

7	नियम 29 के उपनियम (3) और नियम 40 के उपनियम(4) के अधीन प्रति कथन।	200	800
8	यदि सुसंगत हो, तो प्रत्येक शपथ पत्र के लिए	100	400
9	यदि सुसंगत हो, तो प्रत्येक उद्धरण के लिए	100	400
10	प्रत्येक अनावश्यक या असंगत शपथ पत्र या उद्धरण के लिए	100	400
11	नियंत्रक के समक्ष सुनवाई के प्रत्येक दिन या दिन के भाग के लिए।	500	2000".

[फा.सं. पी-24024/81/2019-आईपीआर-V]

रविन्द्र, संयुक्त सचिव

नोट: मूल नियम भारत के राजपत्र, असाधारण में अधिसूचना सा.का.आ. 414(अ), तारीख 11 मई, 2001 द्वारा प्रकाशित किए गए थे और अंतिम बार अधिसूचना संख्या सा.का.नि. 925(अ) तारीख 30 दिसंबर, 2014 के द्वारा संशोधित किए गए थे।

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

NOTIFICATION

New Delhi, the 25th January, 2021

G.S.R. 45(E).—Whereas, the draft of certain rules, namely, the Designs (Amendment) Rules, 2019 further to amend the Design Rules, 2001 were published, as required under sub-section (3) of section 47 of the Designs Act, 2000 (16 of 2000), *vide* notification of the Government of India in the Ministry of Commerce and Industry (Department for Promotion of Industry and Internal Trade) number G.S.R. 798(E), dated 18th October, 2019, in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of a period of thirty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And whereas, the copies of the said Gazette were made available to the public on the 19th day of October, 2019;

And whereas, the objections and the suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 47 of the Designs Act, 2000, the Central Government hereby makes the following rules further to amend the Designs Rules, 2001, namely:-

1. **Short title and commencement:**- (1) These rules may be called the Designs (Amendment) Rules, 2021.

(2) They shall come into force from date of their final publication in the Official Gazette.

2. In rule 2 of the Designs Rules 2001, (hereinafter referred to as the principal rules), after clause (ea), the following clause shall be inserted, namely:-

‘(eb) “startup” means-

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

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

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

3. In rule 4 of the principal rules, for the proviso, the following proviso shall be substituted, namely:-

“Provided that such address for service shall include e-mail address and mobile number registered in India, of the agent or applicant”.

4. In rule 5 of the principal rules, in sub-rule (2),

(i) for the clause (e), the following clause shall be substituted, namely:-

“(e) In case an application processed by a natural person and/ or startup and/ or small entity is fully or partly transferred to a person other than a natural person, startup or small entity, the difference, if any, in the scale of fees between the fees charged from the natural person, startup or small entity and the fees chargeable from the person other than a natural person, startup or small entity in the same matter, shall be paid by the new applicant with the request for transfer.”:

(ii) clause (f) shall be omitted.

(iii) after sub-rule (e), the following explanation shall be inserted namely:-

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

5. In rule 10 of the principal rules, for the sub-rule (1) the following sub-rule shall be substituted, namely:-

For the purposes of the registration of designs and of these rules, articles shall be classified as per current edition of “International Classification for Industrial Designs (Locarno Classification)” published by World Intellectual Property Organization (WIPO):”

Provided that registration of any design would be subject to the fulfillment of provisions of the Act specifically 2(a) and 2(d).

6. In the principal rules, for the FIRST SCHEDULE the following Schedule shall be substituted namely:-

“FIRST SCHEDULE”

(See Rule 5)

FEES

Number of entry	On what payable	Number of the relevant Form	Fees (in Rupees)	
			For natural person(s) and/ or Startup(s) and/or Small entit(y)/(ies) and/or Small entit(y)/(ies)	Other(s), alone or with natural person(s) and/ or Startup(s) and/ or Small entit(y)/(ies)
(1)	(2)	(3)	(4)	(5)
1	On application for registration of design under sections 5 and 44.	1	1000	4000
2	On claim under section 8 (1) and (5) to proceed as an applicant or joint applicant.	2	500	2000
	On application for extension of copyright under section 11(2).		2000	8000

3		3		
4	On application for restoration of lapsed design under section 12(2).	4	1000	4000
5	Additional fee for restoration.	-	1000	4000
6	Inspection of registered design under section 17(1).	5	500	2000
7	On request for information of design when registration No. given under section 18.	6	500	2000
8	On request for information of design when registration No. not given.	7	1000	4000
9	On petition for cancellation of design under section 19.	8	1500	6000
10	Notice of intended exhibition or publication of an unregistered design under section 21.	9	500	2000
11	Application for registration of a document in Register of Design under section 30(3),-	10		
	In respect of one design		500	2000
	For each additional design		200	800
12	On application for entry of name of proprietor or part proprietor in Register of Design under section 30,-	11		
	In respect of one design		500	2000
	For each additional design		200	800
13	On application for entry of mortgage or license	12		
	In respect of one design		500	2000
	For each additional design		200	800

14	Application for entry of notification of a document in the Register of Design under section 30 and rule 37,-	13		
	In respect of one design		500	2000
	For each additional design		200	800
15	On request for correction of clerical error under section 29.	14	500	2000.
16	On request for certification under section 26 and rule 41.	15	500	2000
17	On application for certified copy of registered design under section 17(2).	16	500	2000
18	On application for rectification of Register of Design under section 31.	17	500	2000
19	On application for extension of time for filing priority document under rule 15 & rule 18.	18	200 (per month)	800 (per month)
20	On notice of opposition under rule 40.	19	100	400
21	Notice of intention to attend hearing under rule 29 and 40.	20	500	2000
22	Form for authorization of agent or other person.	21	-	-
23	On request to alter names or address or address for service in the Register of Design under rule 31.	22	200	800
24	On request for entries of two address in the Register of Design.	23	200	800
25	On petition under rule 46 for amendment of any document.	-	500	2000
26	On petition under rules 29, 40, 47 for enlargement of time.	-	500	2000
27	Inspection of Register of Design under rule 38 (in respect of each design).	-	250	1000
28	On petition not otherwise provided for	-	1000	4000

