

MINISTRY OF COMMERCE AND INDUSTRY
(Department for Promotion of Industry and Internal Trade)

NOTIFICATION

New Delhi, the 22nd August, 2023

G.S.R. 619(E).—The following draft rules to further amend the Patents Rules, 2003 which the Central Government proposes to make in exercise of the powers conferred by section 159 of the Patents Act, 1970, are hereby published as required by sub-section (3) of the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft rules will be taken into consideration after the expiry of a period of thirty days from the date on which copies of the Gazette of India, in which this notification is published, are made available to the public;

Objections or suggestions, if any, may be addressed to the Secretary, Department for Promotion of Industry and Internal Trade, Ministry of Commerce and Industry, Government of India, Vanijya Bhawan, New Delhi- 110001 or by e-mail at bikram.87@nic.in and ipr-patents@gov.in;

The objections and suggestions, which may be received from any person with respect to the said draft rules before the expiry of the period so specified, will be considered by the Central Government.

DRAFT RULES

1. (i) These rules may be called “The Draft Patents (Amendment), Rules, 2023”.
- (ii) They shall come into force on the date of their publication in the Official Gazette.
2. In the Patents Rules, 2003, hereinafter referred to as the ‘principal rules’, in rule 12:
 - (i) in clause (2), for the words ‘six months from the date of such filing’, the words ‘two months from the date of issuance of first statement of objections’ shall be substituted;
 - (ii) for clause (3), the following clause shall be substituted, namely,-
 - “3. The Controller shall consider the information relating to processing of the application in a country outside India that is accessible using public databases.
 4. The Controller may, under sub-section (2) of section 8, for reasons to be recorded in writing, direct the applicant to furnish a fresh statement and undertaking in Form 3 within two months from the date of such communication by the Controller.
 5. Notwithstanding anything contained in the sub-rules (1), (2) or (3), the Controller may condone the delay in filing of Form 3 upon a request made in Form 4.”
3. After sub-rule (2) of rule 13 of the principal rules, the following shall be inserted, namely,-

“(2A) A patent applicant may, if he so desires, file a divisional application under section 16, including in respect of an invention disclosed in the provisional specification.”
4. In rule 24B of the principal rules,-
 - a. in sub-rule (1), for the words ‘forty-eight’, wherever they occur, the words ‘thirty-one’ shall be substituted;
 - b. in sub-rule (1), after clause (v), the following clause shall be inserted, namely,-
 - “(vi). Notwithstanding anything contained in this sub-rule, in respect of an application that was filed before the Patents (Amendment) Rules, 2023 came into force, the request for examination under sub-section (1) of section 11B shall be filed within the time prescribed in the Patents (Amendment) Rules, 2006.’
 - c. in sub-rule (6), for the words, brackets and figure ‘specified under sub-rule (5)’, the words ‘specified in this sub-rule’ shall be substituted.
5. In rule 24C of the principal rules, in sub-rule (11), for the words, brackets and figure ‘specified under sub-rule (10)’, the words ‘specified in this sub-rule’ shall be substituted.
6. In the principal rules, after rule 29, the following rule shall be inserted, namely,-

“29A. Grace period.- An application to avail the grace period under section 31 shall be filed in Form 31.”
7. In the principal rules, in rule 55:

in sub-rule (3), for the word 'representation', the words 'representation, the Controller shall first decide the maintainability of the representation and thereafter' shall be substituted;

in sub-rule (4), for the word 'three', the word 'two' shall be substituted;

after sub-rule (5), the following shall be inserted namely,-

“(6) After considering the representation and submission made during the hearing if so requested, the Controller shall proceed to either reject the representation and granting the patent or accepting the representation and refusing the grant of patent on that application, ordinarily within three months from completion of above proceedings.

(7) The procedure specified in sub-rules (2) to (4) of rule 62, and rule 63, shall, so far as may be, apply to the procedure for hearing under this rule.

(8) An application for a patent, in which a representation for opposition has been filed and found maintainable, shall be examined in accordance with rule 24C.”

