

Disclaimer: Text of this Act/Bill/Rules is provided for information only. We undertake no responsibility for any errors/mistakes in the same. Please refer to the Gazette of India for the authentic text.

Ministry of Commerce and Industry (Deptt. of Industrial Policy and Promotion), Noti. No. S.O. 1418(E), dated December 28, 2004, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 28th December, 2004, pp. 60-111, No. 1107

[No. 14/3/2004-PP&C] [L]

Whereas, the Central Government in exercise of the powers conferred by Section 159 of the **Patents Act, 1970** (39 of 1970) framed the Patents Rules, 2003;

And whereas, the Central Government has decided to amend the Patents Act, 1970;

And whereas, in view of the above, it has become necessary to update the Patents Rules, 2003 on the lines contained in the amendments to the Patents Act, 1970;

And whereas, the proviso to sub-section (3) of Section 159 of the Patents Act, 1970 as amended by the Patents (Amendment) Ordinance, 2004, empowers the Central Government to dispense with the requirement of previous publication of rules as required under the said sub-section (3) of Section 159;

And whereas, the Central Government is satisfied that circumstances exist which render it practically not possible to comply with the condition of previous publication;

And whereas, the Central Government has decided to dispense with the requirement of previous publication of the following amendment rules required to be made under Section 159 of the said Act;

Now, therefore, in exercise of the powers conferred by Section 159 of the Patents Act, 1970, the Central Government hereby makes the following rules to amend the Patents Rules, 2003, namely:—

1. (1) These rules may be called the **Patents (Amendment) Rules, 2005.**

(2) They shall come into force on the 1st January, 2005.

2. In the Patents Rules, 2003 (hereinafter referred to as the principal rules), in Rule 4, in sub-rule (1), in clauses (i) and (ii), the figures and letters “24-A, 24-B and 24-C” occurring at both the places shall be *omitted*.

3. In Rule 5 of the principal rules, after the words “the Act or these rules”, occurring at the end, the words “and the Controller may take suo motu decision in the matter” shall be *added*.

4. In Rule 6 of the principal rules, for sub-rule (1), the following sub-rule shall be *substituted*, namely:—

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

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

5. In Rule 7 of the principal rules, for sub-rule (4), the following sub-rule shall be *substituted*, namely:—

“(4) Fees once paid in respect of any proceeding shall not ordinarily be refunded irrespective of whether the proceeding has taken place or not.”.

6. In Rule 12 of the principal rules,—

(a) after sub-rule (1), the following sub-rule shall be *inserted*, namely:—

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

Explanation.—For the purpose of this rule, the period of three 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.”.

(b) for sub-rules (3) and (4), the following sub-rule shall be *substituted*, namely:—

“(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 three months from the date of such communication by the Controller.”.

7. In Rule 13 of the principal rules,—

(a) for sub-rule (6), the following sub-rule shall be *substituted*, namely:—

“(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.”.

(b) after sub-rule (7), the following sub-rule shall be *inserted*, namely:—

“(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.”.

8. For Rule 14 of the principal rules, the following rule shall be *substituted*, namely:—

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

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

9. In Rule 19 of the principal rules, for sub-rule (1), the following sub-rule shall be *substituted*, namely:—

“(1) An international application shall be filed with the appropriate office in triplicate either in English or in Hindi language.”.

10. In Rule 20 of the principal rules,—

(a) in sub-rule (1), for the word, figure and letter “Form 1-A”, the word and figure “Form 1” shall be *substituted*.

(b) in sub-rules (2) and (3), for the words, bracket and figure, “sub-rule (4)”, the words, bracket and figures “sub-rule (4)(i)” shall respectively be *substituted*.

(c) in sub-rule (3), in clause (b), after the words “duly verified by the applicant”, the words “or the person duly authorized by him” shall be *inserted*.

(d) for sub-rule (4), the following sub-rule shall be *substituted*, namely:—

“(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.”.

11. In Rule 21 of the principal rules, in sub-rule (2), after the words “duly verified by the applicant”, the words “or the person duly authorized by him” shall be *inserted*.

12. For Rule 24 of the principle rules, the following rules shall be *substituted*, namely:—

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

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

24-B. *Examination of application*.—(1)(i) A request for examination under Section 11-B shall be made in Form 18 after the publication of the application but within thirty-six 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 11-B to be made shall be thirty-six months from the date of priority or from the date of filing of the application or twelve months from the 1st day of January, 2005;

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

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

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

(2)(i) A request for examination of application for patent filed under sub-rule (1) shall be taken up for examination in the order in which the request is filed;

(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.

(3) A first examination report along with the application and specification shall be sent to the applicant or his authorised agent. In case other interested person files the request for examination, an intimation of such examination may be sent to such interested person.

(4)(i) 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 objection is issued to the applicant to comply with the requirements;

(ii) Notwithstanding anything contained in these rules, the period specified in clause (i) may be extended for a further period not exceeding three months by the Controller in circumstances beyond the control of the applicant, on a request made in Form 4 by the applicant along with fee specified in the First Schedule before expiry of the time specified in clause (i);

(iii) The time for putting an application in order for grant which has been examined before the 1st day of January, 2005, shall be twelve months from the date on which the first statement of objections has been issued to the applicant to comply with the requirements."

13. In Rule 26 of the principal rules, sub-rule (2) shall be *omitted*.

14. For Rule 27 of the principal rules, the following rule shall be *substituted*, namely:—

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

15. In Rule 28 of the principal rules,—

(a) in sub-rule (2), in the first proviso, for the word "specified", the words "referred to" shall be *substituted*;

(b) in sub-rule (5), for the words "accept the specification", the words "grant the patent" shall be *substituted*.

16. After Rule 28 of the principal rules, the following rule shall be *inserted*, namely:—

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

17. In Rule 29 of the principal rules, for sub-rule (2), the following sub-rule shall be *substituted*, namely:—

"(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."

