G.S.R. ...........(E)- whereas certain draft rules, namely the Patents (Amendment) Rules, 2013 were published as required under sub-section (3) of section 159 of the Patents Act, 1970 (39 of 1970), vide notification of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion), number G.S.R. 286 (E), dated the 6th May, 2013, in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i), dated the 6th May, 2013, for inviting objections and suggestions from all persons likely to be affected thereby before the expiry of a period of forty-five days from the date on which copies of the Gazette containing the notification were made available to the public;

And whereas, the copies of the Gazette containing the said notification were made available to the public on the 12th June, 2013;

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

Now, therefore, in exercise of the powers conferred by section 159 of the Patents Act, 1970 (39 of 1970), the Central Government hereby makes the following rules further to amend the Patents Rules, 2003, namely:-

1. (1) These rules may be called the Patents (Amendment) Rules, 2014.

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

2. In rule 2 of the Patents Rules, 2003 (hereinafter referred to as the principal rules), ---

   (i) after clause (d), the following clause shall be inserted, namely:---

   "(da) "person other than a natural person" shall include a “small entity”;"

   (ii) after clause (f), the following clause shall be inserted, namely:---
(fa) "small entity" means—

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

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

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

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

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

3. In rule 7 of the principal rules, —

(i) after sub rule (1), the following provisos shall be inserted, namely:—

"Provided that ten per cent. additional fee shall be payable when the applications for patent and other documents are filed through physical mode, namely, in hard copy format;

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

(ii) after sub-rule (3), the following sub-rule shall be inserted, namely:—
“(3A) In case an application processed by a small entity is fully or partly transferred to a person other than a natural person (except a small entity), the difference, if any, in the scale of fee(s) between the fee(s) charged from a small entity and the fee(s) chargeable from the person other than a natural person (except a small entity) in the same matter shall be paid by the new applicant with the request for transfer.”

4. In sub-rule (1) of rule 55 of the principal rules, after the words “shall be filed”, the words, figure, brackets and letter “in Form 7 (A)” shall be inserted.

