Yes ()		No ()
If "No", furnish the details of the inventor(s)			

Name in Full	Gender (optional, for natural persons)	Nationality	Age (optional, for natural persons)	Country of Residence	Address of the Inventor

	- Male		- years		House No.	
	- Female		- Prefer not to disclose		Street	
	- Others				City	
	- Prefer not to disclose				State	
					Country	
					Pin code	

5. TITLE OF THE INVENTION					
6. AUTHORISED REGISTERED PATENT AGENT(S)			IN/PA No.		
			Name		
			Mobile No. (OTP verification mandatory-will be redacted)		
7. ADDRESS FOR SERVICE OF APPLICANT IN INDIA			Name		
			Postal Address		
			Telephone No.		
			Mobile No. (OTP verification mandatory-will be redacted)		
			Fax No.		
			E-mail ID (OTP verification mandatory-will be redacted)		
8. IN CASE OF APPLICATION CLAIMING PRIORITY OF APPLICATION FILED IN CONVENTION COUNTRY, PARTICULARS OF CONVENTION APPLICATION					
Country	Application Number	Filing date	Name of the applicant	Title of the invention	IPC (as classified in the convention country)
9. IN CASE OF PCT NATIONAL PHASE APPLICATION, PARTICULARS OF INTERNATIONAL APPLICATION FILED UNDER PATENT CO-OPERATION TREATY (PCT)					
International application number			International filing date		
10. IN CASE OF DIVISIONAL APPLICATION FILED UNDER SECTION 16, PARTICULARS OF ORIGINAL (FIRST) APPLICATION					
Original (first) Application No.			Date of filing of original (first) application		

11. IN CASE OF PATENT OF ADDITION FILED UNDER SECTION 54, PARTICULARS OF MAIN APPLICATION OR PATENT	
Main Application/Patent No.	Date of filing of main application
12. DECLARATIONS	
<p>(i) Declaration by the inventor(s)</p> <p>(In case the applicant is an assignee: the inventor(s) may sign herein below or the applicant may upload the assignment or enclose the assignment with this application for patent or send the assignment by post/electronic transmission duly authenticated within the prescribed period).</p> <p>I/We, the above named inventor(s) is/are the true & first inventor(s) for this Invention and declare that the applicant(s) herein is/are my/our assignee or legal representative.</p> <p>(a) Date</p> <p>(b) Signature(s)</p> <p>(c) Name(s)</p>	
<p>(ii) Declaration by the applicant(s) in the convention country</p> <p>(In case the applicant in India is different than the applicant in the convention country: the applicant in the convention country may sign herein below or applicant in India may upload the assignment from the applicant in the convention country or enclose the said assignment with this application for patent or send the assignment by post/electronic transmission duly authenticated within the prescribed period)</p> <p>I/We, the applicant(s) in the convention country declare that the applicant(s) herein is/are my/our assignee or legal representative.</p> <p>(a) Date</p> <p>(b) Signature(s)</p> <p>(c) Name(s) of the signatory</p>	
<p>(iii) Declaration by the applicant(s)</p> <p>I/We the applicant(s) hereby declare(s) that—</p> <p><input type="checkbox"/> I am/We are in possession of the above-mentioned invention.</p> <p><input type="checkbox"/> The provisional/complete specification relating to the invention is filed with this application.</p> <p><input type="checkbox"/> The invention as disclosed in the specification uses the biological material from India and the necessary permission from the competent authority shall be submitted by me/us before the grant of patent to me/us.</p> <p><input type="checkbox"/> There is no lawful ground of objection(s) to the grant of the Patent to me/us.</p> <p><input type="checkbox"/> I am/we are the true & first inventor(s).</p> <p><input type="checkbox"/> I am/we are the assignee or legal representative of true & first inventor(s).</p> <p><input type="checkbox"/> The application or each of the applications, particulars of which are given in Paragraph 8, was the first application in convention country/countries in respect of my/our invention(s).</p> <p><input type="checkbox"/> I/We claim the priority from the above mentioned application(s) filed in convention country/countries and state that no application for protection in respect of the invention had been made in a convention country before that date by me/us or by any person from which I/We derive the title.</p> <p><input type="checkbox"/> My/our application in India is based on international application under Patent</p>	

<input type="checkbox"/> Cooperation Treaty (PCT) as mentioned in Paragraph 9. <input type="checkbox"/> The application is divided out of my/our application particulars of which is given in Paragraph 10 and pray that this application may be treated as deemed to have been filed on DD/MM/YYYY under Section 16 of the Act. <input type="checkbox"/> The said invention is an improvement in or modification of the invention particulars of which are given in Paragraph 11.			
13. FOLLOWING ARE THE ATTACHMENTS WITH THE APPLICATION (a) Form 2			
Item	Details	Fee	Remarks
Complete/provisional specification)#	No. of pages		
No. of Claim(s)	No. of claims and No. of pages		
Abstract	No. of pages		
No. of Drawing(s)	No. of drawings and No. of pages		
# In case of a complete specification, if the applicant desires to adopt the drawings filed with his provisional specification as the drawings or part of the drawings for the complete specification under Rule 13(4), the number of such pages filed with the provisional specification are required to be mentioned here.			
(b) Complete specification (in conformation with the international application)/as amended before the International Preliminary Examination Authority (IPEA), as applicable (2 copies). (c) Sequence listing in electronic form (d) Drawings (in conformation with the international application)/as amended before the International Preliminary Examination Authority (IPEA), as applicable (2 copies). (e) Priority document(s) or a request to retrieve the priority document(s) from DAS (Digital Access Service) if the applicant had already requested the office of first filing to make the priority document(s) available to DAS. (f) Translation of priority document/Specification/International Search Report/International Preliminary Report on Patentability. (g) Statement and Undertaking on Form 3. (h) Declaration of Inventorship on Form 5. (i) Power of Authority (j)			
Total fee Rs.in Cash/Banker's Cheque/Bank Draft bearing No. Date.....on Bank.			
I/We hereby declare that to the best of my/our knowledge, information and belief the fact and matters slated herein are correct and I/We request that a patent may be granted to me/us for the said invention.			
Dated this.....day of.....20.....			
Signature:			
Name:			

To,
The Controller of Patents
The Patent Office, at.....

Note—

- * Repeat boxes in case of more than one entry.
- * To be signed by the applicant(s) or by authorized registered patent agent otherwise where mentioned.
- * Tick (✓)/cross (×) whichever is applicable/not applicable in declaration in Paragraph 12.
- * Name of the inventor and applicant should be given in full, family name in the beginning.
- * Strike out the portion which is/are not applicable.
- * For fee: See First Schedule.]

<p>FORM 2</p> <p>THE PATENTS ACT, 1970</p> <p>(39 of 1970)</p> <p>And</p> <p>THE PATENTS RULES, 2003</p> <p><i>Provisional/Complete Specification</i></p> <p>(See Section 10 and Rule 13)</p>			
1.	Title of the invention		
2.	Applicant(s) (a) Name: (b) Nationality: (c) Address:		
3.	Preamble to the description		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; padding: 5px;"> Provisional The following specification describes the invention </td> <td style="width: 50%; text-align: center; padding: 5px;"> Complete The following specification particularly describes the invention and the manner in which it is to be performed </td> </tr> </table>	Provisional The following specification describes the invention	Complete The following specification particularly describes the invention and the manner in which it is to be performed
Provisional The following specification describes the invention	Complete The following specification particularly describes the invention and the manner in which it is to be performed		
4.	Description (Description shall start from next page)		
5.	Claims (Not applicable for provisional specification. Claims should start with the preamble "I/We claim" on separate page)		
6.	Date and signature (To be given at the end of last page of specification)		
7.	Abstract of the invention (To be given along with complete specification)		

on separate page)

Note:

- * Repeat boxes in case of more than one entry
- * To be signed by the applicant(s) or by authorized registered patent agent
- * Name of the applicant should be given in full, family name in the beginning
- * Complete address of the applicant should be given stating the postal index no./code, State and country
- * Strike out the column which is/are not applicable

<p><u>226</u> [FORM 3 THE PATENTS ACT, 1970 (39 of 1970) and THE PATENTS RULES, 2003 STATEMENT AND UNDERTAKING UNDER SECTION 8 (See sub-rule (2) and (3) of Rule 12)</p>					
1. Name of the applicant(s).			I/We hereby declare:		
2. Name, address and nationality of the joint applicant.			(i) that I/We who have made the application for patent number in India, dated, alone/jointly with, (ii) that I/We have not made any application for the same/substantially the same invention outside India Or (iii) that I/We have made for the same/substantially same invention, application(s) for patent in the other countries, the particulars of which are given below:		
Name of the country	Date of application	Application No.	Status of the application	Date of publication	Date of disposal
3. Name and address of the assignee			(i) that the rights in the application(s) filed in India has/have been assigned to (ii) that I/We undertake that up to the date of grant of the patent by the Controller, I/We would keep him informed in writing regarding the details of corresponding applications for patents filed outside India in accordance with the provisions contained in Section 8 and Rule 12. Dated this.....day of.....20.....		

4. To be signed by the applicant or his authorized registered patent agent.	Signature.
5. Name of the natural person who has signed.	(.....).
	To The Controller of Patents, The Patent Office, at.....
<i>Note.</i> —Strike out whichever is not applicable.]	

<p style="text-align: center;"><u>227</u> [FORM 4 THE PATENTS ACT, 1970 (39 of 1970) and THE PATENTS RULES, 2003 REQUEST FOR EXTENSION OF TIME OR CONDONATION OF DELAY [See Sections 53(2), and 142 (4); Rules 12(5), 13(6), 24-B(6), 24-C(11), 80(1-A), 130, 131(2) and 138]</p>	
1. Name of the applicant	<p>I/We hereby request for extension of time formonths(s) under section/rule in connection with my/our/application/Patent No. The reasons for making the request are as follows— Dated this..... day of20....</p>
2. To be signed by the applicant or his authorized registered patent agent	Signature (.....)
3. Name of the natural person who has signed	
	To The Controller of Patents, The Patent Office, at.....
<i>Note.</i> —For fee: See First Schedule.]	

<p>FORM 5</p> <p>THE PATENTS ACT, 1970</p> <p>(39 of 1970)</p> <p>And</p> <p>THE PATENTS RULES, 2003</p> <p><i>Declaration as to Inventorship</i></p> <p>[See Section 10(6) and Rule 13(6)]</p>	
<p>1. Name of Applicant (s)</p>	
<p>hereby declare that the true and first inventor(s) of the invention disclosed in the complete specification filed in pursuance of my/our application numbered dated is/are</p>	
<p>2. Inventor(s)</p> <p>(a) Name</p> <p>(b) Nationality</p> <p>(c) Address</p>	<p>Dated this day of 20</p> <p style="text-align: right;">Signature:</p> <p style="text-align: right;">Name of the signatory:</p>
<p>3. Declaration to be given when the application in India is filed by the applicant(s) in the convention country: —</p> <p>We the applicant(s) in the convention country hereby declare that our right to apply for a patent in India is by way of assignment from the true and first inventor (s)</p> <p style="text-align: right;">Dated this day of 20</p> <p style="text-align: right;">Signature:</p> <p style="text-align: right;">Name of the signatory:</p>	
<p>4. Statement (To be signed by the additional inventor(s) not mentioned in the application form)</p> <p>I/We assent to the invention referred to in the above declaration, being included in the complete specification filed in pursuance of the stated application</p> <p style="text-align: right;">Dated this day of 20</p> <p style="text-align: right;">Signature of the additional</p> <p>inventor(s):</p> <p style="text-align: right;">Name:</p> <p>To,</p> <p>228 [The Controller of Patents]</p> <p>The Patent Office, at</p> <p><i>Note.—</i></p> <p>* Repeat boxes in case of more than one entry</p> <p>* To be signed by the applicant(s) or by authorized registered patent agent otherwise where mentioned</p>	

- * Name of the inventor and applicant should be given in full, family name in the beginning
- * Complete address of the inventor should be given stating the postal index no./code, State and country
- * Strike out the column which is/are not applicable

FORM 6

THE PATENTS ACT, 1970

(39 of 1970)

And

THE PATENTS RULES, 2003

Claim or request regarding any Change in Applicant for Patent

[See Sections 20(1), 20(4) and 20(5); Rules 34(1), 35(1) and 36(1)]

