INTELLECTUAL PROPERTY INDIA

सत्यमेव जयते

THE PATENTS RULES, 2003

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Notes and Disclaimers:

1. The e-Version incorporates all the amendments in the Patents Act, 1970 and the Patent Rules, 2003 and is updated till 23-06-2017.
2. For details of every amendment, please refer to the relevant Gazette available on website (http://www.ipindia.gov.in)
3. While every efforts has been made to ensure the correctness of the contents of e-version, any deviation(s) noted may be brought to the notice of Sh B P Singh, Deputy Controller of Patents and Designs, at "birendrap.singh@nic.in" for corrective measures. The contents of the Gazette(s) shall prevail on e-Version in case of any deviations.

CONTENTS

Sl No.	Chapters	Description
1.	Chapter I	Preliminary
2.	Chapter II	Application for Patents
3.	Chapter III	International Applications under Patent Cooperation Treaty (PCT)
4.	Chapter IV	Publication and Examination of Applications
5.	Chapter V	Exclusive Marketing Rights (Omitted)
6.	Chapter VI	Opposition Proceedings to Grant of Patents
7.	Chapter VII	Secrecy Directions
8.	Chapter VIII	Grant of Patents
9.	Chapter IX	Amendment of Application, Specification or any Document Relating Thereto
10.	Chapter X	Restoration of Patents
11.	Chapter XI	Surrender of Patents
12.	Chapter XII	Register of Patents
13.	Chapter XIII	Compulsory Licence and Revocation of Patent
14.	Chapter XIV	Scientific Advisers
15.	Chapter XV	Patent Agents
16.	Chapter XVI	Miscellaneous
		Schedules

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S.O.493(E).-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 Number S.O. 1018(E) dated the 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:—

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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 date 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;
(d)"Form" means a Form specified in the Second Schedule;
(da) "Person other than a natural person" shall include a "small entity";
(db) "Request for examination"‖ means a request for examination, including expedited examination, made under section 11B in respect of rule 24B or rule 24C;
(e) "Schedule" means Schedule to these rules;
(f) "section" means a section of the Act;
(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 (27 of 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 and industry.

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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.

(fb) "Startup"‖ 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 startup.

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 startup 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.

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Explanation 5. — The reference rates of foreign currency of the 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 a 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, 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) [Omitted by Patents (Amendment) Rules, 2006]

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

(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.

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:

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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.—(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 by electronic transmission duly authenticated. If it is sent by post or registered post or speed post 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, 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:

(1A) 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.

(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 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 or fax or 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 to 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

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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.

(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. 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:

Provided further that in the case of a small entity, every document, for which a fee has been specified, shall be accompanied by Form-28.

(2) (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) omitted

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

(3) In case an application processed by a natural person is fully or partly transferred to a person other than a natural person, the difference, if any, in the scale of fee(s) between the fee(s) charged from a natural person and the fee(s) chargeable from the person other than the natural person in the same matter shall be paid by the new applicant with the request for transfer.

(3A) 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.;

(3B) In case an application processed by a startup is fully or partly transferred to any person other than a natural person or a startup, the difference, if any, in the scale of fees between the fees charged from a startup and such person to whom the application is transferred, shall be paid by the new applicant along with the request for transfer:

Explanation.— Where the startup ceases to be a startup 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.‖

(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.‖

(4A) 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 or the date on which 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.

(ii) 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.

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

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 A4 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

(d) 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.

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(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 particulars, 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 six months after the filing of such application furnish such proof.

Explanation.—For the purposes of this rule, the 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.

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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.

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

Explanation.—For the purpose of this rule, the period of 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 six months from the date of such filing.

(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.

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.

(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 an improvement in, or a modification of, the invention claimed in the specification of the main patent granted or applied for.

(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 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.—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.

(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.

(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.

(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:

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

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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 cm on the top and left hand and 3cm 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)Drawings 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.—(1) Models or samples shall be furnished under section 10 only when required by the Controller.

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CHAPTER III

INTERNATIONAL APPLICATIONS UNDER PATENT COOPERATON TREATY (PCT)

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

(a) "Article" means an Article of the Treaty;

(aa) "Examining Authority" means the Indian International Preliminary Examining Authority referred *to* in sub-rule (1) of rule 19F;

(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 19A;

(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.

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18. Appropriate office in relation to international applications. — (1) The receiving office, the designated office and the elected office 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 regulation 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.

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.

19A. 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 19B, in cases where India has been indicated as a competent International Searching Authority.

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19B. 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 24B, 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 regulation 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

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application to the extent that a meaningful search can be carried out without the sequence listing.

19C. 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 19B 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.

19D. 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 43bis.1of the regulations under the Treaty, to the International Bureau and one copy to the applicant, on the same day.

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

19F. 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 approves.

19G. 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.

19H. 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.

19I. 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.

19J. 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.

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19K. International Preliminary Examination Report.—(1) Notwithstanding anything contained in the proviso to item (i) of sub-rule (2) of rule 24B, 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 Examining Authority, if considers that-

(a) the international application relates to a subject-matter on which the Examining 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 Examination 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 to 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.

19L. 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.

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

19N. 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.—(1) An application corresponding to an international application filed under Patent Cooperation Treaty may be made in Form 1 under sub-section (1A) 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) (i).

(3) An applicant in respect of an international application designating India shall, before the time limit prescribed in sub-rule (4)(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 or the person duly authorised by him that the contents thereof are correct and complete.

(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(xi);

(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; and

(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;

(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.

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 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 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 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 Treat and the regulations and administrative instructions made thereunder shall apply in relation to international applications.

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CHAPTER IV

PUBLICATION AND EXAMINATION OF APPLICATIONS

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 11A shall be eighteen months from the date of filing of application or the date of priority of the application, whichever is earlier.