18. In Rule 32 of the principal rules, the words and figures "or Section 25" shall be *omitted*.

19. For Rule 37 of the principal rules, the following rule shall be *substituted*, namely:—

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

20. Rule 38 of the principal rules shall be *omitted*.

21. In Chapter V of the principal rules (Rules 39 to 54) shall be *omitted*.

22. In Chapter VI of the principal rules, for the heading “Opposition to the Grant of Patent”, the following heading shall be *substituted*, namely:—

“Opposition Proceedings”.

23. For Rules 55 to 57 of the principal rules, the following rules shall be *substituted*, namely:—

“55. *Opposition by representation against the grant of patent.*—(1) Representation for opposition under sub-section (1) of Section 25 shall be filed at the appropriate office within a period not exceeding three months from the date of publication of the application under Section 11-A of the Act, or before the grant of patent, whichever is later and shall include a statement and evidence, if any, in support of the representation and a request for hearing if so desired.

(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 one month from the date of the notice.

(5) On consideration of the statement and evidence filed by the applicant, the Controller may either refuse to grant a patent on the application or require the complete specification to be amended to his satisfaction before the patent is granted.

(6) After considering the representation and submission made during the hearing if so requested, the Controller shall proceed further simultaneously either rejecting the representation and granting the patent or accepting the representation and refusing the grant of patent on that application, ordinarily within one month from the completion of above proceedings.

55-A. *Filing of notice of opposition.*—The notice of opposition to be given under sub-section (3) of Section 25 shall be made in Form 7 and sent to the Controller in duplicate at the appropriate office.

56. *Constitution of Opposition Board and its proceeding.*—(1) On receipt of notice of opposition, 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 (4) 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.

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.”

24. In Rule 58 of the principal rules,—

(a) in sub-rule (1), for the word “applicant”, the word “patentee” shall be *substituted*;

(b) for sub-rule (2), the following sub-rule shall be *substituted*, namely:—

“(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.”.

25. In Rule 59 of the principal rules, for the word “applicant’s” wherever they occur, and for the word “applicant”, the words “patentee’s” and “patentee” shall respectively be *substituted*.

26. In Rule 62 of the principal rules,—

(a) for sub-rule (1), the following sub-rule shall be *substituted*, namely:—

“(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.”.

(b) for sub-rule (5), the following sub-rule shall be *substituted*, namely:—

“(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.”.

27. For Rule 63 of the principal rules, the following rule shall be *substituted*, namely:—

“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.”.

28. After Rule 63 of the principal rules, the following rule shall be *inserted*, namely:—

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

29. Rules 64 and 65 of the principal rules shall be *omitted*.

30. For Rule 69 of the principal rules, the following rule shall be *substituted*, namely:—

“69. *Procedure for the hearing of claim or an application under Section 28.*—The procedure specified in Rules 55-A and 57 to 63 relating to the filing of notice of opposition, written statement, reply statement, leaving evidence, hearing and cost shall, so far as may be, apply to the hearing of a claim or an application under Section 28 as they apply to the opposition proceedings subject to the modification that reference to patentee shall be construed as the person making the claim, or an application, as the case may be.”.

31. For Rule 71 of the principal rules, the following rule shall be *substituted*, namely:—

“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 request made under sub-rule (1) shall be disposed of by the Controller ordinarily within a period of three months from the date of filing of such request.”.

32. In Chapter VIII, for the existing heading, the following heading shall be *substituted*, namely:—

“Grant of Patents”.

33. Rule 73 of the principal rules shall be *omitted*.

34. After Rule 74 of the principal rules, the following rule shall be *inserted*, namely:—

“74-A. *Inspection of documents related to grant of patent.*—After the date of publication of a grant of a patent, the application together with the complete specification and provisional specification, if any, the drawing if any, abstract and other documents related thereto may be inspected at the appropriate office by making a written request to the Controller and on payment of fee and may obtain copies on payment of fee specified in the First Schedule.”.

35. For Rule 78 of the principal rules, the following rule shall be *substituted*, namely:—

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

36. In Rule 79 of the principal rules, before the word “court” wherever it occurs, the words “Appellate Board or” shall be *inserted*.

37. In Rule 80 of the principal rules, after sub-rule (1), the following sub-rule shall be *inserted*, namely:—

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

38. In Rule 81 of the principal rules,—

(a) in sub-rule (2), for the word “accepted”, the word “granted” shall be *substituted*;

(b) for sub-rule (3), the following sub-rule shall be *substituted*, namely:—

“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.”

39. For Rule 83 of the principal rules, the following rule shall be *substituted*, namely:—

“83. *Publication of the amendment allowed.*—The amendments allowed after a patent has been granted, shall be published.”

40. In Rule 84 of principal rules, for sub-rule (3), the following sub-rule shall be *substituted*, namely:—

“(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.”

41. For Rule 85 of the principal rules, the following rule shall be *substituted*, namely:—

“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.”

42. In Rule 86 of the principal rules, for sub-rule (2), the following sub-rule shall be *substituted*, namely:—

“(2) The Controller shall publish his decision.”

43. For Rule 87 of the principal rules, the following rules shall be *substituted*, namely:—

“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.”

44. In sub-rule (2) of Rule 88 of the principal rules, for the words “Controller or the courts”, the words “Controller or Appellate Board or the courts” shall be *substituted*.

45. Rule 89 of the principal rules shall be *omitted*.

46. In Rule 90 of the principal rules, for the word and figures “Form 17” occurring at both the places, the word and figures “Form 16” shall be *substituted*.

47. For Rule 96 of the principal rules, the following rules shall be *substituted*, namely:—

“96. *Application for compulsory licence etc.*—An application to the Controller for an order under Section 84, Section 85, Section 91 or Section 92 or Section 92-A shall be in Form 17, or Form 19, as the case may be. Except in the case of an application made

by the Central Government, the application shall set out the nature of the applicant's interest and terms and conditions of the licence the applicant is willing to accept.”.

48. In Rule 98 of the principal rules,—

- (a) in sub-rule (1), for the word “advertisement”, the word “publication” shall be *substituted*;
- (b) in sub-rule (6), for the words “of opposition to the grant of patents”, the words “in opposition proceedings” shall be *substituted*.

49. For Rule 99 of the principal rules, the following rule shall be *substituted*, namely:—

“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.”.