8. In rule 56 of the principal rules, in sub-rule (4), for the word 'three', the word 'two' shall be substituted.

9. In rule 80 of the principal rules, for sub-rule (3), the following sub-rule shall be substituted, namely,-

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

Provided that where the renewal fees is paid in advance via e-filing in respect of a period of at least 4 years, a ten per cent reduction in fee shall be applicable upon such a payment.”

10. In rule 110 of the principal rules, in sub-rule (2),-

a. for the words 'Patents Act and Rules', the words 'Patents Act, 1970, Patents Rules, 2003, Designs Act, 2000 and Designs Rules, 2001' shall be substituted;

b. for the words 'patent specifications', the words 'patent specifications, design specifications' shall be substituted.

11. In rule 131 of the principal rules, for sub-rule (2), the following sub-rule shall be substituted, namely,-

(2) The statements referred to in sub-rule (1) shall be furnished once in respect of every period of three financial years, starting from the financial year commencing immediately after the financial year in which the patent was granted, and shall be furnished within six months from the expiry of each such period:

Provided that the Controller may condone the delay in filing of such a statement upon a request made in Form 4.”

12. Rule 138 of the principal rules shall be substituted by the following rule, namely,-

"138. Power to extend time prescribed.- (1) The time prescribed by these Rules for the doing of any act or the taking of any proceeding thereunder may be extended by the Controller for a period of up to six months, if he thinks it fit to do so and upon such terms as he may direct.

(2) Any request for extension of time under this rule shall be made in Form 4 before the expiry of the period of up to six months mentioned in sub-rule (1).”

13. In the principal rules, for Table I of THE FIRST SCHEDULE, the following table shall be substituted, namely,-

“Number of Entry	On what payable	Number of the relevant Form	For e-filing		For physical filing	
			Natural person(s) or startup(s) or small entit(y)/(ies) or educational institution(s)	Other(s), alone or with natural person(s) or startup(s) or small entit(y)/(ies) or educational institution(s)	Natural person(s) or startup(s) or small entit(y)/(ies) or educational institution(s)	Other(s), alone or with natural person(s) or startup(s) or small entit(y)/(ies) or educational institution(s)
1	2	3	4	5	6	7
			Rupees	Rupees	Rupees	Rupees
1.	On application for a patent under sections 7, 54* or 135 and rule 20(1) accompanied by provisional or complete specification—	1	1600	8000	1750	8800
			Multiple of 1600 in case of every multiple	Multiple of 8000 in case of every multiple	Multiple of 1750 in case of every multiple	Multiple of 8800 in case of every multiple priority.

			priority.	priority.	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 (ii) 320 (iii) 160subject to a maximum of 24000	(i) 800 (ii) 1600 (iii) 800subject to a maximum of 120000	(i) 180 (ii) 350 Not allowed	(i) 880 (ii) 1750 Not allowed
	(ii) for each claim in addition to 10; (iii) for each page of sequence listing of nucleotides and/ or amino acid sequences under sub- rule (3) of rule (9). * An application for a patent made under section 54 shall be eligible for a reduction of 50 per cent in fee as compared to other applications.					
2.	On filing complete specification after provisional up to 30 pages having up to 10 claims –	2	No fee	No fee	No fee	No fee
	(i) for each sheet of specification in addition to 30, excluding sequence listing of nucleotides and/ or amino acid sequences under sub-rule (3) of rule (9);		(i) 160	(i) 800	(i) 180	(i) 880
	(ii) for each claim in addition to 10.		(ii) 320	(ii) 1600	(ii) 350	(ii) 1800
	(iii) for each page of sequence listing of nucleotides and/ or amino acid sequences under sub-rule (3) of rule (9). Note: A specification in respect of an application for a patent made under section 54 shall be eligible for a reduction of 50 per cent in fee as compared to other specifications.		(iii) 160subject to a maximum of 24000	(iii) 800subject to a maximum of 120000	Not allowed	Not allowed
3.	On filing a statement and undertaking under section 8.	3	No fee	No fee	No fee	No fee
4.	i) On request for extension of time under sections 53(2) and 142(4), rules 13(6), 80(1A) and 130 (per month).	4	480	2400	530	2600