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 24A.

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

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24B. Examination of application.—(1) (i) A request for examination under section 11B shall be made in Form 18 within forty-eight months from the date of priority of the application or from the date of filing of the application, whichever is earlier;

(ii)The period within which the request for examination under sub-section (3) of section 11B to be made shall be forty-eight months from the date of priority if applicable, or forty-eight months from the date of filing of the application;

(iii)The request for examination under sub-section (4) of section 11B shall be made within forty-eight 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;

(iv) The request for examination of application as filed according to the 'Explanation' under sub-section (3) of section 16 shall be made within forty-eight 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 11B, of the applications filed before the 1st day of January, 2005 shall be the period specified under the section 11B before the commencement of the Patents (Amendment) Act, 2005 or the period specified under these rules, whichever expires later.

(2) (i) Where the request for examination has been filed under sub-rule (1) and application has been published under section 11A, 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;

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

(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 specified under sub-rule (5).‖

24C. Expedited examination of applications.—(1) An applicant may file a request for expedited examination in Form 18A along with the fee as specified in the first schedule only by electronic transmission duly authenticated within the period prescribed in rule 24B 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

(b) that the applicant is a startup.

(2) A request for examination filed under rule 24B may be converted to a request for expedited examination under sub-rule (1) of rule 24C 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 11A or a request for publication under rule 24A has already been filed, a request for expedited examination shall be accompanied by a request for publication under rule 24A.

(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 24B, 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.

Provided that a request for expedited examination under this rule filed by a startup shall not be questioned merely on the ground that the startup ceased to be a startup 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.

(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 specified under sub-rule (10).

(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 11A shall be identified by the letter 'A' along with the number of application.

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

27. Inspection and supply of published documents.— After the date of publication of the application under section 11A, the application together with the complete specification and provisional specification, if any, the drawing, if any, 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 subsection (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 preferred 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 grant the

patent unless the amendment so specified or permitted is made within such period as may be fixed.

(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.

28A. 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.

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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.

(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.

30. Amendment of the complete specification in case of anticipation.—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-rule (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, 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 subsection (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…… "

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

(2)The original assignment or agreement or an official copy or notarized 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 subsection (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.

37. Numbering of applicant ions 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. [Omitted]

CHAPTER V (Omitted)

EXCLUSIVE MARKETING RIGHTS

Rules 39 to 54 [Omitted by Patents (Amendment) Rules, 2005]

CHAPTER VI

OPPOSITION PROCEEDINGS TO GRANT OF PATENTS

55. Opposition to the patent.— (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.

(1A) 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 11A.

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

(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.

(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, 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.

(6) [omitted]

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

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56. Constitution of Opposition Board and its proceeding.—(1) on receipt of notice of opposition under rule 55A, 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 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 three months from the date on which the documents were forwarded to them.

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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 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.

(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 or the patentee's reply statement and evidence under rule 58, leave at the appropriate office evidence in reply strictly confined to matters in the patentee's evidence and shall deliver to the 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.—(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.

(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.

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.

63A. 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. & 65. [Omitted by Patents (Amendment) Rules, 2005]

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

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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.

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69. Procedure for the hearing of claim or an application under section 28.—The procedure specified in rules 55A 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…… ".

CHAPTER VII

SECRECY DIRECTIONS

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.

(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.

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CHAPTER VIII

GRANT OF PATENTS

73. [Omitted by Patents (Amendment) Rules, 2005]

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.

74A. 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.

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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). —(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 subsection (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.

78. Procedure for the hearing of proceedings under section 51.—The procedure specified in rules 55A 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 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 Appellate Board or court.

(2) Where the 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.

(1A) 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.

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

(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.

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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 granted, the Controller shall determine whether and subject to what conditions, if any, the amendment shall be allowed.

(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.

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82. Preparation of amended 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.

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 publish the application.

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 publish his decision.

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CHAPTER XI

SURRENDER OF PATENTS

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.

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CHAPTER XII

REGISTER OF PATENTS

88. Register of patents under section 67.—(1) Upon the 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 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 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.

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89. [Omitted by Patents (Amendment) Rules, 2005]

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 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 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 subsection (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.....

licencee ..... by virtue of ..... licence ..... Mortgagee etc. ....Mortgage deed etc.....dated .....and made between ..... of the one part and ..... of the other part."

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.

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CHAPTER XIII

COMPULSORY LICENCE AND REVOCATION OF PATENT

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 92A 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 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 in opposition proceedings.

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 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 in opposition proceedings.

(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 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 less 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 in opposition proceedings.

(7) If the Controller decides to terminate the compulsory license 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.

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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 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 or technology or equivalent;

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

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

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103A. Disqualifications for inclusion in the roll of scientific advisers.— A person shall not be eligible to be included in the roll of scientific advisors, 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.

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

(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 clause (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.

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CHAPTER XV

PATENT AGENTS

108. Particulars to be contained in the register of patent agents.— (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.

(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.

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

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

(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) (ii) 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 —Patents Act and Rules	100
Paper II—Drafting and interpretation of patent specifications and other documents	100
Viva Voce	50

(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 percent 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.

111A. 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 cannot 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 Form 22.

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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 subsection (1) of section 130; or

(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 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 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.

(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.—(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 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.

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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.

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CHAPTER XVI

MISCELLANEOUS

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 subsection (1) of section 138 shall be three months from the date of communication by the Controller.

121A. 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.

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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 and the person making the request shall also serve copies of the request and the copies of the document showing the proposed corrections 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 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 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.

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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.

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.

129A. 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 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 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 which shall be furnished by every patentee and every licensee under sub- section (2) of section 146 in Form 27 which shall be duly verified by the patentee or the licencee or his authorised agent.

(2)The statements referred to in sub-rule (1) shall be furnished in respect of every calendar year within three months of the end of each year.