50. In Rule 100 of the principal rules, for the word and figures “Form 21”, the word and figures “Form 20” shall be *substituted*.

51. In Rule 101 of the principal rules, in sub-rule (7), for the words “of opposition to the grant of patents”, the words “in opposition proceedings” shall be *substituted*.

52. In Rule 102 of the principal rules,—

- (a) in sub-rule (1), for the word and figures “Form 22”, the word and figures “Form 21” shall be *substituted*;
- (b) in sub-rule (6), for the words “of opposition to the grant of a patent”, the words “in opposition proceeding.” shall be *substituted*.

53. In Rule 103 of the principal rules, in sub-rule (1), for the words “names and addresses”, the words “names, addresses, specimen signatures and photographs” shall be *substituted*.

54. In Rule 108 of the principal rules, after sub-rule (2), the following sub-rule shall be *inserted*, namely:—

“(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.”.

55. In Rule 109 of the principal rules, in sub-rule (1), for the word and figures “Form 23”, the word and figures “Form 22” shall be *substituted*.

56. In Rule 110 of the principal rules, for sub-rule (3), the following sub-rule shall be *substituted*, namely:—

“(3) The qualifying marks for each written paper and for the viva voce examination shall be fifty per cent each, of total marks and a candidate shall be declared to have passed the examination only if he obtains an aggregate of sixty per cent of the total marks.”.

57. After Rule 111 of the principal rules, the following rule shall be *inserted*, namely:—

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

58. In Rule 112 of the principal rules, for the word and figures “Form 23”, the word and figures “Form 22” shall be *substituted*.

59. In Rule 116 of the principal rules, in sub-rule (2), for the words “shall be notified in the Official Gazette”, the words “shall be published” shall be *substituted*.

60. In Rule 117 of the principal rules,—

- (a) in sub-rule (1), for the word and figures “Form 24”, the word and figures “Form 23” shall be *substituted*;
- (b) in sub-rule (3), for the words “shall be notified by the Controller in the Official Gazette”, the words “shall be published” shall be *substituted*.

61. In Rule 118 of the principal rules, in sub-rule (2), for the words “shall be notified in the Official Gazette”, the words “shall be published” shall be *substituted*.

62. In Rule 120 of the principal rules, the words “in the Official Gazette and in such other manner as the Controller may deem fit” shall be *omitted*.

63. For Rule 121 of the principal rules, the following rules shall be *substituted*, namely:—

“121. *Period within which copies of specification etc. are to be filed.*—The period within which copies of specification or corresponding documents to be filed by the

applicant under sub-section (1) of Section 138 shall be three months from the date of communication by the Controller.

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

64. In Rule 123 of the principal rules, the words “in the Official Gazette” shall be *omitted*.

65. In Rule 124 of the principal rules,—

- (a) in sub-rule (1), the words “in the Official Gazette” shall be *omitted*;
- (b) in sub-rule (4), for the words “to the hearing of the Opposition to the grant of patents”, the words “in the hearing of the opposition proceeding” shall be *substituted*.

66. For Rule 129 of the principal rules, the following rule shall be *substituted*, namely:—

“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.”.

67. In Rule 130 of the principal rules, in sub-rules (1) and (2), for the word and figures “Form 25”, the word and figures “Form 24” at both the places shall be *substituted*.

68. In Rule 131 of the principal rules,—

- (a) in sub-rule (1), for the word and figures “Form 29” the word and figures “Form 27” shall be *substituted*;
- (b) in sub-rule (3), the words “in the Official Gazette and in such other manner as he may deem fit” shall be *omitted*.

69. In Rule 134 of the principal rules, in sub-rule (1), for clauses (f), (g) and (k), the following clauses shall respectively be *substituted*, namely:—

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

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

(k) as to when any application is made or action taken involving an entry in the register, publication in the Official Gazette or otherwise, if the nature of the application or action is specified in the request.”.

70. For Rule 138 of the principal rules, the following rule shall be *substituted*, namely:—

“138. *Power to extend time prescribed.*—(1) Save as otherwise provided in the Rules 24, 55 and 80(1-A), 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 made under these rules shall be made before the expiry of prescribed period.”.

71. For the First Schedule and the Second Schedule to the principal rules, the following Schedules shall be *substituted*, namely:—

“THE FIRST SCHEDULE

(See Rule 7)

FEES

| Number of entry | On what payable | Number of the relevant Form | Amount of fees (In Rupees) | |
|-----------------|---|-----------------------------|--|---|
| | | | For natural person(s) | For other than natural person(s) either alone or jointly with natural person(s) |
| 1 | 2 | 3 | 4 | 5 |
| | | | Rupees | Rupees |
| 1. | On application for a patent under Sections 7, 54 or 135 and Rule 20(1) accompanied by provisional/complete specification— (i) for each sheet of specification in addition to 30; | 1 | 1000 Multiple of 1000 in case of every multiple priority (i) 100 | 4000 Multiple of 4000 in case of every multiple priority (i) 400 |