	ii) On request for extension of time under sub-rule (6) of rule 24B (per month).	4	1000	4000	1100	4400
	iii) On request for extension of time under sub-rule (11) of rule 24C (per month).	4	2000	10000	2200	11000
	iv) On request for extension of time under rule 138 (per month).	4	10000	50000	11000	55000
5.	On filing a declaration as to inventorship under sub-rule (6) of rule 13.	5	No fee	No fee	No fee	No fee
6.	On application for postdating.	-	800	4000	880	4400
7.	On application for deletion of reference under section 19 (2).	-	800	4000	880	4400
8.	(i) On claim under section 20(1);	6	800	4000	880	4400
	(ii) On request for direction under section 20 (4) or 20 (5).	6	800	4000	880	4400
9.	(i) On notice of opposition to grant of patent under section 25(2);	7	Aggregate of amounts actually paid in respect of entries 1, 2, 12, 27, 28, 29, as may be applicable	Aggregate of amounts actually paid in respect of entries 1, 2, 12, 27, 28, 29, as may be applicable	Not allowed	Not allowed
	(ii) On filing representation opposing grant of patent under section 25(1).	7A	Aggregate of amounts actually paid in respect of entries 1, 2, 12, 27, 28, 29, as may be applicable	Aggregate of amounts actually paid in respect of entries 1, 2, 12, 27, 28, 29, as may be applicable	Not allowed	Not allowed
10.	On giving notice that hearing before Controller shall be attended under rule 62(2).	-	1500	7500	1700	8300
11.	On application under section 28(2).	8	No fee	No fee	No fee	No fee
	On application under sections 28(3) or 28(7).	8	800	4000	880	4400
12.	Request for publication under section 11A(2) and rule 24A.	9	2500	12500	2750	13750
13.	On application under section 44 for amendment of patent.	10	2400	12000	2650	13200

14.	On application for directions under section 51(1) or 51(2).	11	2400	12000	2650	13200
15.	On request for grant of a patent under sections 26(1) and 52(2).	12	2400	12000	2650	13200
16.	On request for converting a patent of addition to an independent patent under section 55 (1).	-	2400	12000	2650	13200
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;	-	800	4000	880	4400
(ii)	before the expiration of the 3rd year in respect of the 4th year;	-	800	4000	880	4400
(iii)	before the expiration of the 4th year in respect of the 5th year;	-	800	4000	880	4400
(iv)	before the expiration of the 5th year in respect of the 6th year;	-	800	4000	880	4400
(v)	before the expiration of the 6th year in respect of the 7th year;	-	2400	12000	2650	13200
(vi)	before the expiration of the 7th year in respect of the 8th year;	-	2400	12000	2650	13200
(vii)	before the expiration of the 8th year in respect of the 9th year;	-	2400	12000	2650	13200
(viii)	before the expiration of the 9th year in respect of the 10th year;	-	2400	12000	2650	13200
(ix)	before the expiration of the 10th year in respect of the 11th year;	-	4800	24000	5300	26400
(x)	before the expiration of the 11th year in respect of the 12th year;	-	4800	24000	5300	26400
(xi)	before the expiration of the 12th year in respect of the 13th year;	-	4800	24000	5300	26400
(xii)	before the expiration of the 13th year in respect of the 14th year;	-	4800	24000	5300	26400
(xiii)	before the expiration of the 14th year in respect of the 15th year;	-	4800	24000	5300	26400
(xiv)	before the expiration of the 15th year in respect of the 16th year;	-	8000	40000	8800	44000
(xv)	before the expiration of the 16th year in respect of the 17th year;	-	8000	40000	8800	44000
(xvi)	before the expiration of the 17th year in respect of the 18th year;	-	8000	40000	8800	44000