(3) The Controller may publish the information received by him under subsection (1) or subsection (2) of section 146.

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.

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;

(aa) as to when the information under section 8 has been filed.

(b) as to when publication of application has been made under section 11A; (c) as to when an application has been withdrawn under section 11B;

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

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

(f) as to when an application for patent has been refused;

(g) as to when a patent has been granted;

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

(i) as to when the 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, publication in the Official Journal 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.— (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-rule (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.

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137. Powers of Controller generally.—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.

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 24B, sub-rules (10) and (11) of rule 24C, sub-rule (4) of rule 55, sub-rule (1A) 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.

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.

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"THE FIRST SCHEDULE

(See rule 7)

Table I - FEES PAYABLE

Number of entry	On what payable	Number of the relevant Form	For e-filing			For physical filing		
			Natural person(s) and/ or Startup	Small entity, alone or with natural person(s) and/ or Startup	Others, alone or with natural person(s) and/ or Startup and/ or small entity	Natural person(s) and/ or Startup	Small entity, alone or with natural person(s) and/ or Startup	Others, alone or with natural person(s) and/ or Startup and/ or small entity
1	2	3	4	5	6	7	8	9
			Rupees	Rupees	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.	4000 Multiple of 4000 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.	4400 Multiple of 4400 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) 400	(i) 800	(i) 180	(i) 440	(i) 880
	(ii) for each claim in addition to 10;		(ii) 320	(ii) 800	(ii) 1600	(ii) 350	(ii) 880	(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) 400 subject to a maximum of 60000	(iii) 800 subject to a maximum of 120000	Not allowed	Not allowed	Not allowed
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	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-rule (3)		(i) 160	(i) 400	(i) 800	(i) 180	(i) 440	(i) 880

India Code

	of rule (9); (ii) for each claim in addition to 10.		 (ii) 320	 (ii) 800	 (ii) 1600	 (ii) 350	 (ii) 880	 (ii) 1800
	(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) 400 subject to a maximum of 60000	(iii) 800 subject to a maximum of 120000	Not allowed	Not allowed	Not allowed
3.	On filing a statement and undertaking under section 8.	3	No fee	No fee	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(1A) and 130 (per month).	4	480	1200	2400	530	1300	2600
	ii) On request for extension of time under sub-rule (5) of rule 24B (per month).	4	1000	2000	4000	1100	2200	4400
	iii) On request for extension of time under sub-rule (11) of rule 24C (per month).	4	2000	5000	10000	2200	5500	11000
5.	On filing a declaration as to inventorship under sub-rule (6) of rule 13.	5	No fee	No fee	No fee	No fee	No fee	No fee
6.	On application for postdating.	-	800	2000	4000	880	2200	4400
7.	On application for deletion of reference under section 19 (2).	-	800	2000	4000	880	2200	4400
8.	(i) On claim under section 20(1); (ii) On request for direction under section 20 (4) or 20 (5).	6 6	800 800	2000 2000	4000 4000	880 880	2200 2200	4400 4400
9.	(i) On notice of opposition to grant of patent under section 25(2); (ii) On filing representation opposing grant of patent under section 25(1).	7 7A	2400 No fee	6000 No fee	12000 No fee	2600 No fee	6600 No fee	13200 No fee
10.	On giving notice that hearing before Controller shall be attended under rule 62(2).	-	1500	3800	7500	1700	4100	8300
11.	On application under sections 28(2), 28(3) or 28(7).	8	800	2000	4000	880	2200	4400
12.	Request for publication under section 11A(2) and rule 24A.	9	2500	6250	12500	2750	6900	13750

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13.	Application for withdrawing the application under section 11B(4), and rules 7(4A) and 26.	29	No fee	No fee	No fee	No fee	No fee	No fee
14.	On request for examination of application for patent— (i) under section 11B and rule 24(1); (ii) under rule 20(4)(ii).	18	 4000 5600	 10000 14000	 20000 28000	 4400 6150	 11000 15400	 22000 30800
14A.	On request for expedited examination of application for patent under rule 24C.	18A	8000	25000	60000	Not allowed	Not allowed	Not allowed
14B.	Conversion of the request for examination filed under rule 24B to request for expedited examination under rule 24C.	18 A	4000	15000	40000	Not allowed	Not allowed	Not allowed
15.	On application under section 44 for amendment of patent.	10	2400	6000	12000	2650	6600	13200
16.	On application for directions under section 51(1) or 51(2).	11	2400	6000	12000	2650	6600	13200
17.	On request for grant of a patent under sections 26(1) and 52(2).	12	2400	6000	12000	2650	6600	13200
18.	On request for converting a patent of addition to an independent patent under section 55 (1).	-	2400	6000	12000	2650	6600	13200
19.	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	2000	4000	880	2200	4400
(ii)	before the expiration of the 3rd year in respect of the 4th year;	-	800	2000	4000	880	2200	4400
(iii)	before the expiration of the 4th year in respect of the 5th year;	-	800	2000	4000	880	2200	4400
(iv)	before the expiration of the 5th year in respect of the 6th year;	-	800	2000	4000	880	2200	4400
(v)	before the expiration of the 6th year in respect of the 7th year;	-	2400	6000	12000	2650	6600	13200
(vi)	before the expiration of the 7th year in respect of the 8th year;	-	2400	6000	12000	2650	6600	13200