1. Repeat the columns (a) to (c) if there I/We¹
are more than one applicant (a)².
2. Insert the name in full. The family or (b)³.
principal name in the beginning if the applicant is a natural person (c)⁴.
3. Insert the complete address including hereby request that the applicant for
postal index number/code and State Patent No. dated
and/or country made by⁵
.....
4. Insert the nationality may proceed in my/our name and
further request that direction of the
Controller, if necessary be made in
that effect
5. State the name of the applicant(s) for
patent
6. Original and certified copies of the Reasons for making the above request
documents shall accompany the claim are as follows:—
or request. Consent by the legal
representative of the deceased joint I furnish the following document(s) in
applicant shall be filed whenever support of my above request⁶
required
7. Insert the details of the documents (a)⁷
(b)⁷
(c)⁷
8. Complete address including postal My/Our address for service in India
index number/code and State along is⁸:
with telephone and fax number(s)
.....
9. To be signed by the applicant(s) or

authorized registered patent agent
10. Name of the natural person who has signed Dated this day of 20

Signature⁹
(.....)¹⁰

To,
The Controller of Patents,
The Patent Office,
At

N.B.: This form is not applicable for mere change of name

Note: (a) Strike out whichever is not applicable

(b) For fee : See First Schedule

FORM 7
THE PATENTS ACT, 1970
(39 of 1970)

And
THE PATENTS RULES, 2003
Notice of Opposition

[[229](#)] [See Section 25(2)] and Rule 55-A]

1. State names, address and nationality I/We¹,
..... hereby give
notice of opposition to Patent No.
..... granted on
Application No.
2. State the grounds taken one after another dated
published on dated
made by on the
grounds².....
3. Complete address including postal index number/code and State along with telephone and fax number My/Our address for services in India
is³
4. To be signed by the opponent or by his authorized registered patent agent Signature⁴
5. Name of the natural person who has signed (.....)⁵

To,
The Controller of Patents,
The Patent Office,
At

For fee : See First Schedule

230[FORM 7-A

THE PATENTS ACT, 1970 (39 OF 1970)

And

THE PATENTS RULES, 2003

Representation for opposition to grant of patent

[See Rule 55]

1. State names, address and I/We hereby give nationality. representation by way of opposition to the grant of patent in respect of application no..... datedmade byand published on.....
2. State the grounds taken one after on the grounds another.
3. Complete address including postal My/our address for service in India is index number/code and state along with telephone and fax number.
4. To be signed by the opponent or by Signature his/her authorized registered patent agent.
5. Name and designation of the (.....) natural person who has signed.

To

The Controller of Patents,
The Patent Office,
At]

FORM 8

THE PATENTS ACT, 1970

(39 of 1970)

And

THE PATENTS RULES, 2003

Request or claim regarding mention of Inventor as such in a Patent

[See Sections 28(2), 28(3) and 28(7); Rules 66, 67 and 68]

1. State names, address and nationality I/We¹, of the person making this application hereby state/claim that the following person(s) be mentioned as inventor(s) in the Patent Application
2. Insert the name of the person No. dated mentioned as inventor made byor hereby declare that²

..... ought not
to have mentioned as inventor in the
application for Patent No.
..... dated
made by and
I/we hereby apply for a certificate to
that effect

A statement setting out the
circumstances under which this
application is made is attached
together with the copy/copies thereof
as required under the rules

3. Complete address including postal
index number/code and State along
with telephone and fax number(s)

My/Our address for service in India is³,
.....
.....

Dated this.....day of.....20.....

4. To be signed by the applicant or his
authorized registered patent agent

Signature⁴

5. Name of the natural person who has
signed

(.....)⁵

To,

The Controller of Patents,
The Patent Office,
At

Note: For fee : See First Schedule

<p style="text-align: center;">²³¹[FORM 8-A THE PATENTS ACT, 1970 (39 of 1970) And THE PATENTS RULES, 2003 <i>Certificate of Inventorship</i> [See Rule 70-A]</p>	
1. Name of the Inventor, and Patent Number.	<p>I..... ¹, Inventor in respect of Patent Number.....¹, hereby request for the grant of a 'Certificate of Inventorship' in respect of the Patent.</p> <p style="text-align: center;">OR</p> <p>I.....¹, Inventor in respect of Patent Number.....¹, hereby request for the grant of a duplicate certificate of inventorship in respect of the Patent. The statement setting out the circumstances in which the original certificate of inventorship was lost, destroyed, damaged or cannot be produced are as follows:</p>

2. To be signed by the inventor and the date of filing of this request.	Signature ² (BELOW INFORMATION IS MANDATORILY REQUIRED TO BE SUBMITTED) (Name of the Inventor who has signed) Aadhaar number of the Inventor (for Indian inventors) House No. Apartment/Street City State Country Pin Code Mobile Phone: (OTP verification mandatory-will be redacted) Email: (OTP verification mandatory-will be redacted) Dated this.....day of20....2
	To The Controller of Patents, The Patent Office, at..... ²
Note.—This Certificate does not, in any manner whatsoever, confer or derogate from any rights under the patent.]	

FORM 9
THE PATENTS ACT, 1970
(39 of 1970)
And
THE PATENTS RULES, 2003
Request for Publication
[See Section 11-A(2); Rule 24-A]

- Name, address and nationality of the applicant(s) I/We¹
.....
.....
.....
- To be signed by the applicant or his authorized registered patent agent hereby request for early publication of my/our [232](#) [Patent Application No.] dated under Section 11-A(2) of the Act
Dated this.....day of.....20.....
- Name of the natural person who has signed Signature²
(.....)³

To,
The Controller of Patents,
The Patent Office,
At

Note.—For fee : See First Schedule

FORM 10
THE PATENTS ACT, 1970
(39 of 1970)
And
THE PATENTS RULES, 2003
Application for Amendment of Patent
(See Section 44; Rule 75)

1. Repeat the columns (a) to (c) if there are more than one applicant

I/We ¹
(a) ²
(b) ³
2. Insert the name in full. Family or principal name in the beginning if the applicant is a natural person

(c) ⁴
(a) ²
(b) ³
(c) ⁴
3. Insert the complete address including postal index number/code and State and/or country

(a) ²
(b) ³
(c) ⁴
4. Insert the nationality

hereby request that Patent No. dated granted to
..... may be amended by substituting my/our name for the name of the grantee and in support to my/our request, I/we furnish the following documents:
5. Complete address including postal index number/code and State along with telephone and fax number(s)

.....
My/Our address for service in India is ⁵
.....
.....
Dated this.....day of.....20.....
6. To be signed by the applicant(s) or his authorised registered patent agent

Signature ⁶
(.....) ⁷
7. Name of the natural person who has

signed

To,
The Controller of Patents,
The Patent Office,
At

Note.—For fee : See First Schedule

FORM 11
THE PATENTS ACT, 1970
(39 of 1970)

And
THE PATENTS RULES, 2003

Application for Direction of the Controller

[See Sections 51(1) and 51(2); Rules 76 and 77]

1. State the name in full, address and I/We¹
nationality
..... hereby
apply for the following direction in
respect of Patent No. dated
..... grant to
The reasons for making this
application are as follows:
.....
.....
2. Complete address including postal My/Our address for service in India
index number/code and State along is²:
with telephone and fax number(s)
.....
Dated this.....day of.....20.....
3. To be signed by the applicant(s) or his Signature³
4. Name of the natural person who has signed (.....)⁴

To,
The Controller of Patents,
The Patent Office,
At

Note.—For fee : See First Schedule

FORM 12
THE PATENTS ACT, 1970
(39 of 1970)

And

THE PATENTS RULES, 2003

Request for Grant of Patent under Section 26(1) and 52(2)

[See Sections 26(1) and 52(2); Rules 63-A and 79]

1. Repeat the columns (a) to (c) if there are more than one applicant I/We¹
2. Insert the name in full. Family or principal name in the beginning, if the applicant is a natural person (a)²
3. Insert the complete address including postal code and State and/or country (b)³
4. Nationality of the person (c)⁴ hereby declare:
5. Name of the High Court (i) that I/we made opposition under Section 25(3) before the Controller or a petition under Section 64 of the Act before the Appellate Board or High Court of⁵ and the details of the patent and the opposition for the petition are given below:
6. Name, address and nationality of the true and first inventor Patent No. dated Grantee/Patentee Opposition Notice dated or Petition No. dated
7. Complete address including postal index number code and State along with telephone and fax number(s) (ii) that I/we have claimed to be the true and first inventor(s)/assignee (s)/legal representative(s) of⁶
8. To be signed by the applicant(s) or his authorized registered patent agent the true and first inventor of the invention for which the said patent was granted (iii) that by an order in the said opposition or petition the patent was revoked/the complete specification of the patent was directed to be amended by exclusion of claims thereof (iv) that the Controller or Appellate Board or Court ordered to grant to me a patent in lieu of the said

patent/part of the invention
excluded by the amendment

(v) that I/we submit a statement and
certified copy of the order of the
Controller or Appellate Board or
Court in support of my application
and request that a patent be
granted to me in accordance with
the order of the Appellate Board or
Court

9. Name of the natural person who has signed My/Our address for service in India is⁷:

.....
.....

Dated this.....day of.....20.....

Signature⁸

(.....)⁹

To,

The Controller of Patents,
The Patent Office,
At

Note.—(a) Strike out whichever is not applicable

(b) For Fee : See First Schedule

<p>233[FORM 13 THE PATENTS ACT, 1970 (39 of 1970) and THE PATENTS RULES, 2003 APPLICATION FOR AMENDMENT OF THE APPLICATION FOR PATENT/COMPLETE SPECIFICATION/ANY DOCUMENT RELATED THERETO [See Section 57; sub-rule (1) of Rule 81]</p>	
<p>1. Name of the applicant</p>	<p>I/We</p> <p>..... request leave to amend the application/any document related thereto/complete specification with respect to application for patent No.....dated.....as highlighted in the copy hereto annexed. My/Our reason for making this request are as follows—I/We declare that no action for infringement or for the revocation of the patent in question is pending</p>

	before Appellate Board or a Court. I/We declare that the facts and matters stated herein are true to the best of my/our knowledge information and belief.
2. To be signed by the applicant (s) or patentee(s) or by his authorized registered patent agent	Dated this.....day of.....20..... Signature.....
3. Name of the natural person who has signed	(.....)
	To The Controller of Patents, The Patent Office, at.....
<i>Note.—For fee: See First Schedule.]</i>	

FORM 14
THE PATENTS ACT, 1970
(39 of 1970)

And
THE PATENTS RULES, 2003

Notice of Opposition to Amendment/Restoration/Surrender of Patent/Grant of Compulsory Licence or Revision of Terms thereof or to Correction of Clerical Errors

[See Sections 57(4), 61(1), 63(3), 78(5) and 87(2); Rules 81(3)(b), 85(1), 87(2), 98(1), 101(3) and 124]

- State the name, address and I/We¹
nationality
hereby give notice of opposition:—
to the amendment of the
application/specification with respect
to application for Patent No.....
dated.....
- Complete address including postal to the application for restoration of
index number/code and State along Patent No. dated
with telephone and fax number(s)
Or
to the offer to surrender the Patent No.
..... dated
Or
for the grant of compulsory licence, or
revocation of Patent No.....
dated
- To be signed by the opponent or his authorised registered patent agent
Or
for the revision of the terms and

conditions of licence in respect of
Patent No. dated
.....

Or

4. Name of the natural person who has for correction of a clerical error in
signed Patent No. dated
...../Specification No.

dated in respect of
Patent No. dated
..... or Patent Application
No. dated

The grounds in which the said
opposition is made are as follows:—

.....
.....

My/Our address for service in India
is²:

.....
.....

Dated this.....day of.....20.....

Signature³

(.....)⁴

To,

The Controller of Patents,
The Patent Office,
At

Note.—(a) Strike out whichever is not applicable

(b) For Fee : See First Schedule

FORM 15

THE PATENTS ACT, 1970
(39 of 1970)

And

THE PATENTS RULES, 2003

Application for the Restoration of Patent

(See Section 60; Rule 84)

1. Insert the name, address, nationality I/We¹
of the applicant(s)

.....
hereby apply for an order of the Controller
for the restoration of Patent No.
dated granted to

The circumstances which led to the failure to
pay the renewal fee for the year

..... on or before are as follows:

.....
I/We declare that I/we have not assigned the patent to any other person(s) and that the facts and matters stated herein are true to the best of my/our knowledge, information and belief.

Dated this day of 20

2. To be signed by the applicant(s) or by his authorized registered patent agent

Signature²
(.....)