5. For the First Schedule to the principle rules, the following Schedule shall be substituted, namely:

**THE FIRST SCHEDULE**  
*(See rule 7)*  
**FEES**

<table>
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<tr>
<th>Number of entry</th>
<th>On what payable</th>
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<th>For physical filing</th>
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<td>For small entity</td>
<td>For others except small entity</td>
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<td>(i) for each sheet of specification in addition to 30;</td>
<td>(i) 160</td>
<td>(i) 400</td>
<td>(i) 800</td>
<td>(i) 176</td>
<td>(i) 440</td>
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<td>(ii) for each claim in addition to 10.</td>
<td>(ii) 320</td>
<td>(ii) 800</td>
<td>(ii) 1,600</td>
<td>(ii) 352</td>
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<td>(i) 176</td>
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<td>(ii) 320</td>
<td>(ii) 800</td>
<td>(ii) 1,600</td>
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<td>On notice of offer to surrender a patent under section 63.</td>
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<td>25.</td>
<td>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).</td>
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<td>1760</td>
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<td>26.</td>
<td>On application for alteration of an entry in the register of patents or register of patent agent under rules 94(1) or rule 118(1).</td>
<td></td>
<td></td>
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<tr>
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<td>27.</td>
<td>On request for entry of an additional address for service in the Register of Patents under rule 94(3).</td>
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<td></td>
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<tr>
<td>28.</td>
<td>On application for compulsory license under sections 84(1), 91(1), 92(1) and 92A.</td>
<td>17</td>
<td>2400</td>
<td>6000</td>
<td>12000</td>
<td>2640</td>
<td>6600</td>
<td></td>
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<th>2025</th>
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<th>2027</th>
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<td>12000</td>
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<td>20</td>
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<td>6600</td>
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<td>31.</td>
<td>On request for termination of compulsory licence under section 94.</td>
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<td>6000</td>
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<td>13200</td>
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<tr>
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<td>22</td>
<td>3200</td>
<td>-</td>
<td>-</td>
<td>3520</td>
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<tr>
<td>33.</td>
<td>On request for appearing in the qualifying examination under rule 109(3).</td>
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<td>-</td>
<td>1760</td>
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<td>34.</td>
<td>For continuance of the name of a person in the register of patent agent</td>
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<td>800</td>
<td>-</td>
<td>-</td>
<td>880</td>
<td>-</td>
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<td></td>
<td>(ii) for every year excluding the 1st year to be paid on the 1st April in each year.</td>
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<td>Fee 2</td>
<td>Fee 3</td>
<td>Fee 4</td>
<td>Fee 5</td>
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<td>35</td>
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<td>1760</td>
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</tr>
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<td>(Plus continuatio fee under entry number 34)</td>
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<td>(Plus continuatio fee under entry number 34)</td>
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<td>880</td>
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<td>On application for review or setting aside the decisions or order of the controller under section 77(l) (f) or 77(l) (g).</td>
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<td>8000</td>
<td>1760</td>
<td>4400</td>
<td>8800</td>
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<td>39</td>
<td>On application for permission for applying patent outside India under section 39 and rule 71(1).</td>
<td>25</td>
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<td>4400</td>
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<td>40</td>
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<td>--</td>
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<td>Fee 3</td>
<td>Fee 4</td>
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<td>Fee 6</td>
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<td>41</td>
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<td>1000</td>
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<td>3000</td>
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<td>2750</td>
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<tr>
<td></td>
<td>section 147 and rule 133.</td>
<td></td>
<td>(up to 30 pages and, thereafter, 30 for each extra page)</td>
<td>(up to 30 pages and, thereafter, 75 for each extra page)</td>
<td>(up to 30 pages and, thereafter, 150 for each extra page)</td>
<td>(up to 30 pages and, thereafter, 75 for each extra page)</td>
<td>(up to 30 pages and, thereafter, 150 for each extra page)</td>
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<tr>
<td>42</td>
<td>For certifying office copies, printed each.</td>
<td>--</td>
<td>800</td>
<td>2000</td>
<td>4000</td>
<td>880</td>
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<td>43</td>
<td>On request for inspection of register under section 72, inspection under</td>
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<td>320</td>
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<td>352</td>
<td>880</td>
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<td></td>
<td>rule 27 or rule 74A.</td>
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<td>44</td>
<td>On request for information under sections 127, 132 and 153 and rule135.</td>
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<td>480</td>
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<td>2400</td>
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<td>45</td>
<td>On form of authorisation of patent agent.</td>
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<td>46</td>
<td>On petition not otherwise provided for.</td>
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<tr>
<td>47</td>
<td>For supplying of photocopies of the documents per page.</td>
<td>--</td>
<td>8</td>
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<td>48</td>
<td>Transmittal fee for International application.</td>
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<td>3250</td>
<td>8800</td>
<td>17600</td>
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<tr>
<td>49</td>
<td>For preparation of certified copy of priority document and for transmission of the same to the International Bureau of World Intellectual Property Organisation.</td>
<td>--</td>
<td>1000 (up to 30 pages and, thereafter, 30 for each extra page)</td>
<td>2500 (up to 30 pages and, thereafter, 75 for each extra page)</td>
<td>5000 (up to 30 pages and, thereafter, 150 for each extra page)</td>
<td>1100 (up to 30 pages and, thereafter, 30 for each extra page)</td>
<td>2750 (up to 30 pages and, thereafter, 75 for each extra page)</td>
<td>5500 (up to 30 pages and, thereafter, 150 for each extra page)</td>
</tr>
<tr>
<td>50</td>
<td>On statement regarding working of a patented invention on a commercial scale in India under section 146(2) and rule 131(1).</td>
<td>27</td>
<td>No fee</td>
<td>No fee</td>
<td>No fee</td>
<td>No fee</td>
<td>No fee</td>
<td>No fee</td>
</tr>
</tbody>
</table>

**Note:** All the Forms, Applications, Requests, Notices and Petitions shall be filed in duplicate unless otherwise specified in the rules.