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(vii)	before the expiration of the 8th year in respect of the 9th year;	-	2400	6000	12000	2650	6600	13200
(viii)	before the expiration of the 9th year in respect of the 10th year;	-	2400	6000	12000	2650	6600	13200
(ix)	before the expiration of the 10th year in respect of the 11th year;	-	4800	12000	24000	5300	13200	26400
(x)	before the expiration of the 11th year in respect of the 12th year;	-	4800	12000	24000	5300	13200	26400
(xi)	before the expiration of the 12th year in respect of the 13th year;	-	4800	12000	24000	5300	13200	26400
(xii)	before the expiration of the 13th year in respect of the 14th year;	-	4800	12000	24000	5300	13200	26400
(xiii)	before the expiration of the 14th year in respect of the 15th year;	-	4800	12000	24000	5300	13200	26400
(xiv)	before the expiration of the 15th year in respect of the 16th year;	-	8000	20000	40000	8800	22000	44000
(xv)	before the expiration of the 16th year in respect of the 17th year;	-	8000	20000	40000	8800	22000	44000
(xvi)	before the expiration of the 17th year in respect of the 18th year;	-	8000	20000	40000	8800	22000	44000
(xvii)	before the expiration of the 18th year in respect of the 19th year;	-	8000	20000	40000	8800	22000	44000
(xviii)	before the expiration of the 19th year in respect of the 20th year.		8000	20000	40000	8800	22000	44000
20.	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	2000	4000	880	2200	4400
(ii)	after grant of patent;		1600	4000	8000	1750	4400	8800

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(iii)	where amendment is for changing name or address or nationality or address for service.		320	800	1600	350	880	1750
21.	On notice of opposition to an application 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).	14	2400	6000	12000	2650	6600	13200
22.	On application for restoration of a patent under section 60.	15	2400	6000	12000	2650	6600	13200
23.	Additional fee for restoration under section 61(3) and rule 86(1).	—	4800	12000	24000	5300	13200	26400
24.	On notice of offer to surrender a patent under section 63.	—	1000	2500	5000	1100	2750	5500
25.	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)	4000 (In respect of each patent)	8000 (In respect of each patent)	1750 (In respect of each patent)	4400 (In respect of each patent)	8800 (In respect of each patent)
26.	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	800	1600	350	880	1750
27.	On request for entry of an additional address for service in the Register of Patents under rule 94(3).	—	800	2000	4000	880	2200	4400
28.	On application for compulsory license under sections 84(1), 91(1), 92(1) and 92A.	17	2400	6000	12000	2650	6600	13200
29.	On application for revocation of a patent under section 85(1).	19	2400	6000	12000	2650	6600	13200
30.	On application for revision of terms and conditions of licence under section 88(4).	20	2400	6000	12000	2650	6600	13200

IndiaCode

31.	On request for termination of compulsory licence under section 94.	21	2400	6000	12000	2650	6600	13200
32.	On application for registration as a patent agent under rule 109(1) or rule 112.	22	3200	Not applicable	Not applicable	3500	Not applicable	Not applicable
33.	On request for appearing in the qualifying examination under rule 109(3).	—	1600	Not applicable	Not applicable	1750	Not applicable	Not applicable
34.	For continuance of the name of a person in the register of patent agents—							
	(i) for the 1st year to be paid along with registration;	—	800	Not applicable	Not applicable	880	Not applicable	Not applicable
	(ii) for every year excluding the 1st year to be paid on the 1st April in each year.	—	800	Not applicable	Not applicable	880	Not applicable	Not applicable
35.	On application for duplicate certificate of patent agent under rule 111A.	--	1600	Not applicable	Not applicable	1750	Not applicable	Not applicable
36.	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 34)	Not applicable	Not applicable	1750 (Plus continuation fee under entry number 34)	Not applicable	Not applicable
37.	On a request for correction of clerical error under section 78(2).	—	800	2000	4000	880	2200	4400
38.	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	4000	8000	1750	4400	8800
39.	On application for permission for applying patent outside India under section 39 and rule 71(1).	25	1600	4000	8000	1750	4400	8800
40.	On application for duplicate patent under section 154 and rule 132.	—	1600	4000	8000	1750	4400	8800

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41.	(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)	2500 (up to 30 pages and, thereafter, 75 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)	2750 (up to 30 pages and, thereafter, 75 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)	6000 (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)	6600 (up to 30 pages and thereafter, 30 for each extra page)	13200 (up to 30 pages and thereafter, 30 for each extra page)
42.	For certifying office copies, printed each.	—	800	2000	4000	880	2200	4400
43.	On request for inspection of register under section 72, inspection under rule 27 or rule 74A.	—	320	800	1600	350	880	1750
44.	On request for information under section 153 and rule 134.	—	480	1200	2400	530	1300	2650
45.	On form of authorisation of a patent agent.	26	No fee	No fee	No fee	No fee	No fee	No fee
46.	On petition not otherwise provided for.	—	1600	4000	8000	1750	4400	8800
47.	For supplying of photocopies of the documents, per page.	—	10	10	10	10	10	10
48.	Transmittal fee for International application.	—	3200	8000	16000	3500	8800	17600
49.	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)	2500 (up to 30 pages and, thereafter, 75 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)	2750 (up to 30 pages and, thereafter, 75 for each extra page)	5500 (up to 30 pages and, thereafter, 150 for each extra page)
50.	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	No fee	No fee
51.	To be submitted for claiming the status of a small entity or startup	28	No fee	No fee	No fee	No fee	No fee	No fee

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52.	Request for adjournment of hearing under rule 129A (for each adjournment).	-	1000	2500	5000	1100	2750	5500
53.	Miscellaneous form under rule 8(2), to be used when no other form is prescribed.	30	As applicable					

Table II - FEES REFUNDABLE

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

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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(i).	Application for grant of a patent.
2.	Section 10; rule 13.	Provisional/Complete Specification.
3.	Section 8 and rule 12.	Statement and undertaking.
4.	Sections 53(2) and 142(4), rules 13(6), 24B(4)(ii), 80(1A) and 130.	Request for extension for time.
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 55A.	Notice of opposition on grant of a patent.
7A.	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.
9.	Section 11A(2) and rule 24A.	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) & 52(2) and rules 63A and 79.	Request for grant of patent.
13.	Section 57 and rule 81(1).	Application for amendment of the application for patent/complete specification.