| | | | | |
|-------|---|----|---|---|
| | (ii) for each claim in addition to 10 | | (ii) 200 | (ii) 800 |
| 2. | On filing complete specification after provisional up to 30 pages having up to 10 claims— (i) for each sheet in addition to 30; (ii) for each claim in addition to 10 | 2 | No fee (i) 100 (ii) 200 | No fee (i) 400 (ii) 800 |
| 1 | 2 | 3 | 4 | 5 |
| 3. | On filing a statement and undertaking under Section 8 | 3 | No fee | No fee |
| 4.(i) | On request for extension of time under Sections 53(2) and 142(4), Rules 13(6), 80(1-A) and 130 | 4 | 300 per month | 1200 per month |
| (ii) | On request for extension of time under Section 21(1) and Rule 24-B(4)(ii) | 4 | (a) 1000 for first month (b) 2000 for second month (c) 3000 for third month | (a) 4000 for first month (b) 8000 for second month (c) 12,000 for third month |
| 5. | On filing a declaration as to inventorship under Rule 13(6) | 5 | No fee | No fee |
| 6. | On application for postdating | — | 500 | 2000 |
| 7. | On application for deletion of reference under Section 19(2) | — | 500 | 2000 |
| 8.(i) | On claim under Section 20(1); | 6 | 500 | 2000 |
| (ii) | On request for direction under Section 20(4) or 20(5) | 6 | 500 | 2000 |
| 9. | On notice of opposition to grant of patent under Section 25(3) | 7 | 1500 | 6000 |
| 10. | On giving notice that hearing before Controller will be attended under Rule 62(2) | — | 1500 | 6000 |
| 11. | On application under Sections 28(2), 28(3) or 28(7) | 8 | 500 | 2000 |
| 12. | Request for publication under Section 11-A(2) and Rule 23-B | 9 | 2500 | 10,000 |
| 13. | On application under Section 44 for amendment of patent | 10 | 1500 | 6000 |
| 14. | On application for directions under Sections 51(1) or 51(2) | 11 | 1500 | 6000 |
| 15. | On request for grant of a patent under Section 26(1) and 52(2) | 12 | 1500 | 6000 |
| 16. | On request for converting a patent of addition to an independent patent under Section 55(1) | — | 1500 | 6000 |
| 17. | 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; | — | 500 | 2000 |
| | (ii) before the expiration of the 3rd year in respect of the 4th year; | — | 500 | 2000 |
| | (iii) before the expiration of the 4th year in respect of the 5th year; | — | 500 | 2000 |
| | (iv) before the expiration of the 5th year in respect of the 6th year; | — | 500 | 2000 |
| | (v) before the expiration of the 6th year in respect of the 7th year; | — | 1500 | 6000 |
| | (vi) before the expiration of the 7th year in respect of the 8th year; | — | 1500 | 6000 |
| | (vii) before the expiration of the 8th year in respect of the 9th year; | — | 1500 | 6000 |
| 1 | 2 | 3 | 4 | 5 |
| | (viii) before the expiration of the 9th year in respect of the 10th year; | — | 1500 | 6000 |

| | | | | | |
|-----|---|--|------|-------------------------------------|-------------------------------------|
| | (ix) | before the expiration of the 10th year in respect of the 11th year; | — | 3000 | 12,000 |
| | (x) | before the expiration of the 11th year in respect of the 12th year; | — | 3000 | 12,000 |
| | (xi) | before the expiration of the 12th year in respect of the 13th year; | — | 3000 | 12,000 |
| | (xii) | before the expiration of the 13th year in respect of the 14th year; | — | 3000 | 12,000 |
| | (xiii) | before the expiration of 14th year in respect of 15th year; | — | 3000 | 12,000 |
| | (xiv) | before the expiration of 15th year in respect of 16th year; | — | 5000 | 20,000 |
| | (xv) | before the expiration of 16th year in respect of 17th year; | — | 5000 | 20,000 |
| | (xvi) | before the expiration of 17th year in respect of 18th year; | — | 5000 | 20,000 |
| | (xvii) | before the expiration of 18th year in respect of 19th year; | — | 5000 | 20,000 |
| | (xviii) | before the expiration of 19th year in respect of 20th year | — | 5000 | 20,000 |
| 18. | On application for amendment of application for patent/complete specification/other related documents under Section 57— | | 13 | | |
| | (i) | before grant of patent; | | 500 | 2000 |
| | (ii) | after grant of patent; | | 1000 | 4000 |
| | (iii) | where amendment is for changing name/address/nationality/address for service | | 200 | 800 |
| 19. | 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 | 1500 | 6000 |
| 20. | On application for restoration of a patent under Section 60 | | 15 | 1500 | 6000 |
| 21. | Additional fee for restoration | | — | 3000 | 12,000 |
| 22. | On notice of offer to surrender a patent under Section 63 | | — | 1000 | 4000 |
| 23. | Application for withdrawing the application under Section 11-B(4) and Rule 26(1) | | — | 1000 | 4000 |
| 24. | On application for the entry in the register of patent 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 Rule 90(1) or 90(2) | | 16 | 1000 (In respect of each patent) | 4000 (In respect of each patent) |
| 25. | On application for alteration of an entry in the register of patents or register of patent agent under Rule 94(1) or Rule 118(1) | | — | 200 | 800 |
| 26. | On request for entry of an additional address for service in the Register of Patents under Rule 94(3) | | — | 500 | 2000 |
| 1 | 2 | | 3 | 4 | 5 |
| 27. | On application for compulsory licence under Sections 84(1), 91(1), 92(1) and 92-A | | 17 | 1500 | 6000 |
| 28. | On request for examination of application for patent— | | 18 | | |
| | (a) | under Section 11-B and Rule 24(1); | | 2500 | 10,000 |
| | (b) | under Rule 20(4)(ii) | 3500 | 14,000 | |
| 29. | On application for revocation of a patent under Section 85(1) | | 19 | 1500 | 6000 |
| 30. | On application for revision of terms and conditions of licence under Section 88(4) | | 20 | 1500 | 6000 |
| 31. | On request for termination of compulsory | | 21 | 1500 | 6000 |