(xvii)	before the expiration of the 18th year in respect of the 19th year;	-	8000	40000	8800	44000
(xviii)	before the expiration of the 19th year in respect of the 20th year.	-	8000	40000	8800	44000
18.	On application for amendment of application for patent or complete specification or other related documents under section 57—	13				
(i)	before grant of patent;		800	4000	880	4400
(ii)	after grant of patent;		1600	8000	1750	8800
(iii)	where amendment is for changing name or address or nationality or address for service.		320	1600	350	1750
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	2400	12000	2650	13200
20.	On application for restoration of a patent under section 60.	15	2400	12000	2650	13200
21.	Additional fee for restoration under section 61(3) and rule 86(1).	—	4800	24000	5300	26400
22.	On notice of offer to surrender a patent under section 63.	—	No fee	No fee	No fee	No fee
23.	On application for the entry in the register of patents of the name of a person entitled to a patent or as a share or as a mortgage or as licensee or as otherwise or for the entry in the register of patents of notification of a document under sections 69(1) or 69(2) and rules 90(1) or 90(2).	16	1600 (In respect of each patent)	8,000 (In respect of each patent)	1750 (In respect of each patent)	8,800 (In respect of each patent)
24.	On application for alteration of an entry in the register of patents or register of patent agents under rules 94(1) or rule 118(1).	—	320	1600	350	1750
25.	On request for entry of an additional address for service in the Register of Patents under rule 94(3).	—	800	4000	880	4400
26.	On application for compulsory license under sections 84(1), 91(1), 92(1) and 92A.	17	2400	12000	2650	13200
27.	On request for	18				

	examination of application for patent—					
	(i) under section 11B and rule 24(1);		4000	20000	4400	22000
	(ii) under rule 20(4)(ii).		5600	28000	6150	30800
28.	On request for expedited examination of application for patent under rule 24C.	18A	8000	60000	Not allowed	Not allowed
29.	Conversion of the request for examination filed under rule 24B to request for expedited examination under rule 24C.	18A	4000	40000	Not allowed	Not allowed
30.	On application for revocation of a patent under section 85(1).	19	2400	12000	2650	13200
31.	On application for revision of terms and conditions of licence under section 88(4).	20	2400	12000	2650	13200
32.	On request for termination of compulsory licence under section 94.	21	2400	12000	2650	13200
33.	On application for registration as a patent agent under rule 109(1) or rule 112.	22	3200	Not applicable	3500	Not applicable
34.	On request for appearing in the qualifying examination under rule 109(3).	—	1600	Not applicable	1750	Not applicable
35.	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	880	Not applicable
	(ii) for every year excluding the 1st year to be paid on the 1st April in each year.	—	800	Not applicable	880	Not applicable
36.	On application for duplicate certificate of patent agent under rule 111A.	—	1600	Not applicable	1750	Not applicable
37.	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 35)	Not applicable	1750 (Plus continuation fee under entry number 35)	Not applicable
38.	On a request for correction of clerical error under section 78(2).	—	800	4000	880	4400
39.	On application for review	24	1600	8000	1750	8800

	or setting aside the decision or order of the controller under section 77(1)(f) or 77(1)(g).					
40.	On application for permission for applying patent outside India under section 39 and rule 71(1).	25	1600	8000	1750	8800
41.	On application for duplicate patent under section 154 and rule 132.	—	1600	8000	1750	8800
42.	(i) On request for certified copies under section 72 or for certificate under section 147 and rule 133(1).	—	1000 (up to 30 pages and, thereafter, 30 for each extra page)	5000 (up to 30 pages and, thereafter, 150 for each extra page)	1100 (up to 30 pages and, thereafter, 30 for each extra page)	5500 (up to 30 pages and, thereafter, 150 for each extra page)
	(ii) On request for certified copies under section 72 or for certificate under section 147 and rule 133(2).	--	2400 (up to 30 pages and thereafter, 30 for each extra page)	12000 (up to 30 pages and thereafter, 30 for each extra page)	3300 (up to 30 pages and thereafter, 30 for each extra page)	13200 (up to 30 pages and thereafter, 30 for each extra page)
43.	For certifying office copies, printed each.	—	800	4000	880	4400
44.	On request for inspection of register under section 72, inspection under rule 27 or rule 74A.	—	320	1600	350	1750
45.	On request for information under section 153 and rule 134.	—	480	2400	530	2650
46.	On form of authorisation of a patent agent.	26	No fee	No fee	No fee	No fee
47.	On petition not otherwise provided for.	—	1600	8000	1750	8800
48.	For supplying of photocopies of the documents, per page.	—	10	10	10	10
49.	Transmittal fee for International application.	—	3200	16000	3500	17600
50.	Transmittal fee for International application (for ePCT filing).	—	No fee	No fee	Not applicable	Not applicable
51.	For preparation of certified copy of priority document and for transmission of the same to the International Bureau of World Intellectual Property Organization.	—	1000 (up to 30 pages and, thereafter, 30 for each extra page)	5000 (up to 30 pages and, thereafter, 150 for each extra page)	1100 (up to 30 pages and, thereafter, 30 for each extra page)	5500 (up to 30 pages and, thereafter, 150 for each extra page)
52.	For preparation of certified copy of priority document and e-transmission through WIPO DAS.	—	No fee	No fee	Not applicable	Not applicable
53.	On statement regarding	27	No fee	No fee	No fee	No fee