1	2	3
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 a 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 11B and rules 20(4)(ii) and 24B(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 authorisation 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.
28.	Rules 2(fa) and 7	To be submitted by a small entity with every document for which a fee has been specified.

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"29.	Section 11B(4) and rules 7(4A), 24C(5) and 26	Request for withdrawal of patent application
30.	Rule 8(2)	Miscellaneous form, to be used when no other form is prescribed.".

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"**FORM 1** THE PATENTS ACT 1970 (39 of 1970) and THE PATENTS RULES, 2003 **APPLICATION FOR GRANT OF PATENT** (See section 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 ( )	
Divisional ( )	Patent of Addition ( )	Divisional ( )	Patent of Addition ( )	Divisional ( )	Patent of Addition ( )

3A. APPLICANT(S)

Name in Full	Nationality	Country of Residence	Address of the Applicant	
			House No.	
			Street	
			City	
			State	
			Country	
			Pin code	

3B. CATEGORY OF APPLICANT [Please tick (✓) at the appropriate category]

Natural Person ( )	Other than Natural Person		
	Small Entity ( )	Startup ( )	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	Nationality	Country of Residence	Address of the Inventor	
			House No.	
			Street	
			City	
			State	
			Country	
			Pin code	

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5. TITLE OF THE INVENTION		
6. AUTHORISED REGISTERED PATENT AGENT(S)	IN/PA No.	
	Name	
	Mobile No.	
7. ADDRESS FOR SERVICE OF APPLICANT IN INDIA	Name	
	Postal Address	
	Telephone No.	
	Mobile No.	
	Fax No.	
	E-mail ID	

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

(i) Declaration by the inventor(s)

(**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).

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.

(a) Date
(b) Signature(s)
(c) Name(s)

(ii) Declaration by the applicant(s) in the convention country

(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)

I/We, the applicant(s) in the convention country declare that the applicant(s) herein is/are my/our assignee or legal representative.

(a) Date
(b) Signature(s)
(c) Name(s) of the signatory

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(iii) Declaration by the applicant(s)

I/We the applicant(s) hereby declare(s) that: -

- ☐ I am/ We are in possession of the above-mentioned invention.
- ☐ The provisional/complete specification relating to the invention is filed with this application.
- ☐ 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.
- ☐ There is no lawful ground of objection(s) to the grant of the Patent to me/us.
- ☐ I am/we are the true & first inventor(s).
- ☐ I am/we are the assignee or legal representative of true & first inventor(s).
- ☐ 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).
- ☐ 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.
- ☐ My/our application in India is based on international application under Patent Cooperation Treaty (PCT) as mentioned in Paragraph-9.
- ☐ 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.
- ☐ The said invention is an improvement in or modification of the invention particulars of which are given in Paragraph-11.

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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 □…….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 (x) 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";

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FORM 2

THE PATENT ACT 1970
(39 of 1970)
&
The Patents Rules, 2003
PROVISIONAL/COMPLETE SPECIFICATION
(See section 10 and rule13)

1. TITLE OF THE INVENTION

2. APPLICANT (S)
(a) NAME:
(b) NATIONALITY:
(c) ADDRESS:

3. PREAMBLE TO THE DESCRIPTION

PROVISIONAL	COMPLETE
The following specification describes the invention.	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 .**
***Con.plete 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**

IndiaCode

FORM 3

THE PATENTS ACT, 1970

(39 of 1970)

and

THE PATENTS RULES, 2003

STATEMENT AND UNDERTAKING UNDER SECTION 8

(See section 8; Rule 12)

1. Name of the applicant(s).	I/We…… …… ……
	…… …… …… hereby declare:
2. Name, address and nationality of the joint applicant.	(i) that I/We have not made any application for the same/substantially the same invention outside India Or (ii) that I/We who have made this application No…….dated …..……..alone/jointly with ……., 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 grant

3. Name and address of the assignee	(iii) that the rights in the application(s) has/have been assigned to…… …… …… …… that I/We undertake that upto the date of grant of the patent by the Controller, I/We would keep him informed in writing the details regarding corresponding applications for patents filed outside India within six months from the date of filing of such application. 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……
Note.- Strike out whichever is not applicable;	

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FORM 4

THE PATENTS ACT, 1970

(39 of 1970)

and

THE PATENTS RULES, 2003

REQUEST FOR EXTENSION OF TIME

[See sections 53(2), and 142 (4); rules 13(6), 24B(6), 24C(11) and 80(1A), 130]

1. Name of the applicant	I/We…….. …… …….. hereby request for extension of time for ……..months(s) under section/rule……in connection with my/our/application/Patent No…… The reasons for making the request are as follows:- …… ……. Dated this…….day of …….20….
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……
Note.- For fee: See First Schedule.”;	

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F O R M 5
THE PATENTS ACT, 1970
(39 of 1970)

&

The Patents Rules, 2003
DECLARATION AS TO INVENTORSHIP
[See section 10(6) and rule 13(6)]

1. NAME OF APPLICANT (S)	

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

2. INVENTOR (S)
(a) NAME
(b) NATIONALITY
(c) ADDRESS

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

Signature: -
Name of the signatory: -

3. DECLARATION TO BE GIVEN WHEN THE APPLICATION IN INDIA IS FILED BY THE APPLICANT (S) IN THE CONVENTION COUNTRY: -

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).

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

Signature: -
Name of the signatory: -

4. STATEMENT (to be signed by the additional inventor(s) not mentioned in the application form)

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.