| | | | | |
|-----|---|----|---|--------|
| | licence under Section 94 | | | |
| 32. | On application for registration as a patent agent under Rule 109(1) or 112 | 22 | 2000 | — |
| 33. | On request for appearing in the qualifying examination under Rule 109(3) | — | 1000 | — |
| 34. | For continuance of the name of a person in the register of patent agent— | — | — | — |
| | (i) For the 1st year to be paid along with registration; | — | 500 | — |
| | (ii) For every year excluding the 1st year to be paid on the 1st April in each year | — | 500 | — |
| 35. | On application for duplicate certificate of patent agent under Rule 111-A | — | 1000 | — |
| 36. | On application for restoration of the name of a person in the register of patent agents under Rule 117(1) | 23 | 1000 (Plus continuation fee under entry number 36) | — |
| 37. | On a request for correction of clerical error under Section 78(2) | — | 500 | 2000 |
| 38. | On application for review or setting aside the decisions/order of the Controller under Sections 77(1)(f) or 77(1)(g) | 24 | 1000 | 4000 |
| 39. | On application for permission for applying patent outside India under Section 39 and Rule 71(1) | 25 | 1000 | 4000 |
| 40. | On application for duplicate Patent under Section 154 and Rule 132 | — | 1000 | 4000 |
| 41. | On request for certified copies under Section 72 or for certificate under Section 147, and Rule 133 | — | 1000 | 4000 |
| 42. | For certifying office copies, printed each | — | 500 | 2000 |
| 43. | On request for inspection of register under Section 72, inspection under Rule 27 or Rule 74-A | — | 200 | 800 |
| 44. | On request for information under Sections 127, 132 and 153; and Rule 135 | — | 300 | 1200 |
| 45. | On form of authorization of patent agent | 26 | No fee | No fee |
| 46. | On petition not otherwise provided for | — | 1000 | 4000 |
| 47. | For supplying of photocopies of the documents per page | — | 4 | 4 |
| 1 | 2 | 3 | 4 | 5 |
| 48. | Transmittal fee for International application | — | 2000 | 8000 |
| 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 | 4000 |
| 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 |

Note.—All the Forms/Applications/Requests/Notice/Petitions shall be filed in duplicate unless otherwise specified in the rules.

THE SECOND SCHEDULE

(See Rule 8)

FORMS

List of Forms

| Form No. | Section and rule | Title |
|----------|--|------------------------------------|
| 1 | 2 | 3 |
| 1. | Sections 7, 54, and 135 and Rule 20(1) | Application for grant of a patent |
| 2. | Section 10; Rule 13 | Provisional/Complete Specification |

| | | |
|-----|--|--|
| 3. | Section 8 and Rule 12 | Statement and undertaking |
| 4. | Sections 53(2) and 142(4), Rules 13(6), 24-B(4)(ii), 80(1-A) and 130 | Request for extension of 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 55-A | Notice of opposition on grant of a patent |
| 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 11-A(2) and Rule 24-A | Request for publication. |
| 10. | Section 44 and Rule 75 | Application for amendment of patent |
| 11. | Sections 51(1), 51(2) and Rules 76, 77 | Application for direction of the Controller |
| 12. | Sections 26(1) and 52(2) and Rules 63-A and 79 | Request for grant of patent |
| 13. | Section 57 and Rule 81(1) | Application for amendment of the application for patent/complete specification |
| 14. | Sections 57(4), 61(1), 63(3), 78(5) and 87(2) and Rules 81(3)(b), 85(1), 87(2), 98(1), 101(3) or 124 | Notice of opposition to amendment/restoration/surrender of patent/grant of compulsory licence or revision of terms thereof or to a correction of clerical errors |
| 15. | Section 60 and Rule 84 | Application for restoration of patents |
| 16. | Sections 69(1) or 69(2) and Rules 90(1) and 90(2) | Application for registration of title/interest in a patent or share in it or registration of any document purporting to affect proprietorship of the patent |
| 17. | Sections 84(1), 91, 92 or 92-A and Rule 96 | Application for compulsory licence |
| 18. | Section 11-B and Rule 20(4)(ii) and 24-B(1)(i) | Request for examination of application for patent |
| 19. | Section 85(1) and Rule 96 | Application for revocation of a patent for non-working |
| 20. | Section 88(4) and Rule 100 | Application for revision of terms and conditions of licence |
| 21. | Section 94, Rule 102(1) | Request for termination of compulsory licence |
| 1 | 2 | 3 |
| 22. | Rules 109(1) and 112 | Application for registration of Patent Agent |
| 23. | Section 130(2) and Rule 117(1) | Application for the restoration of the name in the register of Patent Agents |
| 24. | Sections 77(1)(f), 77(1)(g) and Rules 130(1) and 130(2) | Application for review/setting aside Controller's decision/order |
| 25. | Section 39 and Rule 71(1) | Request for permission for making patent application outside India |
| 26. | Sections 127, 132 and Rule 135 | Form of authorization of a Patent Agent/or any person in a matter or proceeding under the Act |
| 27. | Section 146(2) and Rule 131(1) | Statement regarding the working of the Patented invention on commercial scale in India |

| | | |
|--|--|---------|
| <p>FORM 1 THE PATENTS ACT, 1970 (39 of 1970) And THE PATENTS RULES, 2003 <i>Application for Grant of Patent</i> [See Sections 7, 54 and 135 and Rule 20(1)]</p> | <p>(For office use only)</p> <p>Application No. : Filing Date : Amount of Fee paid : CBR No. : Signature :</p> | |
| 1. Applicant(s) | | |
| Name | Nationality | Address |
| | | |
| 2. Inventor(s) | | |

| | | | | | |
|--|--------------------|-------------|---|---|--|
| Name | | Nationality | | Address | |
| | | | | | |
| 3. Title of the invention | | | | | |
| 4. Address for correspondence of applicant/authorised patent agent in India | | | | Telephone No. Fax No. Mobile No. E-mail: | |
| 5. Priority particulars of the application(s) filed in convention country | | | | | |
| Country | Application number | Filing date | Name of the applicant | Title of the invention | |
| | | | | | |
| 6. Particulars for filing Patent Cooperation Treaty (PCT) National Phase Application | | | | | |
| International application number | | | International filing date as allotted by the receiving office | | |
| | | | | | |
| 7. Particulars for filing Divisional Application | | | | | |
| Original (first) application number | | | Date of filing of original (first) application | | |
| | | | | | |
| 8. Particulars for filing patent of addition | | | | | |
| Main application/patent number | | | Date of filing of main application | | |
| | | | | | |
| 9. Declarations: | | | | | |
| (i) Declaration by the inventor(s) I/We, the above named inventor(s) is/are the true and 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: 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 | | | | | |
| (iii) Declaration by the applicant(s): I/We, the applicant(s) hereby declare(s) that: <input type="checkbox"/> I am/We are in possession of the abovementioned invention <input type="checkbox"/> The provisional/complete specification relating to the invention is filed with this application <input type="checkbox"/> The invention as disclosed in the specification uses the biological material from India and the necessary permission from the competent authority shall be submitted by me/us before the grant of patent to me/us <input type="checkbox"/> There is no lawful ground of objection to the grant of the Patent to me/us <input type="checkbox"/> I am/We are the assignee or legal representative of true and first inventors <input type="checkbox"/> The application or each of the applications, particulars of which are given in Para-5 was the first application in convention country/countries in respect of my/our invention <input type="checkbox"/> I/We claim the priority from the abovementioned 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 <input type="checkbox"/> My/our application in India is based on international application under Patent Cooperation Treaty (PCT) as mentioned in Para-6 <input type="checkbox"/> The application is divided out of my/our application particulars of which are given in Para-7 and pray that this application may be treated as deemed to have been filed on under Section 16 of the Act <input type="checkbox"/> The said invention is an improvement in or modification of the invention particulars of which are given in Para-8 | | | | | |
| 10. Following are the attachments with the application: (a) Provisional specification/complete specification (b) Complete specification (In conformation with the international application)/as amended before | | | | | |