3

3. Name of the natural person who has signed

To,

The Controller of Patents,
The Patent Office,
At

Note.—For fee : See First Schedule

FORM 16

THE PATENTS ACT, 1970
(39 of 1970)

And

THE PATENTS RULES, 2003

Application for Registration of Title/Interest in a Patent or Share in it or Registration of any document purporting to affect Proprietorship of the Patent

[See Sections 69(1), 69(2); Rules 90(1) and 90(2)]

1. Insert the name, address and I/We¹
nationality of the applicant(s)

.....
hereby apply that my/our name(s) may be registered in the register of patent as a person entitled to the patent/a share in the patent/an interest in the patent details of which are specified below:

2. A description of the nature of the document, giving the date and the names, address and nationality of the parties thereto Patent No. dated
Grantee Patentee
and in proof thereof we transmit the accompanying²
with a certified copy thereof

Or

Transmit herewith an attested copy

- of².....
.....
3. Complete address including postal code and State along with telephone and fax number(s) in respect of Patent No(s)..... dated..... granted to..... of which the patentee is..... as well as the original document for verification and I/we hereby apply that a notification thereof may be entered in the register of patents
4. To be signed by the applicant or his authorized registered patent agent My/Our address for service in India is³
.....
.....
Dated this.....day of.....20.....
5. Name of the natural person who has signed Signature⁴
(.....)⁵
- To,
The Controller of Patents,
The Patent Office,
At

Note.—(a) For fee : See First Schedule
(b) Strike out whichever is not applicable

FORM 17
THE PATENTS ACT, 1970
(39 of 1970)
And

THE PATENTS RULES, 2003

Application for Compulsory Licence

[See Sections 84(1), 91, 92(1) or 92-A; Rule 96]

1. Name, address and nationality of the applicant(s) I/We¹
..... hereby apply for the grant of a compulsory licence under Patent No..... dated..... granted to..... for which the patentee is on the following grounds, namely:—
.....
2. Certified copies of the documents are to be enclosed in duplicate
3. Complete address including postal code and State along with telephone and fax number(s) I/We declare that the facts and matters stated herein are true to the best of my/our knowledge, information and belief

4. To be signed by the applicant(s) or by his authorised registered patent agent
- The details of documentary evidence in support of my/our interest and the grounds stated above are given below²
- (a)
(b)
(c)
- My/Our address for service in India is³:
- Dated this.....day of.....20.....
5. Name of the natural person who has signed
- Signature⁴
(.....)⁵

To,
The Controller of Patents,
The Patent Office,
At

Note.—For fee : See First Schedule

<p>FORM 18 THE PATENTS ACT, 1970 (39 of 1970) And THE PATENTS RULES, 2003 <i>Request/Express request for Examination of Application for Patent</i> [See Section 11-B and Rules 20(4)(i), 24-B(1)(i)]</p>	<p>(For office use only)</p> <p>RQ No.: Filing Date: Amount of Fee paid: CBR No.: Signature:</p>
<p>1. Applicant(s)/other interested person (a) Name: (b) Nationality: (c) Address: 234 [(d) date of publication of the application under Section 11-A.....]</p>	
<p>2. Statement in case of request for examination made by the applicant(s) I/We hereby request that my/our application for Patent No. filed on for the invention titled shall be examined under Sections 12 and 13 of the Act Or I/We hereby make an express request that my/our application for Patent No. filed on based on Patent Cooperation Treaty (PCT) Application No. dated made in country shall be examined under Sections 12 and 13 of the Act, immediately without waiting for the expiry of 31 months as specified in Rule 20(4)(i)</p>	
<p>3. Statement in case of request for examination made by any other interested person</p>	

<p>I/We the interested person request for the examination of the Application No. dated filed by the applicant titled under Sections 12 and 13 of the Act</p> <p>As an evidence of my/our interest in the application for patent following documents are submitted</p> <p>(a)</p> <p>.....</p>
4. Address for service
<p style="text-align: center;">Dated this day of 20</p> <p style="text-align: center;">Signature</p> <p style="text-align: center;">Name of the signatory</p> <p>To,</p> <p style="margin-left: 40px;">235[The Controller of Patents]</p> <p style="margin-left: 40px;">The Patent Office,</p> <p style="margin-left: 40px;">At</p>
<p><i>Note:</i></p> <p>* To be signed by the applicant(s) or by his authorized registered patent agent</p> <p>* Strike out the column which is/are not applicable</p>
<p>* For fee : See First Schedule</p>

<p>236[FORM 18-A</p> <p>THE PATENTS ACT, 1970</p> <p>AND THE PATENT RULES, 2003</p> <p>REQUEST FOR EXPEDITED EXAMINATION</p> <p>OF APPLICATION FOR PATENT</p> <p>[See Section 11-B and Rule 24-C]</p>	<p style="text-align: center;">(FOR OFFICE USE ONLY)</p> <p>RQ. No.:</p> <p>Filing Date:</p> <p>Amount of fee Paid:</p> <p>CBR no:</p> <p>Signature:</p>
<p>1. APPLICANT(s)</p> <p>(A) NAME:</p> <p>(B) NATIONALITY:</p> <p>(C) ADDRESS:</p>	
<p>2. I/We hereby request that my/our application for Patent No. filed on..... for the..... invention titledshall be examined under Sections 12 and 13 of the Act.</p> <p style="text-align: center;">or</p> <p>I/We hereby request that my/our application for Patent No. filed on for the invention titled based on Patent Cooperation Treaty (PCT) Application No. dated made in country shall be examined under Sections 12 and 13 of the Act, immediately without waiting for the expiry of 31 months as specified in Rule 20(4)(ii).</p> <p style="text-align: center;">or</p> <p>I/We hereby request that my/our request for examination Bearing No. for</p>	

application for Patent No. filed on for
the invention titled may be converted to a request for expedited examination of patent application under Rule 24-C and the application shall be examined under Sections 12 and 13 of the Act.

237[3. The applicant(s) to indicate (by ticking the appropriate box) any of the grounds applicable for request for expedited examination:

- ☐ that India has been indicated as the competent International Searching Authority or elected as an International Preliminary Examining Authority in the corresponding international application; or
- ☐ that the applicant is a startup; or
- ☐ that the applicant is a small entity; or
- ☐ that the applicant is a natural person or in the case of joint applicants, all the applicants are natural persons, then applicant or at least one of the applicants is a female; or
- ☐ that the applicant is a department of the Government; or
- ☐ that the applicant is an institution established by a Central, Provincial or State Act, which is owned or controlled by the Government; or
- ☐ that the applicant is a Government company as defined in clause (45) of Section 2 of the Companies Act, 2013 (18 of 2013); or
- ☐ that the applicant is an institution wholly or substantially financed by the Government; or
- ☐ that the application pertains to a sector which has been notified by the Central Government, on the basis of a request from the head of department of the Central Government; or
- ☐ that the applicant is eligible under an arrangement for processing a patent application pursuant to an agreement between Indian Patent Office and a foreign Patent Office.

4. Documents to be mandatorily submitted as evidence of eligibility for availing expedited examination on the grounds:

- a. that India has been indicated as the competent International Searching Authority in the corresponding international application:

- Relevant ISA number issued by ISA, India.

that India has been elected as an International Preliminary Examining Authority in the corresponding international application:

- Relevant IPEA number issued by IPEA, India.

- b. that the applicant is a startup:

A. For an Indian applicant: The certificate of recognition as a startup from Department for Promotion of Industry and Internal Trade.

B. In case of a foreign entity: Any document as evidence of eligibility.

- c. that the applicant is a small entity:

A. For an Indian applicant: Evidence of registration under the Micro, Small and Medium Enterprises Act, 2006 (27 of 2006).

B. In case of a foreign entity: Any document as evidence of eligibility.

- d. that the applicant is a natural person or in the case of joint applicants, all the applicants are natural persons, then applicant or at least one of the applicants is a female:

- A. In case of Indian applicant: Photo identity card of female applicant issued by competent authority as evidence of eligibility.
- B. In case of a foreign applicant: Photo identity card of female applicant issued by competent authority as evidence of eligibility.
- e. Where the applicant is a department of the Government:
- A. In case of Indian applicant: Any document as evidence of eligibility.
- B. In case of a foreign applicant: Any document as evidence of eligibility.
- f. that the applicant is an institution established by a Central, Provincial or State Act, which is owned or controlled by the Government:
- A. In case of Indian applicant: Any document as evidence of eligibility.
- B. In case of a foreign applicant: Any document as evidence of eligibility.
- g. that the applicant is a Government company as defined in clause (45) of Section 2 of the Companies Act, 2013 (18 of 2013):
- A. In case of Indian applicant: Any document as evidence of eligibility.
- B. In case of a foreign applicant: Any document as evidence of eligibility.
- h. that the applicant is an institution wholly or substantially financed by the Government:
- A. In case of Indian applicant: Any document as evidence of eligibility.
- B. In case of a foreign applicant: Any document as evidence of eligibility.
- i. that the application pertains to a sector which has been notified by the Central Government, on the basis of a request from the head of a department of the Central Government:
- Notification from the Central Government and documents as maybe required by the Controller.
- j. that the applicant is eligible under an arrangement for processing a patent application pursuant to an agreement between Indian Patent Office and a foreign Patent Office:
- Declarations and documents as maybe required by the Controller.]

ADDRESS FOR SERVICE IN INDIA:

.....
.....

Dated this day of 20

Signature

Name of the signatory

To

The Controller of Patent

The Patent Office, at

Note:

To be signed by the applicant(s) or by his/their authorized registered patent agent

"Strike out the column(s) which is/are not applicable.";

For fee: See First Schedule.]

FORM 19

THE PATENTS ACT, 1970

(39 of 1970)

And

THE PATENTS RULES, 2003

Application for Revocation of a Patent for Non-working

[See Section 85(1); Rule 96]

1. Name, address and nationality of the applicant(s) I/We¹
.....
.....
2. State the nature of the applicant's interest, the facts on which he relies and the grounds on which the application is made hereby apply for revocation of Patent No. dated..... granted to for which the patentee/applicant for patent is
for the following reason, namely:
²
.....
3. Certified copies of all the documents are to be enclosed in duplicate The details of documentary evidence in support of my/our interest and the reasons stated above are given below³:
(a)
(b)
(c)
4. Complete address including postal index number/code and State along with telephone and fax number(s) I/We declare that the facts and matters stated herein are true to the best of my/our knowledge, information and belief
My/Our address for service in India is⁴
.....
.....
.....
5. To be signed by the applicant(s) or his authorized registered patent agent Dated this.....day of.....20.....
6. Name of the natural person who has signed Signature⁵
(.....)⁶

To,

The Controller of Patents,
The Patent Office,
At

Note.—(a) For fee : See First Schedule

(b) Strike out whichever is not applicable

FORM 20

THE PATENTS ACT, 1970
(39 of 1970)

And

THE PATENTS RULES, 2003

Application for Revision of Terms and Conditions of Licence

[See Section 88(4); Rule 100]

1. Name, address and nationality of the I/We¹
applicant(s)

hereby declare:

(i) that Patent No. dated
..... was granted to
..... for which the
patentee is

(ii) that I/we am/are holding
licence under the patent, granted
by the Controller by an order
dated.....

2. To be signed by the applicant(s) or by
his authorised registered patent agent

(iii) that the terms and conditions
settled by the Controller have
proved to be more onerous than
originally expected and we are
unable to work the invention

3. Name of the natural person who has
signed

(iv) that the circumstances in which
this application is made are set
forth in the accompanying
statement in duplicate

I/We request the Controller to revise
the terms and conditions of the licence
Dated this.....day of.....20.....

Signature²
(.....)³

To,

The Controller of Patents,
The Patent Office,
At

Note.—(a) For fee : See First Schedule

(b) Strike out whichever is not applicable

FORM 21

THE PATENTS ACT, 1970
(39 of 1970)

And

THE PATENTS RULES, 2003

Request for Termination of Compulsory Licence

[See Section 94; Rule 102(1)]

1. Name, address and nationality of the applicant(s) I/We¹
.....
hereby apply for the termination of the compulsory licence granted to by the order of the Controller dated under [238](#) [Patent No.] dated granted to for which the patentee
 2. Certified copies of the documents are to be enclosed in duplicate I/We declare that I am/we are the patentee for the abovementioned patent
I/We declare that I/we derive title/interest in the patent
I/We make the abovementioned request for termination on the following grounds, namely:
.....
.....
 3. Complete address including postal code and State along with telephone and fax number(s) I/We declare that the facts and matters stated herein are true to the best of my/our knowledge, information and belief
 4. To be signed by the applicant(s) or by his authorized registered patent agent The details of documentary evidence in support of my/our interest and the grounds stated above are given below²:
(a)
(b)
(c)
 5. Name of the natural person who has signed My/Our address for service in India is³:
.....
Dated this.....day of.....20
Signature⁴
(.....)⁵
- To,
The Controller of Patents,
The Patent Office,
At

Note.—(a) For fee : See First Schedule

(b) Strike out whichever is not applicable

FORM 22
THE PATENTS ACT, 1970
(39 of 1970)
And
THE PATENTS RULES, 2003
Application for Registration of Patent Agent
[See Rules 109(1) and 112]

I beg to apply for registration as a patent agent under the Patents Act, 1970

1. Certificate testifying to the character of the applicant should be from a person not related to him and being a Gazetted Officer or any other person whom the Controller thinks fit

A certificate of character¹
From
.....
.....

is enclosed herewith

I hereby declare that I am not subject to any of the disqualifications specified in Rule 114 of the Patents Rules, 2003 and that the information given below is true to the best of my knowledge and belief

Name²
.....