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

Signature of the additional inventor(s): -

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.**
***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)

&

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 are more than one applicant.

2. Insert the name in full. The family or principal name in the beginning if the applicant is a natural person.

3. Insert the complete address including postal index number/code and state and/or country.

4. Insert the nationality.

5. State the name of the applicant(s) for patent.

6. Original and certified copies of the documents shall accompany the claim or request. Consent by the legal representative of the deceased joint applicant shall be filed whenever required.

7. Insert the details of the documents.

8. Complete address including postal index number/code and state along 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.

I/We,[1] _____

(a) [2] _____

(b) [3] _____

(c) [4] _____

hereby request that the application for patent No.....dated .....

made by[5]._____

_____

may proceed in my/our name and further request that direction of the Controller, if necessary be made in that effect

Reasons for making the above request are as follows:-

_____

_____

I furnish the following document(s) in support of my above request:[6]

(a)[7]_____

(b)[7]_____

(c)[7]_____

My/our address for service in India is:.[8]

_____

_____

Dated this ..... day of ....., 200

Signature [9] ..

(----------) [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.

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FORM 7
THE PATENTS ACT, 1970
(39 of 1970)
&
The Patents Rules, 2003
NOTICE OF OPPOSITION
[See sections 25(2) and rule 55A]

1. State names, address and nationality.

I/We,[1]..._____

_____

_____

hereby give notice of opposition to

2. State the grounds taken one after another.

patent No. .....) granted on application No. .....dated..... published on dated.....made by_____ on the grounds [2].

3. Complete address including postal index number/code and state along with Telephone and fax number.

_____

_____

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

My/Our address for services in India is..[3]
.....
.....

5. Name of the natural person who has signed.

Signature [4]....
(----------) [5]....

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

For fee : See First Schedule.

IndiaCode

FORM 7A
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 nationality. I/We,.....
.....
hereby give representation by way of opposition to the grant of patent in respect of application no.....dated..... made by..... and published on .....

2. State the grounds taken one after another. on the grounds .....
.....
.....

3. Complete address including postal index number/code and state along with telephone and fax number. My/our address for service in India is
.....
.....
.....

4. To be signed by the opponent or by his/her authorized registered patent agent. Signature

5. Name and designation of the natural person who has signed. (.....)

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

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FORM 8

THE PATENTS ACT, 1970

(39 of 1970)

&

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 of the person making this application.

I/We,[1].....
.....
.....

hereby state/claim that the following person(s) be mentioned as inventor(s) in the patent application No. .....dated.....made by_____
_____or hereby declare that.[2]..
.....
.....

2. Insert the name of the person mentioned as inventor.

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.

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

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.

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

My/Our address for service in India is[3],
_____
_____

Dated this ..... day of 20

5. Name of the natural person who has signed.

Signature.. [4]...
(----------) [5]....

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

Note :- For fee : See First Schedule.

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FORM 9
THE PATENTS ACT, 1970
(39 of 1970)
&
The Patents Rules, 2003
REQUEST FOR PUBLICATION
[See section 11A(2); rule 24A]

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

I/We[1].....

.....

.....

.....

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

hereby request for early publication of my/our Patent application No ..... dated .....under section 11A(2) of the Act.

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Dated this .....day of 20

3. Name of the natural person who has signed.

Signature .. [2]...

(----------). [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)
&
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.

2. Insert the name in full. Family or principal name in the beginning if the applicant is a natural person.

3. Insert the complete address including postal index number/code and state and/or country.

4. Insert the nationality.

5. Complete address including postal index number/code and state along with Telephone and fax number(s).

I/We.[1]..

(a).[2]._____

(b).[3]._____

(c).[4]._____

(a).[2]._____

(b).[3]._____

(c).[4]._____

(a).[2]._____

(b).[3]._____

(c).[4]._____

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 :

.....

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. Name of the natural person who has signed.

(----------).. [7]...

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

Note : - For fee : See First Schedule

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FORM 11
THE PATENTS ACT, 1970
(39 of 1970)
&
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 nationality.

I/We[1].....

.....

.....

hereby apply for the following direction in respect

of patent No. ----------

dated.....grant to----------

---

2. Complete address including postal index number/code and state along with Telephone and fax number(s).

The reasons for making this application are as follows :

.....

.....

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

My/Our address for service in India is:..[2].....

.....

Dated this .....day of 20

4. Name of the natural person who has signed.

Signature .. [3]...

(----------)[4]

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

Note: - For fee : See First Schedule

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FORM 12
THE PATENTS ACT, 1970
(39 of 1970)
&
The Patents Rules, 2003
REQUEST FOR GRANT OF PATENT UNDER SECTION 26(1) & 52(2)
[See sections 26(1) & 52(2); rules 63A and 79]

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

2. Insert the name in full. Family or principal name in the beginning, if the applicant is a natural person.

3. Insert the complete address including postal code and state and/or country.

4. Nationality of the person.

5. Name of the High Court.

6. Name, address and nationality of the true and first inventor.

7. Complete address including postal index number code and state along with Telephone and fax number(s).

8. To be signed by the applicant(s)

I/We[1].....

.....

(a).[2].....

.....

(b).[3].....

.....

.....

(c).[4]. .....

hereby declare :

(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 of [5].....

.....

and the details of the patent and the opposition for the petition are given below :

Patent No. ..... dated .....Grantee / Patentee .....*Opposition*

Notice dated ---------- or Petition No. .....dated.....

(ii) that I/We have claimed to be the true and first inventor(s)/assignee(s)/legal representative(s) of [6]

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or his authorised 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 is : .[7].

.....

.....

Dated this ..... day of 200

Signature [8]

(----------)[9] .....

To

The Controller of Patents,

The Patent Office,

At .....

Note: -(a) Strike out whichever is not applicable.

(b) For fee : See First Schedule.