Patents (Amendment) Rules, 2005

| |
|--|
| <p>the International Preliminary Examination Authority (IPEA), as applicable (2 copies), No. of pages No. of claims</p> <p>(c) Drawings (In conformation with the international application)/as amended before the International Preliminary Examination Authority (IPEA), as applicable (2 copies), No. of sheets</p> <p>(d) Priority documents</p> <p>(e) Translation of priority document/specification/International Search Report</p> <p>(f) Statement and undertaking on Form 3</p> <p>(g) Power of Authority</p> <p>(h) Declaration of inventorship on Form 5</p> <p>(i) Sequence listing in electronic form</p> <p>(j)</p> |
| <p>Fee Rs in cash/cheque/bank draft bearing No.</p> <p>Date on Bank</p> <p>I/We hereby declare that to the best of my/our knowledge, information and belief the fact and matters stated herein are correct and I/we request that a patent may be granted to me/us for the said invention</p> <p>Dated this day of 20</p> <p style="text-align: right;">Signature Name</p> <p>To, The Controller of Patent The Patent Office, at</p> |
| <p><i>Note.</i>—*Repeat boxes in case of more than one entry</p> <p>* To be signed by the applicant(s) or by authorized registered patent agent otherwise where mentioned</p> <p>* Tick (✓)/cross (x) whichever is applicable/not applicable in declaration in Para-9</p> <p>* Name of the inventor and applicant should be given in full, family name in the beginning</p> <p>* Complete address of the inventor and applicant should be given stating the postal index no./code, State and country</p> <p>* Strick out the column which is/are not applicable</p> <p>* For fee : <i>See</i> First Schedule</p> |

| | |
|--|--|
| <p>FORM 2</p> <p>THE PATENTS ACT, 1970</p> <p>(39 of 1970)</p> <p>And</p> <p>THE PATENTS RULES, 2003</p> <p><i>Provisional/Complete Specification</i></p> <p>(<i>See</i> Section 10 and Rule 13)</p> | |
| 1. Title of the invention | |
| 2. Applicant(s) | |
| <p>(a) Name :</p> <p>(b) Nationality :</p> <p>(c) Address :</p> | |
| 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) |
| <p><i>Note:</i></p> <ul style="list-style-type: none"> * Repeat boxes in case of more than one entry * To be signed by the applicant(s) or by authorized registered patent agent * Name of the applicant should be given in full, family name in the beginning * Complete address of the applicant should be given stating the postal index no./code, State and country * Strike out the column which is/are not applicable |

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/We¹

.....

.....

..... 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 along/jointly with² 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 to³

.....

that I/we undertake that up to the date of grant of the patent, by the Controller, I/we would keep him informed in writing the details regarding corresponding applications for patents filed outside India within three months from the date of filing of such application

Dated this day of 20

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

5. Name of the natural person who has signed Signature⁴

(.....)⁵

To,

The Controller of Patents,
The Patent Office, at

Note.—Strike out whichever is not applicable

FORM 4

THE PATENTS ACT, 1970

| | |
|--|---|
| To, The Controller of Patent 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 | Signature of the additional inventor(s): Name: |
|--|---|

FORM 6

THE PATENTS ACT, 1970
(39 of 1970)

And

THE PATENTS RULES, 2003

Claim or request regarding any Change in Applicant for Patent
 [See Sections 20(1), 20(4) and 20(5); Rules 34(1), 35(1) and 36(1)]

- | | |
|--|--|
| 1. Repeat the columns (a) to (c) if there are more than one applicant | I/We ¹ (a) ² |
| 2. Insert the name in full. The family or principal name in the beginning if the applicant is a natural person | (b) ³ (c) ⁴ |
| 3. Insert the complete address including postal index number/code and State and/or country | hereby request that the applicant for Patent No. dated made by ⁵ |
| 4. Insert the nationality | |
| 5. State the name of the applicant(s) for patent | ... may proceed in my/our name and further request that direction of the Controller, if necessary be made in that effect |
| 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 | Reasons for making the above request are as follows:— I furnish the following document(s) in support of my above request ⁶ |
| 7. Insert the details of the documents | (a) ⁷ (b) ⁷ (c) ⁷ |
| 8. Complete address including postal index number/ code and State along with telephone and fax number(s) | My/Our address for service in India is ⁸ : |
| 9. To be signed by the applicant(s) or authorized registered patent agent | |
| 10. Name of the natural person who has signed | Dated this day of 20 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

FORM 7

THE PATENTS ACT, 1970

(39 of 1970)

And

THE PATENTS RULES, 2003

Notice of Opposition

[See Section 25(3) and Rule 55-A]

1. State names, address and nationality I/We¹,
2. State the grounds taken one after another
 ... hereby give notice of opposition to Patent No.
 granted on
 Application No. dated
 published on dated
 made by
 on the grounds²

3. Complete address including postal index number/
 code and State along with telephone and fax
 number My/Our address for services in India is³
4. To be signed by the opponent or by his authorized
 registered patent agent Signature⁴
5. Name of the natural person who has signed (.....)⁵
 To,
 The Controller of Patents,
 The Patent Office,
 At