	working of a patented invention on a commercial scale in India under section 146(2) and rule 131(1).					
54.	To be submitted for claiming the status of a small entity or startup.	28	No fee	No fee	No fee	No fee
55.	Application for withdrawing the application under section 11B(4), and rules 7(4A) and 26.	29	No fee	No fee	No fee	No fee
56.	Request for adjournment of hearing under rule 129A (for each adjournment).	-	1000	5000	1100	5500
57.	Miscellaneous form under rule 8(2), to be used when no other form is prescribed.	30	As applicable			
58.	Grace period.	31	11200	84000	Not allowed	Not allowed"

14. In the principal rules, in THE SECOND SCHEDULE,-

a. in the LIST OF FORMS, after "Form No. 30", the following shall be inserted, namely:-

"31.	Section 31 and rule 29A	Grace period."
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b. for Form 1, the following Form shall be substituted, namely:-

"FORM 1				(FOR OFFICE USE ONLY)			
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)							
				Application No.			
				Filing date:			
				Amount of Fee paid:			
				CBR No:			
				Signature:			
1. APPLICANT'S REFERENCE / IDENTIFICATION NO. (AS ALLOTTED BY OFFICE)							
2. TYPE OF APPLICATION [Please tick () at the appropriate category]							
Ordinary ()		Convention ()		PCT-NP ()		PPH ()	
Divisional ()	Patent of Addition ()	Divisional ()	Patent of Addition ()	Divisional ()	Patent of Addition ()		
3A. APPLICANT(S)							
Name in Full	Gender (optional)	Nationality	Country of Residence	Age (optional, for natural persons)	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 ()				Educational institution ()	
		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	Gender (optional)	Nationality	Age (optional, for nature persons)	Country of Residence	Address of the Inventor		
					House No.		
					Street		
					City		
					State		
					Country		
					Pin code		
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)							
<p>(In case the applicant is an assignee: the inventor(s) may sign herein below or the applicant may upload the assignment or enclose the assignment with this application for patent or send the assignment by post/electronic transmission duly authenticated within the prescribed period).</p> <p>I/We, the above named inventor(s) is/are the true & first inventor(s) for this Invention and declare that the applicant(s) herein is/are my/our assignee or legal representative.</p>							
(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			
(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 above-mentioned 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			
<input type="checkbox"/> 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(s) to the grant of the Patent to me/us. I am/we are the true & first inventor(s).			
<input type="checkbox"/> I am/we are the assignee or legal representative of true & first inventor(s).			
<input type="checkbox"/> The application or each of the applications, particulars of which are given in Paragraph-8, was the first application in convention country/countries in respect of my/our invention(s).			
<input type="checkbox"/> I/We claim the priority from the above mentioned application(s) filed in convention country/countries and state that no application for protection in respect of the invention had been made in a convention country before that date by me/us or by any person from which I/We derive the title.			
<input type="checkbox"/> My/our application in India is based on international application under Patent Cooperation Treaty(PCT) as mentioned in Paragraph-9.			
<input type="checkbox"/> The application is divided out of my /our application particulars of which is given in Paragraph- 10 and pray that this application may be treated as deemed to have been filed on DD/MM/YYYY under section 16 of the Act.			
<input type="checkbox"/> The said invention is an improvement in or modification of the invention particulars of which are given in Paragraph-11.			
13. FOLLOWING ARE THE ATTACHMENTS WITH THE APPLICATION			
(a) Form 2			
Item	Details	Fee	Remarks
Complete/provisional specification)#	No. of pages		
No. of Claim(s)	No. of claims and No. of pages		
Abstract	No. of pages		
No. of Drawing(s)	No. of drawings and No. of pages		