29	To be submitted for claiming the status of a small entity	24	No fee	No fee”
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7. In principal rules, in the SECOND SCHEDULE- (i) for the Form No.1 the following Form shall be substituted namely:-

“FORM 1

[THE DESIGNS ACT, 2000]

APPLICATION FOR REGISTRATION OF DESIGNS (See sections 5 and 44)

(For Fee see First Schedule)	
^A Insert number of class ^B Insert (in full) address and nationality ^{B1} Category of applicant [Please tick (✓) for the appropriate category]	You are requested to register the accompanying in Class No. ^A in the name of ^B who claim(s) to be the proprietor(s) thereof. Natural Person () Start-up () Small Entity () Others () ^{B1}
^C State whether drawings, photographs, tracings or specimens.	Four exactly similar ^Cof the design accompany this request.
^D Insert name of article or articles to which the design is to be applied or state trade description of each of the articles contained in the set	The design is to be applied to ^D

^E Strike out these words if previous registration has been effected.	^E The design has been previously registered in class(es)..... under No..... Details of first application in a convention country or group of countries or inter-governmental organisation. i. Name of the country/inter-governmental organization.... ii. Date of filing..... iii. Application number..... iv. Name of the applicant
^F Unless an address for service in India is given, the request may not be considered.	^F Address for service in India is..... Email ID: Mobile No:
	Declaration: The applicant claims to be the proprietor(s) of the design and that

^G To be signed by the applicant or by authorized agent.	to the best of his knowledge and belief the design is new or original. Dated this Day of20..... (Signed) ^G
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TO THE CONTROLLER OF
DESIGNS, THE PATENT
OFFICE,

* Strike out the words if no previous registration or priority claim has been effected”.

(ii) for the Form 24 the following Form shall be substituted, namely:-

“FORM-24 (THE DESIGNS ACT, 2000) (See Rule 2 & 5) TO BE SUBMITTED FOR CLAIMING THE STATUS OF A SMALL ENTITY OR STARTUP		
1	Insert name, address and nationality Please tick the appropriate category	I/ We applicant/ in respect of the design application no. hereby declare that I/we am/are a small entity or a startup and submit the following document(s) as proof:
2	Documents to be submitted as evidence of eligibility:	
i.	For claiming the status of a small entity:	
	A. For an Indian applicant: Evidence of registration under the Micro, Small and Medium Enterprises Act, 2006 (27 of 2006). B. In case of a foreign entity: Any document as evidence of eligibility	
ii.	For claiming the status of a startup:	
	A. For an Indian applicant: The certificate of recognition from Department for Promotion of Industrial Policy and Internal Trade B. In case of a foreign entity: - Affidavit as evidence of eligibility along with supporting document.	

3.	Undertaking	The information provided herein is correct to the best of my/ our knowledge and belief. Dated thisday of 20...
4.	To be signed by the applicant(s)/ registered proprietor(s)/ authorised registered patent agent. Name of the natural person who has signed.	Signature

Note:

1. Availing of benefit of reduction in fee on the basis of incorrect information/misrepresentation of facts with regard to status as a small entity or startup would mean that the entire fee did not accompany the document, as mandated by rule 5(2)(b). In such a case, in accordance with section 24(2), the filing of the document shall be of no effect unless the fee has been fully paid.
2. A registered design entered into the Register of designs by making any false suggestion or false representation as to the status as small entity or startup may attract the provisions of section 31 of the Designs Act, 2000”
8. In the principal rules, THIRD SCHEDULE shall be omitted.
9. In the principal rules, for the FOURTH SCHEDULE the following Schedule shall be substituted, namely:

“THE FOURTH SCHEDULE
(See rule 43)

Scale of costs allowable in proceedings before the Controller

Number of Entry	Matter in respect of which cost is to be awarded	Amount (in rupees)	
		For natural person(s) and/ or Startup(s) and/ or Small entit(y)/(ies)	Other, alone or with natural person (s) and/or Startup(s) and/ or Small entit(y)/(ies)
1	For notice of opposition under rule 40	100	400
2	For petition for cancellation of the registration for design under section 19	1000	4000
3	For notice of information to attend hearing	200	800
4	Stamps for power of attorney, where a professional has been appointed	The amount actually paid	The amount actually paid
5	Stamps fee in respect of relevant affidavit	The amount actually paid	The amount actually paid
6	For statement and evidence under sub-rule (1) of rule 29 and sub-rule (2) of rule 40	200	800
7	Counter statement under sub- rule (3) of rule 29 and sub-rule 4 of rule 40.	200	800
8	For each affidavit, if relevant	100	400
9	For each citation, if relevant	100	400
10	For each unnecessary or irrelevant affidavit or citation	100	400
11	For every day or part of a day hearing before the Controller.	500	2000"

[F. No. P-24024/81/2019-IPR-V]

RAVINDER, Jt. Secy.

NOTE: The principal rules were published in the Gazette of India, Extraordinary, *vide* Notification No. S.O. 414(E), dated the 11th May, 2001 and last amended *vide* Notification No. G.S.R. 925(E) dated the 30th December, 2014.