For fee : See First Schedule

FORM 8

THE PATENTS ACT, 1970

(39 of 1970)

And

THE PATENTS RULES, 2003

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

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

1. State names, address and nationality of the person I/We¹,
- making this application

 ... hereby state/claim that the following person(s)
 be mentioned as inventor(s) in the Patent
 Application
2. Insert the name of the person mentioned as No. dated
 inventor made by
 or hereby declare that²

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

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

3. Complete address including postal index number/ code and State along with telephone and fax number(s) My/Our address for service in India is³,

 Dated this day of 20
4. To be signed by the applicant or his authorized registered patent agent Signature⁴
5. Name of the natural person who has signed (.....)⁵
 To,
 The Controller of Patents,
 The Patent Office,
 At

Note: For fee : See First Schedule

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

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

2. To be signed by the applicant or his authorized registered patent agent hereby request for early publication of my/our application for Patent No. dated under Section 11-A(2) of the Act
 Dated this day of 20
3. Name of the natural person who has signed Signature²
 (.....)³
 To,
 The Controller of Patents,
 The Patent Office,
 At

Note.—For fee : See First Schedule

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

1. Repeat the columns (a) to (c) if there are more than one applicant I/We¹
 (a)²
 (b)³
2. Insert the name in full. Family or principal name in the beginning if the applicant is a natural person (c)⁴
 (a)²
 (b)³
 (c)⁴
3. Insert the complete address including postal index number/code and State and/or country (a)²
 (b)³

- (c)⁴
4. Insert the nationality hereby request that Patent No.
dated granted to
.....
5. Complete address including postal index number/
code and State along with telephone and fax
number(s) ... 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 is⁵
.....
.....
.....
.....
Dated this day of 20
6. To be signed by the applicant(s) or his authorised
registered patent agent Signature⁶
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

FORM 11

THE PATENTS ACT, 1970

(39 of 1970)

And

THE PATENTS RULES, 2003

Application for Direction of the Controller

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

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

Note.—For fee : See First Schedule

FORM 12

THE PATENTS ACT, 1970

(39 of 1970)

And

THE PATENTS RULES, 2003

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

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

1. Repeat the columns (a) to (c) if there are more than one applicant I/We¹
2. Insert the name in full. Family or principal name in the beginning, if the applicant is a natural person (a)²
3. Insert the complete address including postal code and State and/or country (b)³
4. Nationality of the person (c)⁴
hereby declare:
 - (i) that I/we made opposition under Section 25(3) before the Controller or a petition under Section 64 of the Act before the Appellate Board or High Court of⁵
and the details of the patent and the opposition for the petition are given below:
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) of⁶
 - (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
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) or his authorized registered patent agent
the true and first inventor of the invention for which the said patent was granted
9. Name of the natural person who has signed My/Our address for service in India is⁷:
.....
.....
Dated this day of 20
Signature⁸
(.....)⁹

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

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

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

Or

for the revision of the terms and conditions of licence in respect of Patent No. dated

Or

for correction of a clerical error in Patent No. dated/Specification No. dated in respect of Patent No. dated or Patent Application No. dated

4. Name of the natural person who has signed

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

.....

.....

.....

My/Our address for service in India is²:

.....

.....

.....

Dated this day of 20

Signature³

(.....)⁴

To,

The Controller of Patents,
The Patent Office,
At

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

FORM 15
THE PATENTS ACT, 1970
(39 of 1970)
And
THE PATENTS RULES, 2003
Application for the Restoration of Patent
(*See* Section 60; Rule 84)

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

.....

.....

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

The circumstances which led to the failure to pay the renewal fee for the year on or before are as follows:

.....

.....

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

Dated this day of 20

2. To be signed by the applicant(s) or by his authorized registered patent agent Signature²

(.....)³

3. Name of the natural person who has signed

To,

The Controller of Patents,
The Patent Office,
At

Note.—For fee : *See* First Schedule

Patents (Amendment) Rules, 2005

FORM 16

THE PATENTS ACT, 1970

(39 of 1970)

And

THE PATENTS RULES, 2003

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

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

1. Insert the name, address and nationality of the applicant(s) I/We¹
- 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 Patentees
and in proof thereof we transmit the accompanying²
with a certified copy thereof
- Or
- Transmit herewith an attested copy of²
3. Complete address including postal code and State along with telephone and fax number(s) in respect of Patent No(s).
dated granted to
of which the patentee is
..... as well as the original document for verification and I/we hereby apply that a notification thereof may be entered in the register of patents
4. To be signed by the applicant or his authorized registered patent agent My/Our address for service in India is³
- Dated this day of 20
5. Name of the natural person who has signed Signature⁴
- (.....)⁵

To,

The Controller of Patents,

The Patent Office,

At

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

(b) Strike out whichever is not applicable

FORM 17

THE PATENTS ACT, 1970

(39 of 1970)

And

THE PATENTS RULES, 2003

Application for Compulsory Licence

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

1. Name, address and nationality of the applicant(s) I/We¹
- hereby apply for the grant of a compulsory licence under Patent No. dated granted to for which the patentee is on the following grounds, namely:—
2. Certified copies of the documents are to be enclosed in duplicate
3. Complete address including postal code and State along with telephone and fax number(s)

I/We declare that the facts and matters stated herein are true to the best of my/our knowledge, information and belief

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

The details of documentary evidence in support of my/our interest and the grounds stated above are given below²

- (a)
- (b)
- (c)

My/Our address for service in India is³:

.....