In case of a complete specification, if the applicant desires to adopt the drawings filed with his provisional specification as the drawings or part of the drawings for the complete specification under rule 13(4), the number of such pages filed with the provisional specification are required to be mentioned here.

(b) Complete specification (in conformation with the international application)/as amended before the International Preliminary Examination Authority (IPEA), as applicable (2 copies).

(c) Sequence listing in electronic form

(d) Drawings (in conformation with the international application)/as amended before the International Preliminary Examination Authority (IPEA), as applicable (2 copies).

(e) Priority document(s) or a request to retrieve the priority document(s) from DAS (Digital Access Service) if the applicant had already requested the office of first filing to make the priority document(s) available to DAS.

(f) Translation of priority document/Specification/International Search Report/International Preliminary Report on Patentability.

(g) Statement and Undertaking on Form 3

(h) Declaration of Inventorship on Form 5

(i) Power of Authority

(j).....

Total fee ₹.....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 stated 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.”;

(iii) for Form 3, the following Form shall be substituted, namely:-

“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 who have made the application for patent number in India, dated, alone/jointly with, (ii) that I/We have not made any application for the same/substantially the same invention outside India Or (iii) that I/We have made for the same/ substantially same invention, application(s) for patent in the other countries, the particulars of which are given below:			
Name of the country	Date of application	Application No.	Status of the application	Date of publication	Date of disposal
3. Name and address of the assignee		(i) that the rights in the application(s) filed in India has/have been assigned to..... (ii) that I/We undertake that upto the date of grant of the patent by the Controller, I/We would keep him informed in writing regarding the details of corresponding applications for patents filed outside India in accordance with the provisions contained in section 8 and rule 12. Dated this.....day of.....20.....			
4. To be signed by the applicant or his authorized registered patent agent.		Signature.			
5. Name of the natural person who has signed.		(.....).			
		To The Controller of Patents, The Patent Office, at.....			
Note.- Strike out whichever is not applicable;";					

(iv) for Form 4, the following Form shall be substituted, namely:-

<p>FORM 4 THE PATENTS ACT, 1970 (39 of 1970) and THE PATENTS RULES, 2003</p>

REQUEST FOR EXTENSION OF TIME [See sections 53(2), and 142 (4); rules 12(5), 13(6), 24B(6), 24C(11), 80(1A), 130 , 131(2) and 138]	
1. Name of the applicant	I/We..... hereby request for

	extension of time formonths(s) under section/rule.....in connection with my/our/application/Patent No..... The reasons for making the request are as follows:- Dated this.....day 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.”;	

(v) for Form 27, the following Form shall be substituted, namely:-

“FORM 27

THE PATENTS ACT, 1970

(39 of 1970)

AND

THE PATENTS RULES, 2003

No Fee

STATEMENT REGARDING THE WORKING OF PATENTED INVENTION(S) ON A COMMERCIAL SCALE IN

INDIA

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

1. Insert name, address, nationality, patent number(s).	I/ We, the Patentee(s)/ Licensee, in respect of patent number(s), furnish this statement, (Explanation: One form may be filed in respect of multiple patents, provided all of them are related patents and are granted to the same patentee(s)).		
2. State the financial year to which the statement relates.	in respect of the financial year		
3. Worked / not worked. Please state whether each patent in respect of which this form is being filed is worked or not worked.	Patent Number(s)	Worked [Tick () if applicable]	Not worked [Tick () if applicable]

	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 Patentee(s) / Licensee / Authorised Agent furnishing the statement.	Signature(s) To The Controller of Patents, The Patent Office, at

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

2. Subject to conditions specified under Section 83 of the Patent Act, 1970, a Patented invention shall not be considered as 'not worked' merely on the ground that the patented product has been imported in India.