2. Family or principal name in the beginning

Address/Place of residence.....
.....

Principal place of business:
.....

Address of the branch office, if any:
.....
.....

3. Either original certificates and other documents or copies thereof duly attested by the Gazetted Officer or any other person whom the Controller thinks fit must be sent with the application

Father's name:
.....

Nationality:

Date and place of birth:
.....

Occupation:

Particulars of qualification for registration as patent agent³

(a)

(b)
(c)
4. To be signed by the applicant Dated this.....day of.....20
5. Name of the natural person who has Signature⁴
signed (.....)⁵
To,
The Controller of Patents,
The Patent Office,
At

Note.—(a) For fee : See First Schedule
(b) Attach two recent passport size photographs
(c) Provide specimen signature in separate sheet

FORM 23
THE PATENTS ACT, 1970
(39 of 1970)
And
THE PATENTS RULES, 2003
Application for the Restoration of the Name in the Register of Patent Agents
[See Section 130(2); Rule 117(1)]

I, hereby
apply for the restoration of my name
in the register of patent agent which
was removed on
under Section 130 or Rule 116. My
name was originally entered in the
register on under No.
.....
1. To be signed by the applicant Dated this.....day of.....20
2. Name of the natural person who has Signature¹
signed (.....)²
To,
The Controller of Patents,
The Patent Office,
At

Note.—For fee : See First Schedule

FORM 24
THE PATENTS ACT, 1970
(39 of 1970)
And
THE PATENTS RULES, 2003
Application for Review/Setting aside Controller's decision/order

[See Sections 77(1)(f) and 77(1)(g) and Rules 130(1) and 130(2)]

1. State the number of patent or patent application number and the relevant proceeding In the matter of¹
.....
.....
2. Name, address and nationality of the applicant(s) I/We²
.....
.....
being the applicant(s)/opponent/party in the above matter hereby apply for the review/setting aside of the Controller's decision/order dated the in the above matter
The grounds for making the application are set forth in the accompanying statement submitted in duplicate
Dated this.....day of.....20.....
3. To be signed by the applicant(s) or his authorized registered patent agent Signature³
4. Name of the natural person who has signed (.....)⁴

To,

The Controller of Patents,
The Patent Office,
At

Note.—For fee : See First Schedule

FORM 25
THE PATENTS ACT, 1970
(39 of 1970)
And

[239](#) [* * *]

THE PATENTS RULES, 2003
Request for Permission for making Patent application outside India
[See Section 39 and Rule 71(1)]

1. State the title of the invention I am/We are in possession of an invention for¹
.....
I/We have made an application for the grant of a patent for the said invention, its number being No.

..... of dated

2. Name and address of the person(s) Or

I/We hereby attach the brief description of the invention

I/We intend to make application(s) alone/jointly with²

.....

for the same/substantially same invention for patent in the following country/countries/convention countries, namely: —

3. Name and address of the assignee

.....

.....

I/We declare that the rights in the application(s) has/have been assigned to³

.....

I/We request that I/we may be granted permission to make application(s) for the said invention in the said country/countries. The reasons for making this application, are as follows: —

The facts and matters stated above are true to the best of my/our knowledge, information and belief

Dated this.....day of.....20.....

4. To be signed by the applicant(s) or authorized patent agent Signature⁴

To,

The Controller of Patents,
The Patent Office,
At

²⁴⁰[Note.—(a) Strike out whichever is not applicable;
(b) For fee see First Schedule.]

FORM 26
THE PATENTS ACT, 1970
(39 of 1970)
And
THE PATENTS RULES, 2003
Form for Authorisation of a Patent Agent/or any person in a matter or proceeding under the Act

[See Sections 127 and 132; and Rule 135]

1. Insert name, address and nationality I/We¹
.....
2. Insert the name, address and
nationality of the person(s) to be
authorized hereby authorise²
.....
3. State the particular matter or to act on my/our behalf in connection
proceeding for which the authorisation with³
is made
and request that all notices,
requisitions and communication
relating thereto may be sent to such
person at the above address unless
otherwise specified
I/We hereby revoke all previous
authorisation, if any made, in respect
of same matter or proceeding
I/We hereby assent to the action
already taken by the said person in
the above matter
Dated this day of 20
.....
4. To be signed by the person(s) making Signature⁴
this authorisation
5. Name of the natural person who has (.....)⁵
signed along with designation and
official seal, if any

To,

The Controller of Patents,
The Patent Office,
At

To be stamped under the Indian Stamp Act, 1899 (2 of 1899)

²⁴¹[FORM 27

THE PATENTS ACT, 1970

(39 of 1970)

And

THE PATENTS RULES, 2003

No Fee

Statement regarding the working of the Patented Invention on a commercial scale in India

[See Section 146(2) and Rule 131(1)]

1. Insert name, address, nationality,	I/ We, the Patentee(s)/ Licensee, in respect of patent number(s), furnish this statement,
--	--

patent number(s).	(Explanation: One form may be filed in respect of multiple patents, provided all of them are related patents and are granted to the same patentee(s)).		
2. State the financial year to which the statement relates.	in respect of the financial year		
3. Worked/not worked. Please state whether each patent in respect of which this form is being filed is worked or not worked.	Patent Number(s)	Worked [Tick (✓) if applicable]	Not worked [Tick (✓) if applicable]
4. If not worked, please tick the appropriate reasons	<input type="checkbox"/> Patented Invention is under development/ commercial trial <input type="checkbox"/> Patented Invention is under Review/approval with Regulatory authorities <input type="checkbox"/> Exploring commercial licensing <input type="checkbox"/> Any other, may specify:		
5. Whether the patent is available for licensing	<input type="checkbox"/> YES <input type="checkbox"/> NO In case of YES, would you be interested in receiving communications from any person interested in seeking a license. If so, kindly provide contact details as below: Email address: Contact Number:		
	The facts and matters stated above are true to the best of my/our knowledge, information and belief. Dated this day of 20.....		
6. To be signed by Patentee (s)/Licensee/Authorised Agent furnishing the statement.	Signature(s) To The Controller of Patents, The Patent Office, at		

Note: 1. Every patentee and every licensee (exclusive or otherwise) is required to file this Form; where a patent is granted to two or more persons, this form may be filed jointly by all or any of such persons.

2. Subject to conditions specified under the Patent Act, 1970 a patented invention shall not be considered as 'not worked' merely on the ground that the patented product has been imported in India.]

THE PATENTS RULES, 2003 TO BE SUBMITTED BY A SMALL ENTITY/STARTUP/EDUCATIONAL INSTITUTION [See Rules 2(fa), 2(fb), 2(ca) and 7]		
1	Insert name, address and nationality.	I/We applicant/patentee in respect of the patent application No. or patent No. hereby declare that I/we am/are a small entity in accordance with Rule 2(fa) or a startup in accordance with Rule 2(fb) or an educational institution in accordance with Rule 2(ca) and submit the following document(s) as proof:
2	Documents to be submitted	
	i. For claiming the status of a small entity:	
	A. For an Indian applicant: Evidence of registration under the Micro, Small and Medium Enterprises Development Act, 2006(27 of 2006).	
	B. In case of a foreign entity: Any other document.	
	ii. For claiming the status of a start-up:	
	A. For an Indian applicant: Any document as evidence of eligibility, as defined in Rule 2(fb).	
	B. In case of a foreign entity: Any other document.	
	iii. For claiming the status of an educational institution	
	A. For an Indian applicant: Any document as evidence of eligibility, as defined in Rule 2(ca).	
	B. In case of a foreign educational institution: Any other document.	
3	To be signed by the applicant (s)/patentee(s)/authorized registered patent agent.	The information provided herein is correct to the best of my/our knowledge and belief. Dated thisday of 20...
4	Name of the natural person who has signed.	Signature]

<p style="text-align: center;">243[FORM 29 THE PATENTS ACT, 1970 (39 of 1970) and THE PATENTS RULES, 2003 REQUEST FOR WITHDRAWAL OF THE APPLICATION FOR PATENT [See Section 11-B(4) and Rules 7(4-A), 26]</p>	
1. Name of the applicant	I/We..... request that the application for patent numbered dated filed by me/us, if applicable, having the request

<p>2. To be signed by the applicant or his authorized registered patent agent</p> <p>3. Name of the natural person who has signed</p> <p>N.B. strike out whichever not applicable</p>	<p>for examination/request for expedited examination numbered dated....., be treated as withdrawn under Rule 7(4-A)/26.</p> <p>Dated.....day of.....</p> <p>Signature (.....)</p> <p>(Name)</p> <p>(Designation)</p> <p>To The Controller of Patents Patent Office at</p>
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<p>244[FORM 30 THE PATENTS ACT, 1970 (39 of 1970) and THE PATENTS RULES, 2003 TO BE USED WHEN NO OTHER FORM IS PRESCRIBED [See sub-rule (2) of Rule 8]</p>				
1. Name of the Applicant/Patentee/Other	I/We			
2. Complete address including postal index number/code and State along with E-mail ID, telephone, mobile and fax number.	House No.	---	Telephone No.	---
	Street	---	Mobile No.	---
	City	---	Fax No.	---
	State	---		
	Country	---		
	Pin Code	---	E-mail ID	---
3. Application No./Patent No.				
4. Relevant section/rules				
5. Purpose of request				
6. Details of request				
7. To be signed by applicant	Signature			
8. Name of the natural person who has signed along with designation and official seal, if any.	(.....)			

	To, The Controller of Patents, The Patent Office, at]
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<p>245[FORM 31 THE PATENTS ACT, 1970 (39 of 1970) And THE PATENTS RULES, 2003 <i>Complaint for Contravention or Default of Sections 120, 122 and 123</i> [See Section 124-A, Rule 107(1)]</p>	
1. Particulars of Complainant (mandatory): a. Name: b. Address for service: c. Contact No.: d. Email (for service):	
2. Of Complaint: — a. Date, time, and instance of commission of the alleged contravention or default: b. Statement of contravention or default setting out all relevant material particulars: c. Evidence in support of the statement: e. Tentative amount of damage (in Monetary terms) with cost break up	
I/We, the Complainant here in declare that the facts stated here in are correct to the best of my/our knowledge, information and belief.	
3. Signature of the Complainant:	Signature.....
4. Name of the natural person who has signed:	(.....)
	To, The Adjudicating Officer, The Patent Office, at
Note.—Strike out whichever is not applicable.]	

<p>246[FORM 32 THE PATENTS ACT, 1970 (39 of 1970) And THE PATENTS RULES, 2003 <i>Appeal against an Order passed by the Adjudicating Officer</i> [Section 124-B, Rule 107-D(1)]</p>	
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1. Particulars of Appellant (mandatory):— a. Name: b. Address for service: c. Contact No.: d. Email (for service):	
2. Particulars of Order passed by the adjudicating officer against which the appeal is preferred:— a. Case No.: b. Date of Order: c. Evidence in support of the statement:	
I/We, the Appellant herein declare that the facts stated herein are correct to the best of my/our knowledge, information and belief.	
3. Signature of the Appellant:	Signature
4. Name of the natural person who has signed:	(.....)
	To, The Appellate Authority, at
Note.—Strike out which ever is not applicable]	

247[THE THIRD SCHEDULE

(Refer Rule 74)

FORM OF PATENT

Government of India

Patent No.

Application No.

Date of filing

Patentee

Inventor(s)(Where applicable)

It is hereby certified that a patent has been granted to the patentee for an invention entitled as disclosed in the abovementioned application for the term of 20 years from the day of 19/20....., in accordance with the provisions of the Patents Act, 1970.

Date of Grant

Controller of Patents

(Seal of the Office)

Note.—The fees for renewal of this patent, if it is to be maintained, will fall due on day of 20..... and on the same day in every year thereafter.]

248[THE FOURTH SCHEDULE

[See proviso to Rule 136(1)]

Number of Entry	Matter in respect of which cost to be awarded	Amount (in rupees)	
		Natural person(s) or Startup(s) or Small	Other(s), alone or with natural person

		entit(y)/ (ies) or educational institution(s)	(s) or Startup(s) or Small entit(y)/ (ies) or educational institution(s)
1.	For notice of opposition under Sections 25, 57, 60, 63, 78, 87(2) or 88(4).	2400	12000
2.	For application for compulsory licence under Sections 84(1), 91(1) or 92(1).	1500	6000
3.	For application for revision of terms and conditions of licence under Section 88 (4) .	2400	12000
4.	For notice of intention to attend the hearing under Rule 62(2).	1500	6000
5.	Stamp fee for power of attorney where a patent agent or other person has been appointed or stamp fee in respect of relevant affidavits.	The amount actually paid.	The amount actually paid.
6.	For written statement under Rule 57 or reply statement under Rule 58 or for each affidavit, if relevant.	4000	5000
7.	For each document of publication produced in the proceedings, if relevant.	1600	2000
8.	For each unnecessary or irrelevant affidavit or citation.	1600	2000
9.	For every day or part day of hearing before the Controller.	4000	5000
10.	Sub-rule (2) of Rule 136	Aggregate of amounts actually paid in respect of entries 1, 2, 12, 27, 28, 29 of the First Schedule, as may be applicable	Twice the aggregate of amounts actually paid in respect of entries 1, 2, 12, 27, 28, 29 of the First Schedule, as may be Applicable.]