Dated this day of 20

5. Name of the natural person who has signed

Signature⁴
(.....)⁵

To,

The Controller of Patents,
The Patent Office,
At

Note.—For fee : See First Schedule

| | |
|---|---|
| <p>FORM 18 THE PATENTS ACT, 1970 (39 of 1970) And THE PATENTS RULES, 2003 <i>Request/Express request for Examination of Application for Patent</i> [See Section 11-B and Rules 20(4)(ii), 24-B(1)(i)]</p> | <p>(For office use only)</p> <p>RQ No. : Filing Date : Amount of Fee paid : CBR No. : Signature :</p> |
| <p>1. Applicant(s)/other interested person (a) Name: (b) Nationality: (c) Address:</p> | |
| <p>2. Statement in case of request for examination made by the applicant(s) I/We hereby request that my/our application for Patent No. filed on for the invention titled shall be examined under Sections 12 and 13 of the Act</p> <p style="text-align: center;">Or</p> <p>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)</p> | |
| <p>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</p> <p>As an evidence of my/our interest in the application for patent following documents are submitted (a)</p> | |
| <p>4. Address for service</p> | |
| <p>Dated this day of 20</p> <p>Signature Name of the signatory</p> | |
| <p>To,</p> | |

| |
|--|
| The Controller of Patents The Patent Office, At |
| <i>Note:</i> * 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 : <i>See</i> First Schedule |

FORM 19
THE PATENTS ACT, 1970
(39 of 1970)
And
THE PATENTS RULES, 2003
Application for Revocation of a Patent for Non-working
[*See* Section 85(1); Rule 96]

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

To,

The Controller of Patents,
The Patent Office,
At

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

(b) Strike out whichever is not applicable

FORM 20
THE PATENTS ACT, 1970
(39 of 1970)
And
THE PATENTS RULES, 2003
Application for Revision of Terms and Conditions of Licence
[*See* Section 88(4); Rule 100]

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

.....

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

2. To be signed by the applicant(s) or by his authorised registered patent agent (ii) that I/we am/are holding licence under the patent, granted by the Controller by an order dated

3. Name of the natural person who has signed (iii) that the terms and conditions settled by the Controller have proved to be more onerous than originally expected and we are unable to work the invention

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

I/We request the Controller to revise the terms and conditions of the licence

Dated this day of 20

Signature²

(.....)³

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

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

FORM 21
 THE PATENTS ACT, 1970
 (39 of 1970)
 And
 THE PATENTS RULES, 2003
Request for Termination of Compulsory Licence
 [See Section 94; Rule 102(1)]

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

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

2. Certified copies of the documents are to be enclosed in duplicate I/We declare that I am/we are the patentee for the abovementioned patent

I/We declare that I/we derive title/interest in the patent

I/We make the abovementioned request for termination on the following grounds, namely:

3. Complete address including postal code and State along with telephone and fax number(s) I/We declare that the facts and matters stated herein are true to the best of my/our knowledge, information and belief

The details of documentary evidence in support of my/our interest and the grounds stated above are given below²:

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

(b)

(c)

5. Name of the natural person who has signed My/Our address for service in India is³:

 ...
 Dated this day of 20

Signature⁴
 (.....)⁵

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

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

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

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

1. Certificate testifying to the character of the applicant should be from a person not related to him and being a Gazetted Officer or any other person whom the Controller thinks fit A certificate of character¹
 From

 is enclosed herewith

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

Name²

 ...

2. Family or principal name in the beginning Address/Place of residence

 Principal place of business:

 Address of the branch office, if any:

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

 ... Nationality:
 Date and place of birth:

 ... Occupation:

Particulars of qualification for registration as patent agent³
 (a)

 (b)

 (c)

4. To be signed by the applicant Dated this day of 20

5. Name of the natural person who has signed Signature⁴
 (.....)⁵

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

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

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

I,
hereby apply for the restoration of my name in the
register of patent agent which was removed on
..... under Section 130 or Rule
116. My name was originally entered in the register
on under No.
.....

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

Dated this day of 20
Signature¹
(.....)²

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

Note.—For fee : See First Schedule

FORM 24
THE PATENTS ACT, 1970
(39 of 1970)
And
THE PATENTS RULES, 2003
Application for Review/Setting aside Controller's decision/order
[See Sections 77(1)(f) and 77(1)(g) and Rules 130(1) and 130(2)]

1. State the number of patent or patent application In the matter of¹
number and the relevant proceeding
.....
.....
2. Name, address and nationality of the applicant(s) I/We²
.....
.....
..... being the applicant(s)/opponent/party in the
above matter hereby apply for the review/setting
aside of the Controller's decision/order dated the
..... in the above matter
The grounds for making the application are set forth
in the accompanying statement submitted in
duplicate

- Dated this day of 20
3. To be signed by the applicant(s) or his authorized registered patent agent Signature³
4. Name of the natural person who has signed (.....)⁴
 To,
 The Controller of Patents,
 The Patent Office,
 At

Note.—For fee : *See* First Schedule

FORM 25
 THE PATENTS ACT, 1970
 (39 of 1970)
 And
 THE PATENTS RULES, 2003
 No Fee
Request for Permission for making Patent application outside India
 [See Section 39 and Rule 71(1)]

1. State the title of the invention I am/We are in possession of an invention for¹

 I/We have made an application for the grant of a patent for the said invention, its number being No. of dated
2. Name and address of the person(s) Or
 I/We hereby attach the brief description of the invention
 I/We intend to make application(s) alone/jointly with²
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 to³
- I/We request that I/we may be granted permission to make application(s) for the said invention in the said country/countries. The reasons for making this application, are as follows:—
 The facts and matters stated above are true to the best of my/our knowledge, information and belief
4. To be signed by the applicant(s) or authorized patent agent Dated this day of 20
 Signature⁴
- To,
 The Controller of Patents,
 The Patent Office,
 At

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

FORM 26
 THE PATENTS ACT, 1970
 (39 of 1970)
 And
 THE PATENTS RULES, 2003
Form for Authorisation of a Patent Agent/or any person in a matter or proceeding under the Act
 [See Sections 127 and 132; and Rule 135]

1. Insert name, address and nationality I/We¹
 2. Insert the name, address and nationality of the person(s) to be authorized ... hereby authorise²
 3. State the particular matter or proceeding for which the authorisation is made to act on my/our behalf in connection with³ 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 Signature⁴
 5. Name of the natural person who has signed along with designation and official seal, if any (.....)⁵
- To,
The Controller of Patents,
The Patent Office,
At

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

FORM 27

THE PATENTS ACT, 1970

(39 of 1970)

And

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/We¹
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 year²
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 countrywise details)
 - (ii) the licences and sub-licences 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