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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]

1. Name of the applicant(s).	I/We…….. …… 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 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……
Note.- For fee: See First Schedule.”;	

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

1. State the name, address and nationality.

2. Complete address including postal index number/code and state along with Telephone and fax number(s).

3. To be signed by the opponent or his authorised registered patent agent.

4. Name of the natural person who has signed.

I/We[1].....
.....
hereby give notice of opposition: -
to the amendment of the application/specification with respect to application for Patent No. _____dated .....
OR
to the application for restoration of Patent No. .....dated.....
OR
to the offer to surrender the Patent No. .....dated.....
OR
for the grant of compulsory licence, or revocation of Patent No. ..... dated .....
OR
for the revision of the terms and conditions of licence in respect of Patent No. .....dated .....
OR
for correction of a clerical error in 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 is: [2].

.....
.....

Dated this ..... day of 20

Signature . 3. ....

(----------) [4]. ....

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

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

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FORM 15
THE PATENTS ACT, 1970
(39 of 1970)
&
The Patents Rules, 2003
APPLICATION FOR THE RESTORATION OF PATENT
[See section 60; rule 84]

1. Insert the name, address, *nationality of the applicant(s).*

I/We[1].....
.....
.....
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 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 authorised registered patent agent.

Signature [2].....
(----------)[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.

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FORM 16
THE PATENTS ACT, 1970
(39 of 1970)
&
The Patents Rules, 2003

APPLICATION FOR REGISRATION 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 nationality of the applicant(s).

I/We[1].
.....
.....
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 accompanying[2].....
.....with a certified copy thereof.

OR

Transmit herewith an attested copy of[2]
.....
.....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.

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

My/Our address for service in India is[3].
.....
.....

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

Dated this .....day of 20

Signature . 4.....
(----------)[5]

5. Name of the natural person who has signed.

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

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

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F O R M 17
THE PATENTS ACT, 1970
(39 of 1970)
&
The Patents Rules, 2003

APPLICATION FOR COMPULSORY LICENCE

[See sections 84(1), 91, 92(1) or 92A; rule 96]

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

I/We.[1].....
.....
hereby apply for the grant of a compulsory licence

2. Certified copies of the documents are to be enclosed in duplicate.

under Patent No. ....dated .....
granted to .....
..... for which the patentee is
..... 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 authorised registered patent agent.

The details of documentary evidence in support of my/our interest and the grounds stated above are given below [2].....

(a) .....
(b) .....
(c) .....

My/Our address for service in India is: [3].....
.....

Dated this ..... day of 20

Signature [4].....

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.

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F O R M 18 **THE PATENTS ACT, 1970** **(39 of 1970)** **&** **The Patents Rules, 2003** **REQUEST/EXPRESS REQUEST FOR EXAMINATION OF APPLICATION FOR PATENT** **[See section 11B and rule 20(4)(ii), 24B(1)(i)]**	**(FOR OFFICE USE ONLY)** RQ. No: Filing Date: Amount of Fee Paid: CBR No: Signature:

1. **APPLICANT (S)/OTHER INTERESTED PERSON**
(a) NAME :
(b) NATIONALITY :
(c) ADDRESS :
(d) date of publication of the application under section 11A .....

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)(ii).

3. **Statement in case of request for examination made by any other interested person**

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.

As an evidence of my/our interest in the application for patent following documents are submitted.

(a) _____

_____

4. **ADDRESS FOR SERVICE**

Dated this_____ day of_____ 20

Signature
Name of the signatory

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

NOTE:
***To be signed by the applicant(s) or by his authorized registered patent agent**
***Strike out the column which is/are not applicable**
*** For fee : See First Schedule**

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"FORM 18 A THE PATENTS ACT,1970 and THE PATENT RULES,2003 REQUEST FOR EXPEDITED EXAMINATION OF APPLICATION FOR PATENT [See section 11B and Rule 24C]	(FOR OFFICE USE ONLY) RQ. No.: Filing Date: Amount of fee Paid: CBR no: Signature:

1. APPLICANT(s)
(A)NAME:
(B) NATIONALITY:
(C) ADDRESS:

2. 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 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).

or

I/We hereby request that my/our request for examination bearing no.----------for application for patent no.---------- -----filed on----------for ----------the---------- ----------invention titled ----------may be converted to a request for expedited examination of patent application under rule 24C and the application shall be examined under sections 12 and 13 of the Act.

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3. The applicant(s) to indicate (by ticking the appropriate box) any of the grounds applicable in case of request for expedited examination made by on any of the following grounds:

☐ that the applicant is a startup, or

☐ that India has been indicated as the competent International Searching Authority or elected as an International Preliminary Examining Authority in the corresponding international application.

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.";

F O R M 19
THE PATENTS ACT, 1970
(39 of 1970)
&
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/We.[1].....
.....
.....
hereby apply for revocation of Patent No.....dated..... granted to .....for which the patentee/applicant for patent is.....
.....for the following reason, namely:
[2].....
.....

2. State the nature of the applicant's interest, the facts on which he relies and the grounds on which the application is made.

The details of documentary evidence in support of my/our interest and the reasons stated above are given below : [3].....
(a) .....
(b) .....
(c) .....

3. Certified copies of all the documents are to be enclosed in duplicate.

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 is.[4]
.....
.....
.....

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

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

Dated this ..... day of 20

Signature .[5].....
(----------)[6]

6. Name of the natural person who has signed.

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

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

(b) Strike out whichever is not applicable

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F O R M 20
THE PATENTS ACT, 1970
(39 of 1970)
&
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 applicant(s).

I/We[1].....
.....
.....

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.

(i) 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

Signature [2].....

(----------) [3]

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

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

F O R M 21
THE PATENTS ACT, 1970
(39 of 1970)
&
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).