²⁴⁹[THE FIFTH SCHEDULE

[See Rules 19(2), 19-A(1)(b), 19-B(5), 19-B(12), 19-H, 19-K(5)]

²⁵⁰ [S. No.	On what payable (Relevant provision of Patents Rules, 2003, if any)	Relevant Rule of regulations under the Treaty	Natural person(s) or Startup(s) or Small entit (y)/(ies) or educational institution(s)	Other(s), alone or with natural person(s) or Startup(s) or Small entit(y)/ (ies) or educational institution(s)]
(1)	(2)	(3)	(4)	(5)
			(In Rupees)	(In Rupees)
1.	Search fee	Rule 16.1(a)	2500	10000
2.	Additional fee under Rule 19-B(5)	Rule 40.2	2500	10000
3.	Protest fee under Rules 19-B(5) and 19-J(5)	Rules 40.2 (e) and 68.3 (e)	1000	4000
4.	Preliminary examination fee	Rule 58.1	3000	12000
5.	Additional fee under Rule 19-J(5)	Rule 68.3	3000	12000
6.	Preliminary examination fee, if the International Search Report was prepared by the Indian International Searching Authority		2500	10000
7.	Additional fee under Rule 19-J(5), if the International Search Report was prepared by the Indian International Searching Authority		2500	10000
8.	Handling fee to be paid to be I-B	Rule 57	As specified in the schedule of fee annexed to the regulations made under the Treaty	
9.	Late furnishing fee	Rule 13ter.1 (c), 13ter.2, 12.3(e), 12.4(e)	1000	4000
10.	Late payment fee	Rule 58bis.2, 16bis.2	In accordance with the regulations made under the Treaty	
11.	Copy of Results of Earlier Search and of Earlier Application	12bis.1(c)	1000	4000]

¹: Ministry of Commerce and Industry (Deptt. of Industrial Policy and Promotion), Noti. No. S.O. 493(E), dated May 2, 2003, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 2nd May, 2003, pp. 94-174, No. 406.

²: Ss. 3(a), (ab), (ac), (b), (c), (d), (e), (f), (g), (h), (i)(A), (i)(C), 4 to 34, 36(b), 37 to 46, 48 to 63, 64(a), 64(b),

64(c), 64(e), 65 and 66 of Patents (Amendment) Act, 2002, came into force w.e.f. 20-5-2003 [*Vide* S.O. 561(E), dt. 20-5-2003].

Ss. 3(aa) and 3(i)(B), 35, 36(a), 47 and 64(d) of Patents (Amendment) Act, 2002, came into force w.e.f. 2-4-2007 [*Vide* S.O. 510(E), dated April 2, 2007].

³ *Ins.* by G.S.R. 646(E), dt. 21-9-2021 (w.e.f. 21-9-2021).

⁴ *Ins.* by G.S.R. 125(E), dt. 28-2-2014 (w.e.f. 28-2-2014).

⁵ *Ins.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).

⁶ *Ins.* by G.S.R. 125(E), dt. 28-2-2014 (w.e.f. 28-2-2014).

⁷ *Ins.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).

⁸ *Subs.* by G.S.R. 1472(E), dt. 1-12-2017 (w.e.f. 1-12-2017). Prior to substitution it read as:
“Start-up” means an entity, where—

(i) more than five years have not lapsed from the date of its incorporation or registration;

(ii) the turnover for any of the financial years, out of the aforementioned five years, did not exceed Rupees Twenty-five crores; and

(iii) it is working towards innovation, development, deployment or commercialisation of new products, processes or services driven by technology or intellectual property:

Provided that any such entity formed by splitting up or reconstruction of a business already in existence shall not be considered as a start-up:

Provided further that the mere act of developing—

a. products or services or processes which do not have potential for commercialisation, or

b. undifferentiated products or services or processes, or

c. products or services or processes with no or limited incremental value for customers or workflow, would not be covered under this definition.

Explanation 1.—An entity shall cease to be a start-up on completion of five years from the date of its incorporation/or registration or if its turnover for any previous year exceeds Rupees Twenty-five crores.

Explanation 2.—Entity means a private limited company (as defined in the Companies Act, 2013), or a registered partnership firm registered under Section 59 of the Partnership Act, 1932 or a limited liability partnership under the Limited Liability Partnership Act, 2002.

Explanation 3.—The term “Turnover” shall have the same meaning as defined in the Companies Act, 2013 (18 of 2013).

Explanation 4.—An entity is considered to be working towards innovation, development, deployment or commercialisation of new products, processes or services driven by technology or intellectual property if it aims to develop and commercialise a new product or service or process, or a significantly improved existing product or service or process that will create or add value for customers or workflow.

Explanation 5.—The reference rates of foreign currency of the Reserve Bank of India shall prevail.’.

⁹ Figures and letters “24-A, 24-B, 24-C,” omitted by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

¹⁰ The words and figures “other than those under Sections 39, 65 and 125” omitted by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

¹¹ Omitted by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006). Prior to omission it read as:

"(ii) for proceedings under Sections 39, 65 and 125 be the head office of the patent office."

¹². *Ins.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013).

¹³. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:

"5. *Address for service.*—Every person, concerned in any proceedings to which the Act or these rules relate and every patentee, shall furnish to the Controller an address for service in India and that address may be treated for all purposes connected with such proceedings or patent as the address of the person concerned in the proceedings or of the patentee. Unless such an address is given, the Controller shall be under no obligation either to proceed or deal with any proceeding, or patent or to send any notice that may be required to be given under the Act or these rules and the Controller may take suo motu decision in the matter."

¹⁴. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:

"(1) Any application, notice or other document authorised or required to be filed, left, made or given at the patent office, or to the Controller or to any other person under the Act or these rules, may be tendered by hand or sent by a letter addressed to the Controller at the appropriate office or to that person through post or registered post or speed post or courier service or by electronic transmission duly authenticated. If it is sent by post or registered post or speed post or courier service or by electronic transmission duly authenticated, it shall be deemed to have been filed, left, made or given at the time when the letter containing the same would have been delivered in the ordinary course of post or registered post or speed post or courier service, or by electronic transmission duly authenticated, as the case may be. In proving such sending, it shall be sufficient to show that the letter was properly addressed and mailed:

Provided that any application, notice or document sent through fax or by electronic transmission duly authenticated, shall also be deemed to have been filed, left, made or given if the same is clear and fully legible and its original is submitted to the appropriate office within fifteen days from the date of receipt of such fax or by electronic transmission duly authenticated."

¹⁵. The words "or courier service" *omitted* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).

¹⁶. The words "or courier service" *omitted* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).

¹⁷. The words "or courier service" *omitted* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).

¹⁸. *Proviso omitted* by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006). Prior to omission it read as:

"Provided that any application, notice or the document sent through fax or by electronic transmission duly authenticated, shall also be deemed to have been filed, left, made or given if the same is clear and fully legible and its original or paper copy, as the case may be, is submitted to the appropriate office within one month from the date of receipt of such fax or by electronic transmission duly authenticated."

¹⁹. *Subs.* by G.S.R. 663(E), dt. 17-9-2019 (w.e.f. 17-9-2019). Prior to substitution it read as:

"(1-A) Notwithstanding anything contained in sub-rule (1), a patent agent shall file, leave, make or give all documents only by electronic transmission duly authenticated, including scanned copies of documents that are required to be submitted in original:

Provided that the original documents that are required to be submitted in original, shall be submitted within a period of fifteen days, failing which such documents shall be deemed not to have been filed."

²⁰. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:

"(2) Any written communication addressed to a patentee at his address as it appears on the register of patents or at his address for service given under Rule 5, or to any applicant or opponent in any proceedings under the Act or these rules, at the address appearing on the application or notice of opposition, or given for service, shall be deemed to be properly addressed."

- ²¹. The words "or courier service" *omitted* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).
- ²². The words "or courier" *omitted* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).
- ²³. *Ins.* G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).
- ²⁴. *Ins.* by G.S.R. 125(E), dt. 28-2-2014 (w.e.f. 28-2-2014).
- ²⁵. *Subs.* by G.S.R. 646(E), dt. 21-9-2021 (w.e.f. 21-9-2021). Prior to substitution it read as:
 "Provided further that in the case of a small entity, or startup, every document, for which a fee has been specified, shall be accompanied by Form 28."
- ²⁶. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:
 "(a) The fees payable under the Act may either be paid in cash or through electronic means or may be sent by bank draft or cheque payable to the Controller of Patents and drawn on a scheduled bank at the place where the appropriate office is situated. If the draft or cheque is sent by post, the fees shall be deemed to have been paid on the date on which the draft or cheque would have reached the Controller in the ordinary course of mail."
- ²⁷. *Omitted* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to omission it read as:
 "(b) Cheques or drafts not including the correct amount of commission and cheques on which the full value specified therein cannot be collected in cash, shall be accepted only at the discretion of the Controller."
- ²⁸. *Subs.* by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006). Prior to substitution it read as:
 "(c) Where a fee is payable in respect of a document, the entire fee shall accompany the document or shall be paid within one month from the date of filing of the document:"
- ²⁹. *Subs.* by G.S.R. 646(E), dt. 21-9-2021 (w.e.f. 21-9-2021). Prior to substitution it read as:
 "(3) In case an application processed by a natural person or startup or small entity is fully or partly transferred to a person other than a natural person, startup or small entity, the difference, if any, in the scale of fees between the fees charged from the natural person, startup or small entity and the fees chargeable from the person other than a natural person, startup or small entity in the same matter, shall be paid by the new applicant with the request for transfer."
- ³⁰. *Omitted* by G.S.R. 689(E), dt. 4-11-2020 (w.e.f. 4-11-2020). Prior to omission it read as:
 "(3-A) In case an application processed by a small entity is fully or partly transferred to a person other than a natural person (except a small entity), the difference, if any, in the scale of fee(s) between the fee(s) charged from a small entity and the fee(s) chargeable from the person other than a natural person (except a small entity) in the same matter shall be paid by the new applicant with the request for transfer."
- ³¹. *Omitted* by G.S.R. 689(E), dt. 4-11-2020 (w.e.f. 4-11-2020). Prior to omission it read as:
 "(3-B) In case an application processed by a start-up is fully or partly transferred to any person other than a natural person or a start-up, the difference, if any, in the scale of fees between the fees charged from a start-up and such person to whom the application is transferred, shall be paid by the new applicant along with the request for transfer:
- ³². *Ins.* by G.S.R. 689(E), dt. 4-11-2020 (w.e.f. 4-11-2020).
- ³³. *Omitted* by G.S.R. 689(E), dt. 4-11-2020 (w.e.f. 4-11-2020). Prior to omission it read as:
 "Explanation.—Where the start-up ceases to be a start-up after having filed an application for patent due to lapse of more than five years from the date of its incorporation or registration or the turnover subsequently crosses the financial threshold limit as defined, no such difference in the scale of fees shall be payable."