(vi) after Form 30, the following Form shall be substituted, namely:-

“FORM 31
THE PATENTS ACT, 1970(39 of 1970)

AND

THE PATENTS RULES, 2003

GRACE PERIOD
[See section 31 and rule 29A]

1. Name, address, nationality, and application number.	I/ We, the applicant, in respect of application number....., filed on.....hereby claim the benefit of grace period provided under section 31.	
2. Applicable provision	<input type="checkbox"/> Section31(a) <input type="checkbox"/> Section31(b) <input type="checkbox"/> Section31(c) <input type="checkbox"/> Section 31(d)	
3. Documents to be submitted asevidence. Note: Evidence may also include an affidavit.	(i) Section 31(a)	With reference to: a) the earliest date of display or use BOX FOR DDMMYYYY; and b) that the display occurred with the consent of the true and first inventor or a person deriving title from him; and YES NO c) that the display occurred at an industrial or other exhibition to which the provisions of this section have been extended by the Central Government by notification in the Official Gazette; the following documentary evidence is submitted:

	
	(ii) Section 31(b)	With reference to: a) the earliest date of publication or use; b) the documentary evidence in respect of section 31(a) above; and c) the documentary evidence to the effect that the publication of any description of the invention occurred in consequence of the display or use of the invention as stated in section 31(b); the following documentary evidence is submitted:

	(iii) Section 31(c) With reference to: a) the earliest date of use; b) the documentary evidence in respect of section 31(a) or section 31(b) as mentioned above; and c) the documentary evidence regarding use of the invention as stated in section 31(c); and d) the documentary evidence or affidavit that the use of the invention occurred without the consent of the true and first inventor or a person deriving title from him; the following documentary evidence is submitted:
	(iv) Section 31(d) With reference to: a) the earliest date of description or publication; b) the description of the invention in a paper read by the true and first inventor before a learned society; c) the description of the invention published by the true and first inventor or with his consent in the transactions of a learned society; the following documentary evidence is submitted:
4. Undertaking	That my invention was in the public domain from DDMMYYYY and this application is made not later than 12 months from that date (earliest date as stated above in respect of section 31(a), 31(b), 31(c), or 31(d)).
	The facts and matters stated above are true to the best of my/ our knowledge, information and belief. Dated this day of 20.....
5. To be signed by Applicant / Authorised Agent.	Signature(s) To The Controller of Patents, The Patent Office,

Note: Affidavit, if any, shall be signed by the applicant.	at
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Note: Select the options that are applicable.”.

16. In the principal rules, for THE FOURTH SCHEDULE, the following schedule shall be substituted, namely,-

“THE FOURTH SCHEDULE

[See proviso to rule 136(1)]

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

17. In the principal rules, in the FIFTH SCHEDULE, for the headings,

“Sl. No.	On what payable (Relevant provision of Patents Rules, 2003, if any)	Relevant Rule of regulations under the Treaty	For Natural Person	Other than natural person either alone or jointly with natural person”.
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the following headings shall be substituted, namely:-

“S. No.	On what payable (Relevant provision of Patents Rules, 2003, if any)	Relevant Rule of regulations under the Treaty	Natural person(s) or Startup(s) or Small entit(y)/(ies) or educational institution(s)	Other(s), alone or with natural person(s) or Startup(s) or Small entit(y)/(ies) or educational institution(s)”.
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[F. No.- P-24031/14/2023-IPR-III]

HIMANI PANDE, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub- Section (ii) vide number S.O. 493 (E) dated the 2nd May, 2003 and last amended vide notification number G.S.R. 646 (E) dated the 21st September, 2021.