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).

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

5. Name of the natural person who has signed.

I/We[1].....
.....
hereby apply for the termination of the compulsory licence granted to
.....by the order of the Controller dated.....under Patent No
..... dated.....
granted to.....for which the patentee .....

I/we declare that I am/We are the patentee for the above mentioned patent
I/we declare that I/we derive title/interest in the patent.

I/we make the above mentioned request for termination on the following grounds, namely:
.....
.....

I/we declare that the facts and matters stated herein are true to the best of my/our knowledge, information and belief.
The details of documentary evidence in support of my/our interest and the grounds stated above are given below: [2]
(a) .....
(b) .....
(c) .....
My/our address for service in India is: [3]
.....

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

Signature . [4]
( ) [5]
To
The Controller of Patents,
The Patent Office,
At .....

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

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FORM 22
THE PATENTS ACT, 1970
(39 of 1970)
&
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 character[1]
From.....
.....
.....
is enclosed herewith.

I hereby declare that I am not subject to any of the dis-qualifications 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.

Name:[2].....
.....

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 agent.[3]

(a) .....
(b) .....
(c) .....

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

4 To be signed by the applicant.

Signature[4] .....

5 Name or the natural person who has 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

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FORM 23
THE PATENTS ACT, 1970
(39 of 1970)
&
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 .....

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

Signature[1] .....

(----------)[2]

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

1. To be signed by the applicant.
2. Name of the natural person who has signed.

Note: For fee: See First Schedule.

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FORM 24
THE PATENTS ACT, 1970
(39 of 1970)
&
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 of[1] .....
.....
.....

2. Name, address and nationality of the applicant(s).

I/We[2] .....
.....
.....
.....

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.

Signature[3] .....

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.

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FORM 25
THE PATENTS ACT, 1970
(39 of 1970)
&
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 for[1] .....
.....

I/We have made an application for the grant of a patent for the said invention, its number being No.....of .....Dated..... .....

OR

2. Name and address of the person (s)

I/we hereby attach the brief description of the invention.

I/We intend to make application (s) alone/jointly with[2].....
.....
....

3. Name and address of the assignee

for the same/substantially same invention for patent in the following country/countries/convention countries, namely:-
.....
..... I/We declare that the rights in the application (s) has/have been assigned to [3]._____
_____

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 authorised patent agent.

Signature[4].....

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

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

(b) For fee See First Schedule.

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FORM 26
THE PATENTS ACT, 1970
(39 of 1970)
&
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.
2. Insert the name, address and nationality of the person(s) to be authorized.
3. State the particular matter or proceeding for which the authorisation is made.

I/We[1] .....
.....
.....
hereby authorise[2] .....
.....
.....
to act on my/our behalf in connection with[3]
.....
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 this authorisation.
5. Name of the natural person who has signed along with designation and official seal, if any.

Signature[4] .....

(----------)[5]

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

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

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No Fee

FORM 27
THE PATENTS ACT, 1970
(39 of 1970)
&
The Patents Rules, 2003

Statement regarding the working of the patented invention on commercial scale in India

[See section 146(2) and rule* 131(1) *]

1. Insert name, address and nationality.

In the matter of Patent No.....of .....

I/We[1] .....
.....
.....

2. State the year to which the statement relates

The patentee (s) or licensee (s) under Patent No..... hereby furnish the following statement regarding the working of the patented invention referred to above on a commercial scale in India for the year[2].....

3. Give whatever details are available.

[3]

(i) The patented invention:
{ } Worked { } Not worked [Tick (✓)mark the relevant box]

(a) if not worked: reasons for not working and steps being taken for working of the invention.

(b) If worked: quantum and value (in Rupees), of the patented product:

i) manufactured in India

ii) imported from other countries. (give country wise details)

(ii) the licenses and sub-licenses granted during the year;

(iii) state whether public requirement has been met partly/adequately/to the fullest extent at reasonable price.

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

Dated this ..... day of .....200 .....

4. To be signed by person(s) giving the statement.

Signature[4] .....

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

Note: (a) Strike out whichever is not applicable.".

	"FORM 28 **THE PATENTS ACT, 1970** **(39 of 1970)** **AND** **THE PATENTS RULES, 2003** **TO BE SUBMITTED BY A SMALL ENTITY / STARTUP** **[See rules 2 (fa), 2(fb) 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) 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 Act, 2006 (27 of 2006).	
	B. In case of a foreign entity: Any other document.	
	ii. For claiming the status of a startup	
	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.	
3 4	To be signed by the applicant(s) / patentee (s) / authorised registered patent agent. Name of the natural person who has signed. Designation and official seal, if any, of the person who has signed.	The information provided herein is correct to the best of my/our knowledge and belief. Dated this …….day of ……. 20... Signature ……. (Name) ……. (Designation) **……** To The Controller of Patents, The Patent Office, At…….";

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"FORM 29

THE PATENTS ACT, 1970
(39 of 1970)
and
THE PATENTS RULES, 2003

REQUEST FOR WITHDRAWAL OF THE APPLICATION FOR PATENT

[See Section 11B(4) and rules 7(4A), 26]

1. Name of the applicant	I/ We———————————request that the application for patent numbered …..…… _____dated _____filed by me/us, if applicable, having the request for examination / request for expedited examination numbered……. _____dated_____, be treated as withdrawn under rule 7(4A) / 26.
2. To be signed by the applicant or his authorized registered patent agent	
3. Name of the natural person who has signed	
	Dated ----------day of----------
	Signature (_____) (Name) …….. (Designation) …… To The Controller of Patents Patent Office at _____
N.B. strike out whichever not applicable	

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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]

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. Street	-- --	Telephone No. Mobile No.	-- ----
	City State Country	-- -- --	Fax No.	--
	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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