- ^{34.} *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:
“(4) Fees once paid in respect of any proceeding shall not ordinarily be refunded irrespective of whether the proceeding has taken place or not.”.
- ^{35.} *Ins.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).
- ^{36.} *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:
“(2) Where no form is so specified for any purpose, the applicant may adopt any form specified in the Second Schedule with such modifications and variations as may be required.”.
- ^{37.} *Subs.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013). Prior to substitution it read as:
“9. *Size, etc. of documents.*—(1) All documents and copies of documents, except affidavits and drawings, sent to or left at the patent office or otherwise furnished to the Controller shall be written or typewritten or printed either in Hindi or in English language (unless otherwise directed or allowed by the Controller) in large and legible characters with deep indelible ink with lines widely spaced upon one side only of strong white paper of a size A4 of approximately 29.7 centimeters by 21 centimeters with a margin of at least 4 centimeters on the top and left hand part and 3 centimeters on the bottom and right hand part thereof. Any signature which is not legible or which is written in a script other than Hindi or English shall be accompanied by a transcription of the name either in Hindi or in English in block letters:
Provided that any document including drawing, if any, may also be filed in electronic form along with a copy of it on white paper:
Provided further that in case the application for patent discloses sequence listing of nucleotides and/or amino acids, the same shall be filed in electronic form.
(2) Additional copies of all documents shall be filed at the appropriate office, if required by the Controller.
(3) Names and addresses of applicants and other persons shall be given in full together with their nationality and such other particulars, if any, as are necessary for identification.”
- ^{38.} *Subs.* for “three months” by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).
- ^{39.} *Subs.* for “three months” by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).
- ^{40.} *Ins.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ^{41.} *Subs.* for “three months” by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).
- ^{42.} *Subs.* for “three months” by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).
- ^{43.} *Subs.* for “six months from the date of such filing” by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).
- ^{44.} *Subs.* for sub-rule (3) by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024). Prior to substitution it read as:
“(3) When so required by the Controller under sub-section (2) of Section 8, the applicant shall furnish information relating to objections, if any, in respect of novelty and patentability of the invention and any other particulars as the Controller may require which may include claims of application allowed within six months from the date of such communication by the Controller.”
- ^{45.} *Ins.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).
- ^{46.} *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:
“(4) Where the invention requires explanation through drawings, such drawings shall be prepared in accordance with the provisions of Rule 15 and shall be supplied with, and referred to in detail, in the specification:
Provided that in the case of a complete specification, if the applicant desires to adopt the drawings filed with his provisional specification as the drawings or part of the drawings for the complete specification, it shall be

sufficient to refer to them in the complete specification as those left with the provisional specification.”.

47. *Ins.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

48. *Omitted* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to omission it read as:

“*Explanation.*—For the purposes of this rule, the date of filing of the complete specification with respect to an application corresponding to an international application in which India is designated shall be reckoned from the actual date on which the corresponding application is filed in India.”

49. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:

“(b) The abstract shall contain a concise summary of the matter contained in the specification. The summary shall indicate clearly the technical field to which the invention belongs, technical problem to which the invention relates and the solution to the problem through the invention and principal use or uses of the invention. Where necessary, the abstract shall contain the chemical formula, which characterises the invention.”.

50. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:

“(8) The period within which reference to the deposit shall be made in the specification under sub-clause (A) of clause (ii) of sub-section (4) of Section 10 shall be three months from the date of filing of the application.”.

51. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:

“14. *Amendments to specifications.*—(1) When a provisional or complete specification or any drawing accompanying it has been received by the applicant or his agent for amendment, and amendment is duly made thereon, the page incorporating such amendment shall be retyped and submitted to form a continuous document. Amendments shall not be made by slips pasted on, or as footnotes or by writing in the margin of any of the said documents.

(2) The amended documents shall be returned to the Controller together with the superseded pages or drawings, if any, duly marked, cancelled and initialled by the applicant or his agent. Copies of any pages that have been retyped or added and of any drawing that has been added or substantially amended shall be sent in duplicate.”.

52. *Ins.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013).

53. *Subs.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013). Prior to substitution it read as:

“18. *Appropriate office in relation to international applications.*—(1) The receiving office, designated office and elected office for the purposes of international applications filed under the Treaty shall be the appropriate office in accordance with Rule 4.

(2) The head office of the patent office shall be the appropriate office for dealing with the International Bureau of the World Intellectual Property Organisation, International Searching Authorities and International Preliminary Examining Authorities.

(3) An international application under the Treaty shall be filed at and processed by the appropriate office in accordance with the provisions of this Chapter, the Treaty and the regulations established under the PCT.

(4) Notwithstanding anything contained in sub-rule (2), on receipt of an international application, the appropriate office shall transmit one copy as record copy of such application to the International Bureau of the World Intellectual Property Organisation and another copy as search copy to the Competent International Searching Authority. The appropriate office shall simultaneously furnish complete details of such application to the head office of the patent offices.”

54. *Subs.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013). Prior to substitution it read as:

“19. *International applications filed with appropriate office as receiving office.*—(1) An international application shall be filed with the appropriate office in triplicate either in English or in Hindi language.

(2) The fees payable in respect of an international application filed with the appropriate office shall be, in addition to the fees as specified in the regulations under the Treaty, the fees as specified in the First Schedule.

(3) Where an international application filed with the appropriate office has not been filed as specified under sub-rule (1) and the applicant desires that the appropriate office should prepare the additional copies required, the fee for making such copies shall be paid by the applicant.

(4) On receipt of a request from the applicant and on payment of the prescribed fee by him, the appropriate office shall prepare a certified copy of the priority document and promptly transmit the same to the International Bureau of the World Intellectual Property Organisation for the purpose of an international application filed with the appropriate office with an intimation to the applicant and the head office."

⁵⁵. *Ins.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013).

⁵⁶. *Ins.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013).

⁵⁷. *Ins.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013).

⁵⁸. *Ins.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013).

⁵⁹. *Ins.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013).

⁶⁰. *Ins.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013).

⁶¹. *Ins.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013).

⁶². *Ins.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013).

⁶³. *Ins.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013).

⁶⁴. *Ins.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013).

⁶⁵. *Ins.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013).

⁶⁶. *Ins.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013).

⁶⁷. *Ins.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013).

⁶⁸. *Ins.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013).

⁶⁹. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:

"(1) An application corresponding to an international application under the Patent Cooperation Treaty under Section 7(1-A) may be made in Form, 1."

⁷⁰. *Added* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

⁷¹. *Added* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

⁷². *Ins.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

⁷³. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:

"(4) The time-limit referred to in sub-rule (2) shall be, where the applicant has or has not, before the expiration of nineteen months from the priority date referred to in Article 2(xl), elected India for the purpose of the use of the result of international preliminary examination, thirty-one months from the said priority date."

⁷⁴. *Subs.* by G.S.R. 652(E), dt. 19-10-2020 (w.e.f. 20-10-2020). Prior to substitution it read as:

"21. *Filing of priority document.*—(1) Where the applicant in respect of an international application designating

India has not complied with the requirements of paragraph (a) or paragraph (b) of Rule 17.1 of the regulations under the Treaty, the applicant shall file with the patent office the priority document referred to in that rule before the expiration of the time-limit referred to in sub-rule (4) of Rule 20.

(2) Where priority document referred to in sub-rule (1) is not in the English language, an English translation thereof duly verified by the applicant or the person duly authorized by him shall be filed within the time limit specified in sub-rule (4) of Rule 20.

(3) Where the applicant does not comply with the requirements of sub-rule (1) sub-rule (2), the appropriate office shall invite the applicant to file the priority document or the translation thereof, as the case may be, within three months from the date of such invitation, and if the applicant fails to do so, the claim of applicant for the priority shall be disregarded for the purposes of the Act."

⁷⁵. Rules 24, 24-A and 24-B *Subs.* for Rule 24 by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

⁷⁶. *Ins.* by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

⁷⁷. *Subs.* by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

⁷⁸. *Subs.* for "forty-eight months" by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).

⁷⁹. *Subs.* by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006). Prior to substitution it read as:

"(ii) The period within which the request for examination under sub-section (3) of Section 11-B to be made shall be thirty-six months from the date of priority or from the date of filing of the application or twelve months from the 1st day of January, 2005;"

⁸⁰. *Subs.* for "forty-eight months" by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).

⁸¹. *Subs.* for "forty-eight months" by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).

⁸². *Subs.* by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006). Prior to substitution it read as:

"(iii) The request for examination under sub-section (4) of Section 11-B shall be made after the publication of the application, but within thirty-six months from the date of priority or from the date of filing of the application, or within six months from the date of revocation of the secrecy direction, whichever is later;"

⁸³. *Subs.* for "forty-eight months" by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).

⁸⁴. *Subs.* by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006). Prior to substitution it read as:

(iv) The request for examination of application as filed according to the 'Explanation' under sub-section (3) of Section 16 shall be made after the publication of the first mentioned application, but within thirty-six months from the date of filing of the application or from the date of priority of the first mentioned application or within six months from the date of filing of the further application, whichever is later;"

⁸⁵. *Subs.* for "forty-eight months" by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).

⁸⁶. *Subs.* for "the period specified under Section 11-B or" by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

⁸⁷. *Ins.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).

⁸⁸. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:

"(i) The period within which the Controller shall refer the application and specification and other documents to the examiner in respect of the applications where the request for examination has been received shall ordinarily be one month from the date its publication or one month from the date of the request for examination whichever is later:

Provided that such reference shall be made in order in which the request is filed under sub-rule (1);"

⁸⁹. *Ins.* by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

⁹⁰. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:

"(3) A first examination report along with the application and specification shall be sent to the applicant or his authorised agent ordinarily within six months from the date of the request for examination or six months from date of publication whichever is later. In case other interested person files the request for examination, an intimation of such examination may be sent to such interested person.

(4) The time for putting an application in order for grant under Section 21 shall be twelve months from the date on which the first statement of objection is issued to the applicant to comply with the requirements."

⁹¹. *Subs.* for "specified under sub-rule (5)" by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).

⁹². *Ins.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).

⁹³. *Subs.* by G.S.R. 663(E), dt. 17-9-2019 (w.e.f. 17-9-2019). Prior to substitution it read as:

"(b) that the applicant is a start-up."

⁹⁴. *Ins.* by G.S.R. 663(E), dt. 17-9-2019 (w.e.f. 17-9-2019).

⁹⁵. *Subs.* by G.S.R. 689(E), dt. 4-11-2020 (w.e.f. 4-11-2020). Prior to substitution it read as:

"Provided that a request for expedited examination under this rule filed by a start-up shall not be questioned merely on the ground that the start-up ceased to be a start-up after having filed an application for patent due to the lapse of more than five years from the date of its incorporation or registration, or the turnover subsequently crossed the financial threshold limit, as defined."

⁹⁶. *Subs.* for "specified under sub-rule (10)" by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).

⁹⁷. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:

"26. *Request for withdrawal.*—A request for withdrawing the application under sub-section (4) of Section 11-B shall be made in writing."

⁹⁸. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:

"27. *Inspection of published applications.*—After the date of publication of the application under Section 11-A, the application together with the complete specification and provisional specification, if any, the drawing, if any, and the abstract filed in respect of the application may be inspected at the appropriate office by making a written request to the Controller on payment of the fee specified in the First Schedule in that behalf."

⁹⁹. *Subs.* for "and the abstract" by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013).

¹⁰⁰. *Subs.* for "specified" by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

¹⁰¹. *Subs.* for "accept the specification" by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

¹⁰². *Ins.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).

¹⁰³. *Ins.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

¹⁰⁴. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:

"(2) If the applicant's specification is otherwise in order for acceptance and an objection under clause (b) of sub-section (1) of Section 13 is outstanding, the Controller may accept the specification and allow a period of two months from the date of its acceptance for removing the objection."

¹⁰⁵. *Ins.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).

¹⁰⁶. The words and figures "or Section 25" *omitted* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

¹⁰⁷. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:

"37. *Numbering of applications on acceptance of the complete specification.*—On the acceptance of a complete specification filed in respect of an application, the application shall be accorded a number (called serial number) in the series of numbers accorded to patents under the Indian Patents and Designs Act, 1911 (2 of 1911) which shall be the number of the patent which may be sealed in pursuance of the application."

¹⁰⁸. *Omitted* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to omission it read as:

"38. *Inspection of application, specification, etc.*—After the date of advertisement of the acceptance of a complete specification under Section 23, the application together with the complete specification and provisional specification, if any, the drawings and other documents, if any, as accepted by the Controller may be inspected at the appropriate office by making a written request to the Controller in that behalf along with the fee specified in the First Schedule."

¹⁰⁹. Chapter V (Rules 39 to 54) *omitted* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to omission they read as:

"CHAPTER V

EXCLUSIVE MARKETING RIGHTS

39. *Filing of application.*—An application for grant of a patent in respect of an invention covered under sub-section (2) of Section 5 shall be made to the Controller in Form, 1 along with the fee as specified in the First Schedule.

40. *The application for grant of exclusive marketing right.*—An application for grant of exclusive right to sell or distribute the article or substance shall be made to the Controller in Form, 27 along with the fee as specified in the First Schedule and the Controller shall notify the filing of the application in the Official Gazette and to the authority of the Central Government that is responsible for the grant of approval to sell or distribute the article or the substance for which the application has been made.

41. *Controller to refer application.*—On receipt of an application under Rule 40, the Controller shall refer the application relating to the patent to an examiner for making a report to him.

42. *Report of examiner.*—The examiner to whom an application has been referred shall make the report to the Controller within three months from the date of such reference.

43. *Notifying of grant or refusal of exclusive marketing rights.*—When the Controller grants or refuses an application for grant of exclusive right to sell or distribute the article or substance, he shall notify the same in the Official Gazette and to the authority of the Central Government that has granted approval to sell or distribute the article or the substance.

44. *Personal documents, etc. in relation to inventions.*—The recording in a document relating to specifications and trial or use and referred to in sub-section (2) of Section 24-B shall include public document, public trial or use but shall not include a personal document or secret trial or use.

45. *Appropriate tests.*—The appropriate tests conducted on or after the 1st day of January, 1995 and referred to in Section 24-B shall be the tests either the whole or a part of which had been conducted for the purposes of this Chapter.

46. *Form for grant of exclusive marketing rights.*—Exclusive marketing rights shall be granted in Form, 28.

47. *Application for compulsory licence to sell or distribute or for revocation of exclusive marketing rights.*—(1) An application to the Controller for the grant of compulsory licence under Section 84, Section 85, or Section 92, as modified by Section 24-C, shall be in Form, 18 or, as the case may be, in Form, 20, to be modified as deemed necessary. Except in the case of an application made by the Central Government, the application shall set out the nature of the applicant's interest and the terms and conditions of the licence to which the applicant is willing to accept.

(2) For the purpose of sub-section (6) of Section 84, as modified by Section 24-C, the Controller may call for statements and evidences from the applicant.

(3) On receiving an order from the Controller, the applicant shall furnish the statement and evidences within a period of three months from the date of the order of the Controller.

48. *When a prima facie case is not made out.*—(1) If upon consideration of the evidence, the Controller is satisfied that a prima facie case has not been made out for making an order under any of the sections referred to in Rule 47, he shall notify the applicant accordingly. Unless the applicant makes a request to be heard in the matter, the Controller shall refuse the application after the expiry of a period of one month from the date of issue of the notice.

(2) If the applicant makes a request for hearing within the time allowed under sub-rule (1), the Controller shall, after giving the applicant an opportunity of being heard, determine whether the application may be proceeded with or it shall be refused.

49. *Notice of opposition against grant of compulsory licence or revocation of exclusive marketing rights.*—(1) A notice of opposition under sub-section (2) of Section 87, as modified by Section 24-C shall be given in Form, 14 and shall be submitted to the Controller within three months from the date of the advertisement of the application under sub-section (1) of the said section.

(2) The notice of opposition referred to in sub-rule (1) shall include the terms and conditions of the licence, if any, which the opponent is prepared to grant to the applicant and shall be accompanied by evidence in support of opposition.

(3) The Controller may by order call for further evidence from the opponent if he so desires.

(4) On receipt of the order under sub-rule (3), the opponent shall furnish the further evidence within a period of three months from the date of such receipt.

(5) The opponent shall serve a copy of his notice of opposition and evidence on the applicant and notify the Controller when such service has been effected.

(6) No further statement of evidence shall be delivered by either party except with the leave of or on requisition by the Controller.

(7) The Controller shall thereafter appoint a date and time for the hearing of the case and shall give the parties not less than ten days notice of such hearing.

(8) The procedure specified in sub-rules (2) to (5) of Rule 62, shall, so far as may be, apply to the procedure for hearing under this rule, as they apply to the hearing of opposition to the grant of patents.

(9) The provision of clause (f) of sub-section (1) of Section 77 for review of the decision of the Controller shall be applicable to any decision of the grant or refusal to grant of compulsory licence by the Controller.

(10) When the opponent makes the application for review of the decision of the Controller, the Controller shall suspend the operation of the decision for which the review is being requested till the disposal of the application for review.

50. *Manner of advertisement of the order for revocation of exclusive marketing rights.*—The Controller shall advertise, in the Official Gazette, the order made by him under sub-section (3) of Section 85 as modified by Section 24-C, for revoking exclusive marketing rights to sell or distribute the article or substance.

51. *Application for the revision of the terms and conditions of a Licence.*—(1) An application under sub-section (4) of Section 88 as modified by Section 24-C for the revision of the terms and conditions of a licence which has been settled by the Controller shall be in Form, 21 as may be modified as deemed necessary and shall state the facts relied upon by the applicant and the relief he seeks and shall be accompanied by evidence in support of the application.

(2) If the Controller is satisfied that a prima facie case has not been made out for the revision of the terms and conditions of the licence, he may notify the applicant accordingly and unless within a period of one month the applicant requests to be heard in the matter, the Controller may refuse the application.

(3) The Controller, after giving the applicant an opportunity of being heard, shall determine whether the application shall be proceeded with or shall be refused.

52. *Procedure to be followed in case of application under Rule 51.*—(1) If the Controller allows the application to be proceeded with, he shall direct the applicant to serve copies of the application and of the evidence in support thereof upon the holder of exclusive marketing rights or upon any other person on whom, in his opinion,

such copies should be served.

(2) The applicant shall inform the Controller the date on which the service of copies of application and of the evidence on the holder of exclusive marketing rights and other person referred to in sub-rule (1) has effected.

(3) The holder of the exclusive marketing right or any other person on whom copies of the application and of the evidence have been served may give the Controller a notice of opposition in Form, 14 as may be modified as deemed necessary, within two months from the date of such service. Such notice shall contain the grounds relied upon by the opponent and shall be accompanied by evidence in support of the opposition.

(4) The opponent shall serve copies of the notice of opposition and his evidence on the applicant and inform the Controller the date on which service has been made.

(5) No further evidence or statement shall be filed by either party except with special leave or requisition by the Controller.

(6) On completion of the proceedings specified under sub-rules (1) to (5) or at such other time as he may deem fit, the Controller shall forthwith fix a date and the time for the hearing of the case and shall give the parties not less than ten days' notice of such hearing.

(7) The procedure specified in sub-rules (2) to (5) of Rule 62 shall, so far as may be, apply to the procedure for hearings under this rule as they apply to the hearing of opposition to the grant of a patent.

(8) If the Controller decides to revise the terms and conditions of licence he shall amend the licence granted to the applicant in such manner as he may deem necessary.

53. *References to public interest.*—Reference to public interest in sub-section (1) of Section 24-D shall mean the requirement of the public in a national emergency or other circumstances of extreme urgency.

54. *Register of exclusive marketing rights.*—(1) There shall be kept a register to be called the Register of Exclusive Marketing Rights and all entries relating to exclusive marketing rights shall be made therein.

(2) The Register kept under sub-rule (1) shall be open to the public on a request to be made to that effect to the Controller in writing along with the fee as specified in the First Schedule.

(3) Certified copy of any entry in the Register of exclusive marketing rights shall be supplied on a request to the Controller in writing along with the fee as specified in the First Schedule."

¹¹⁰. *Subs.* for "Opposition Proceedings" by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

¹¹¹. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:

"55. *Filing of notice of opposition.*—The notice of opposition to be given under sub-section (1) of Section 25 shall made in Form, 7 and sent to the Controller in duplicate.

56. *Application for extension of time under Section 25(1).*—(1) An application for extension of time for giving notice of opposition to the grant of patent under sub-section (1) of Section 25 shall be made in Form, 4 in duplicate and left at the appropriate office within four months from the date of advertisement of the acceptance of the complete specification stating the reasons for the grant of extension of time.

(2) One copy of the application for extension of time shall be sent by the Controller to the applicant for patent.

57. *Filing of written statement of opposition and evidence.*—The opponent shall send a written statement in duplicate setting out the nature of the opponent's interest, the facts upon which he bases his case and relief which he seeks and evidence, if any, along with notice of opposition or within two months from the date of the notice of opposition and shall deliver to the applicant a copy of the statement and the evidence."

¹¹². *Subs.* by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

¹¹³. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:

"(1) Representation for opposition under sub-section (1) of Section 25 shall be filed in Form, 7(A) at the appropriate office and shall include a statement and evidence, if any, in support of the representation and a request for hearing if so desired."

¹¹⁴. *Subs.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024). Prior to substitution it read as:

"(3) On consideration of the representation if the Controller is of the opinion that application for patent shall be

refused or the complete specification requires amendment, he shall give a notice to the applicant to that effect.”

- ¹¹⁵. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:
(4) On receiving the notice under sub-rule (3), the applicant shall, if he so desires, file his statement and evidence, if any in support of his application within three months from the date of the notice.
(5) On consideration of the statement and evidence filed by the applicant, the Controller may either refuse to grant a patent on the application or require the complete specification to be amended to his satisfaction before the patent is granted.”.
- ¹¹⁶. *Subs.* for “three months” by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).
- ¹¹⁷. *Ins.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).
- ¹¹⁸. *Ins.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).
- ¹¹⁹. *Omitted* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to omission it read as:
“(6) After considering the representation and submission made during the hearing if so requested, the Controller shall proceed further simultaneously either rejecting the representation and granting the patent or accepting the representation and refusing the grant of patent on that application, ordinarily within one month from the completion of above proceedings.”.
- ¹²⁰. *Subs.* for “sub-section (3) of Section 25” by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).
- ¹²¹. *Subs.* for “notice of opposition” by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).
- ¹²². *Subs.* by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).
- ¹²³. *Subs.* for “three months” by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).
- ¹²⁴. *Subs.* for “applicant” by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹²⁵. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹²⁶. *Subs.* for “applicant's” by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹²⁷. *Subs.* for “applicant's” by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹²⁸. *Subs.* for “applicant” by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹²⁹. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:
“(1) On the completion of the presentation of evidence, if any, or at such other time as the Controller may think fit, he shall forthwith fix a date and time for the hearing of the opposition and shall give the parties not less than ten days' notice of such hearing.”
- ¹³⁰. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:
“(5) After hearing the party or parties desirous of being heard, or if neither party desires to be heard, then without, a hearing, the Controller shall forthwith decide the opposition and notify his decision to the parties giving reasons therefor.”
- ¹³¹. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:
“63. *Determination of costs.*—If the applicant notifies the Controller that he does not desire to proceed with the application after notice of opposition is given, the Controller, depending on the merits of the case, may decide whether costs should be awarded to the opponent.”

¹³². *Ins.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

¹³³. *Omitted* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to omission it read as:

"64. *Time within which complete specification is to be amended under Section 27.*—The time within which an applicant shall amend his complete specification to the satisfaction of the Controller under Section 27 shall be two months from the date of such intimation by the Controller.

¹³⁴. *Omitted* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to omission it read as:

65. *Procedure to be followed.*—(1) If the specification has not been amended to the satisfaction of the Controller within the time allowed under Rule 64, he shall forthwith fix a date and time for hearing and the applicant shall be given at least ten days' notice of such date of hearing.

(2) After hearing the applicant, or without a hearing if the applicant has not attended or has notified that he does not desire to be heard, the Controller may prescribe or permit such amendment of the specification as determined and may refuse to grant a patent unless the amendment is made within ten days from the date of the order."

¹³⁵. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:

"69. *Procedure for the hearing of claim or an application under Section 28.*—The procedure specified in Rules 55 and 57 to 63 relating to the filing of notice of opposition, written statement, reply statement, leaving evidence, hearing and cost shall, so far as may be, apply to the hearing of a claim or an application under Section 28 as they apply to the proceedings in opposition to the grant of patents subject to the modification that reference to applicant shall be construed as the person making the claim or an application as the case may be."

¹³⁶. *Ins.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).

¹³⁷. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:

"71. *Permission for making patent application outside India under Section 39.*—Request for permission for making patent application outside India shall be made on Form 30."

¹³⁸. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:

"(2) The time within which the Controller dispose of the request made under sub-rule (1), except in case of inventions relating to defence and atomic energy applications, shall ordinarily be within a period of twenty-one days from the date of filing of such request."

¹³⁹. *Subs.* for "SEALING" by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

¹⁴⁰. Rule 73 *omitted* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to omission it read as:

"73. *Sealing of patents.*—(1) A request for the sealing of a patent under sub-section (1) of Section 43 shall be made in Form 9.

(2) The period within which a request for the sealing of a patent may be made under clause (a) of proviso to sub-section (2) of Section 43 shall be two months after the final determination to the proceeding referred to in that clause.

(3) An application under sub-section (3) of Section 43 shall be made in Form 4.

(4) On receipt of a request for sealing of a patent under sub-rule (1) or sub-rule (2) as the case may be, the patent shall be sealed even if the term of patent has expired."

¹⁴¹. *Subs.* by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006). Prior to substitution it read as:

"74. *Form of patent.*—A patent shall be in the form as specified in the Third Schedule with such modifications as the circumstances of each case may require and shall bear the number accorded to the application under Rule 37."

¹⁴². *Ins.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

- ¹⁴³. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:
 “78. *Procedure for the hearing of proceedings under Section 51.*—The procedure specified in Rules 55 and 57 to 63 relating to the filing of notice of opposition, written statement, reply statement, leaving evidence, hearing and costs shall, so far as may be, apply to the hearing of an application under Section 51 as they apply to the hearing of an opposition to the grant of patents.”
- ¹⁴⁴. *Ins.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹⁴⁵. *Ins.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹⁴⁶. *Ins.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹⁴⁷. *Ins.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹⁴⁸. *Subs.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024). Prior to substitution it read as:
 “(3) The annual renewal fees payable in respect of two or more years may be paid in advance.”
- ¹⁴⁹. *Subs.* for “accepted” by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹⁵⁰. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:
 “(3)(a) If the application for amendment under sub-rule (1) is made after the acceptance of the complete specification and the nature of the proposed amendment is substantive, the application shall be advertised in the Official Gazette.
 (b) Any person interested in opposing the application for amendment shall give a notice of opposition in Form 14 within three months from the date of advertisement of the application in the Official Gazette.
 (c) The procedure specified in Rules 57 to 63 relating to the filing of written statement, reply statement, leaving evidence, hearing and costs shall, so far as may be, apply to the hearing of the opposition under Section 57 as they apply to the hearing of the opposition to the grant of patents.”
- ¹⁵¹. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:
 “83. *Advertisement of the amendment allowed.*—The amendment allowed after a complete specification has been accepted, shall be advertised in the Official Gazette.”
- ¹⁵². *Subs.* for “advertise the application in the Official Gazette” by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹⁵³. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:
 “85. *Opposition to restoration under Section 61.*—(1) At any time within two months from the date of advertisement of the application in the Official Gazette under sub-rule (3) of Rule 84, any person interested may give notice of opposition thereto in Form 14.
 (2) A copy of the notice of opposition shall be sent by the Controller to the applicant.
 (3) The procedure specified in Rules 57 to 63 relating to the filing of written statement, reply statement, leaving evidence, hearing and costs shall, so far as may be, apply to the hearing of the opposition under Section 60 as they apply to the hearing of the opposition to the grant of patents.”
- ¹⁵⁴. *Subs.* for “advertise his decision in the Official Gazette” by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹⁵⁵. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:
 “87. *Surrender of Patents.*—(1) The Controller shall advertise the notice of an offer given under Section 63 in the Official Gazette.
 (2) Any person interested may within three months from the date of advertisement of the notice in the Official Gazette give notice of opposition to the Controller in Form 14 in duplicate.
 (3) The procedure specified in Rules 57 to 63 relating to the filing of written statement, reply statement,

leaving evidence, hearing and costs shall, so far as may be, apply to the hearing of the opposition under Section 63 as they apply to the hearing of the opposition to the grant of patents.

(4) If the Controller accepts the patentee's offer to surrender the patent, he may direct the patentee to return the patent and on receipt of such patent, the Controller shall by order revoke it and notify the revocation of the patent in the Official Gazette."

¹⁵⁶. *Subs.* for "sealing" by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

¹⁵⁷. *Subs.* for "sealing" by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

¹⁵⁸. *Ins.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

¹⁵⁹. *Omitted* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to omission it read as:

"89. *Registration of documents under Section 68.*—An application for the registration of a document under Section 68 shall be made in Form 16."

¹⁶⁰. *Subs.* for "Form 17" by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

¹⁶¹. *Subs.* for "Form 17" by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

¹⁶². *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:

"93. *Entry of renewal fee.*—Upon receipt of the payment of the prescribed renewal fee in respect of a patent, the Controller shall enter in the register of patents the fact that the fee has been paid and the date of payment of such fee and issue a certificate of the payment."

¹⁶³. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:

"96. *Application for compulsory licence etc.*—An application to the Controller for an order under Section 84, Section 85, Section 91 or Section 92 shall be in Form 18, or in Form 20, as the case may be. Except in the case of an application made by the Central Government, the application shall set out the nature of the applicant's interest and terms and conditions of the licence the applicant is willing to accept."

¹⁶⁴. *Subs.* for "advertisement" by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

¹⁶⁵. *Subs.* for "of opposition to the grant of patents" by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

¹⁶⁶. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:

"99. *Manner of advertisement of the revocation order.*—The Controller shall advertise in the Official Gazette the order made by him under sub-section (3) of Section 85 revoking a patent."

¹⁶⁷. *Subs.* for "Form 21" by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

¹⁶⁸. *Subs.* for "of opposition to the grant of a patent" by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

¹⁶⁹. *Subs.* for "Form 22" by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

¹⁷⁰. *Subs.* for "of opposition to the grant of a patent" by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

¹⁷¹. *Subs.* for "names and addresses" by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).

¹⁷². *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:

"(ii) has at least fifteen years' practical or research experience; and".

¹⁷³. *Ins.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).

- ¹⁷⁴. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:
 “104. *Manner of application for inclusion in the roll of scientific advisers.*—Any interested person may apply to the Controller for inclusion of his name in the roll of scientific advisers furnishing his bio-data.”.
- ¹⁷⁵. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:
 “(c) such person has been convicted of an offence and sentenced to a term of imprisonment or has been guilty of misconduct in his professional capacity and the Controller is of the opinion that his name should be removed from the roll:
 Provided that, before removing the name of any person from the roll of scientific advisers under this rule, such person shall be given a reasonable opportunity of being heard.”.
- ¹⁷⁶. *Ins.* by G.S.R. 215(E), dt. 16-3-2024 (w.e.f. 16-3-2024).
- ¹⁷⁷. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:
 “(1) The register of patent agents maintained under Section 125 shall contain the name, nationality, address of the principal place of business, addresses of branch offices, if any, the qualifications and the date of registration of every registered patent agent.”.
- ¹⁷⁸. *Ins.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹⁷⁹. *Subs.* for “Form 23” by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹⁸⁰. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:
 “(3) A person desirous to appear in the qualifying examination under Rule 110 shall make a request to the Controller along with the fee as specified in the First Schedule.”.
- ¹⁸¹. *Subs.* for “Patents Act and Rules” by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).
- ¹⁸². *Subs.* for “patent specifications” by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).
- ¹⁸³. *Subs.* for “100” by S.O. 2296(E), dt. 25-9-2012 (w.e.f. 25-9-2012).
- ¹⁸⁴. *Subs.* by S.O. 2296(E), dt. 25-9-2012 (w.e.f. 25-9-2012). Prior to substitution it read as:
 “(3) The qualifying marks for each written paper and for the viva voce examination shall be fifty per cent each, of total marks and a candidate shall be declared to have passed the examination only if he obtains an aggregate of sixty per cent of the total marks.”
- ¹⁸⁵. *Ins.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹⁸⁶. *Subs.* for “Form 23” by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹⁸⁷. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:
 “(d) if he has defaulted in the payment of fees specified in Rule 115, by more than three months after they are due.”.
- ¹⁸⁸. *Subs.* for “notified in the Official Gazette” by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹⁸⁹. *Subs.* for “Form 24” by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹⁹⁰. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:
 “(3) The restoration of a name to the register of patent agents shall be published and communicated to the person concerned.”.

- ¹⁹¹. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:
“(1) A patent agent may apply for the alteration of his name, address of the principal place of business and branch office, if any, or the qualifications entered in the register of patent agents. On receipt of such application and the fee specified therefor in the First Schedule, the Controller shall cause the necessary alterations to be made in the register of patent agents.”.
- ¹⁹². *Subs.* for “notified in the Official Gazette” by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹⁹³. The words “in the Official Gazette and in such other manner as the Controller may deem fit” *omitted* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹⁹⁴. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:
“121. *Address for Communications.*—All communications in relation to any proceeding under the Act or these rules shall be addressed to the Controller at the appropriate office.”
- ¹⁹⁵. The words “in the Official Gazette” *omitted* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹⁹⁶. The words “in the Official Gazette” *omitted* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹⁹⁷. *Subs.* for “to the hearing of the opposition to the grant of patents” by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ¹⁹⁸. *Subs.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005). Prior to substitution it read as:
“129. *Exercise of discretionary power by the Controller.*—Before exercising any discretionary power under the Act or these rules adversely to an applicant for a patent or a party to a proceeding the Controller shall give such applicant or party, a hearing, after giving him at least ten days' notice of such hearing.”
- ¹⁹⁹. *Ins.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).
- ²⁰⁰. *Subs.* for “Form 25” by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ²⁰¹. *Subs.* for “Form 25” by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ²⁰². *Subs.* for “Form 29” by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ²⁰³. *Subs.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024). Prior to substitution it read as:
“(2) The statements referred to in sub-rule (1) shall be furnished once in respect of every financial year, starting from the financial year commencing immediately after the financial year in which the patent was granted, and shall be furnished within six months from the expiry of each such financial year.”
- ²⁰⁴. The words “in the Official Gazette and in such other manner as he may deem fit” *omitted* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ²⁰⁵. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:
“133. *Supply of certified copies and certificates under Sections 72 and 147.*—Certified copies of any entry in the register, or certificates of, or extracts from patents, specifications and other public documents in the patent office, or from registers and other records including records in computer floppies, diskettes or any other electronic form kept there, may be furnished by the Controller on a request therefor made to him and on payment of the fee specified therefor in the First Schedule.”
- ²⁰⁶. *Ins.* by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

- ²⁰⁷. The words "a complete specification has been accepted or when" *omitted* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ²⁰⁸. *Subs.* for "sealed, or when the time for requesting sealing has expired" by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ²⁰⁹. *Subs.* for "or advertisement" by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ²¹⁰. *Subs.* for "Official Gazette" by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).
- ²¹¹. *Ins.* by S.O. 1418(E), dt. 28-12-2004 (w.e.f. 1-1-2005).
- ²¹². *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016). Prior to substitution it read as:
"(1) The authorisation of an agent for the purposes of the Act and these rules shall be in Form 26 or in the form of a power of attorney."
- ²¹³. *Renumbered* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).
- ²¹⁴. *Ins.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).
- ²¹⁵. *Subs.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024). Prior to substitution it read as:
"138. *Power to extend time prescribed.*—(1) Except for the time prescribed in clause (i) of sub-rule (4) of Rule 20, sub-rule (6) of Rule 20, Rule 21, sub-rules (1), (5) and (6) of Rule 24-B, sub-rules (10) and (11) of Rule 24-C, sub-rule (4) of Rule 55, sub-rule (1-A) of Rule 80 and sub-rules (1) and (2) of Rule 130, the time prescribed by these rules for doing of any act or the taking of any proceeding thereunder may be extended by the Controller for a period of one month, if he thinks it fit to do so and upon such terms as he may direct.
(2) Any request for extension of time prescribed by these rules for the doing of any act or the taking of any proceeding thereunder shall be made before the expiry of such time prescribed in these rules."
- ²¹⁶. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).
- ²¹⁷. *Subs.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).
- ²¹⁸. *Subs.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).
- ²¹⁹. *Ins.* by G.S.R. 125(E), dt. 28-2-2014 (w.e.f. 28-2-2014).
- ²²⁰. *Ins.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).
- ²²¹. *Ins.* by G.S.R. 125(E), dt. 28-2-2014 (w.e.f. 28-2-2014).
- ²²². *Ins.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).
- ²²³. *Sub.* by G.S.R. 215(E), dt. 16-3-2024 (w.e.f. 16-3-2024).
- ²²⁴. *Ins.* by G.S.R. 215(E), dt. 16-3-2024 (w.e.f. 16-3-2024).
- ²²⁵. *Subs.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).
- ²²⁶. *Subs.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).
- ²²⁷. *Subs.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).
- ²²⁸. *Subs.* for "The Controller of Patent" by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

²²⁹. *Subs.* for "See Section 25(3)" by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

²³⁰. *Ins.* by G.S.R. 125(E), dt. 28-2-2014 (w.e.f. 28-2-2014).

²³¹. *Ins.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).

²³². *Subs.* for "application for Patent No." by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

²³³. *Subs.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).

²³⁴. *Ins.* by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

²³⁵. *Subs.* for "The Controller of Patent" by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

²³⁶. *Ins.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).

²³⁷. *Subs.* by G.S.R. 663(E), dt. 17-9-2019 (w.e.f. 17-9-2019).

²³⁸. *Subs.* for "Patent No./No." by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

²³⁹. The words "No Fee" *omitted* by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

²⁴⁰. *Subs.* by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

²⁴¹. *Subs.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).

²⁴². *Subs.* by G.S.R. 646(E), dt. 21-9-2021 (w.e.f. 21-9-2021).

²⁴³. *Ins.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).

²⁴⁴. *Ins.* by G.S.R. 523(E), dt. 16-5-2016 (w.e.f. 16-5-2016).

²⁴⁵. *Sub.* by G.S.R. 215(E), dt. 16-3-2024 (w.e.f. 16-3-2024).

²⁴⁶. *Ins.* by G.S.R. 215(E), dt. 16-3-2024 (w.e.f. 16-3-2024).

²⁴⁷. *Subs.* by S.O. 657(E), dt. 5-5-2006 (w.e.f. 5-5-2006).

²⁴⁸. *Subs.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).

²⁴⁹. *Ins.* by S.O. 1029(E), dt. 23-4-2013 (w.e.f. 15-10-2013).

²⁵⁰. *Subs.* by G.S.R. 211(E), dt. 15-3-2024 (w.e.f. 15-3-2024).

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