6. In the Second Schedule to the principle rules, in the “LIST OF FORMS”-

(i) after “Form No. 7”, the following shall be inserted, namely :-

<table>
<thead>
<tr>
<th></th>
<th>Section 25(1) and rule 55 (1)</th>
<th>For filing a representation opposing grant of a patent under sub-section (1) of section 25.</th>
</tr>
</thead>
</table>

14
(ii) after "Form No. 27", the following shall be inserted, namely :-

| 28. | Rules 2(fa) and 7 | To be submitted by a small entity with every document for which a fee has been specified |

7. In the Second Schedule to the principle rules,-

(i) after Form 7, the following Form shall be inserted, namely :-

"FORM 7A
AND
THE PATENTS RULES, 2003
REPRESENTATION FOR OPPOSITION TO GRANT OF PATENT
[see rule 55]

1. State names, address and nationality. I/We,............................................

.............................................

hereby give representation by way of opposition to the grant of patent in respect of application no. .......... dated ...............
made by .......... and published on ............. .......

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

.............................................

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

.............................................

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

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

To
The Controller of Patents,
The Patent Office,
At ............................  .;
(ii) after Form 27, the following Form shall be inserted, namely: -

"FORM 28
THE PATENTS ACT, 1970
(39 of 1970)
AND
THE PATENTS RULES, 2003

TO BE SUBMITTED BY A SMALL ENTITY
[See rules 2(fa) and 7]

Insert name, address and nationality.
I/We ..........................................................
..........................................................
..........................................................
applicant/patentee in respect of the patent application
no. ......................... or patent no ...............
hereby declare that I/we am/are a small entity in
accordance with rule 2(fa) and submit the following
document(s) as proof:

State the particulars of the documents.

To be signed by the applicant(s) / patentee(s) /
authorised registered patent agent.

Name of the natural person who has signed.

Designation and official seal, if any, of the person
who has signed.

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

Signature .................
(Name) .....................
(Designation) ...............
8. For the Fourth Schedule to the principle rules, the following Schedule shall be substituted, namely:

**THE FOURTH SCHEDULE**

[See proviso to rule 136(1)]

<table>
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<th>Amount in fees (in rupees)</th>
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<td>For natural person(s)</td>
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<td>For small entity</td>
</tr>
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<td>For notice of opposition under sections 25, 57, 60, 63, 78, 87(2) or 88(4).</td>
<td>2400</td>
</tr>
<tr>
<td>2</td>
<td>For application for compulsory licence under sections 84(1), 91(1) or 92(1).</td>
<td>1500</td>
</tr>
<tr>
<td>3</td>
<td>For application for revision of terms and conditions of licence under section 88(4).</td>
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<td>4</td>
<td>For notice of intention to attend the hearing under rule 62(2).</td>
<td>1500</td>
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<tr>
<td>5</td>
<td>Stamp fee for power of attorney where a patent agent or other person has been appointed or stamp fee in respect of relevant affidavits.</td>
<td>The amount actually paid.</td>
</tr>
<tr>
<td></td>
<td>Description</td>
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</tr>
<tr>
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<tr>
<td>6</td>
<td>For written statement under rule 57 or reply statement under rule 58 or for each affidavit, if relevant.</td>
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<tr>
<td>7</td>
<td>For each document of publication produced in the proceedings, if relevant</td>
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<tr>
<td>8</td>
<td>For each unnecessary or irrelevant affidavit or citation</td>
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<tr>
<td>9</td>
<td>For every day or part day of hearing before the Controller.</td>
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</table>

[F.No. 14/6/2012-IPR-III]

D.V. PRASAD, Joint Secretary.

Footnote: The principal rules were published in the Gazette of India vide notification number, S.O.493 (E), dated the 2nd May, 2003 and subsequently amended vide notification number –

(i) S.O.1418 (E), dated the 28th December, 2004;
(ii) S.O. 657 (E), dated the 5th May, 2006; and
(iii) S.O. 2296 (E), dated the 25th September, 2012.
(iv) S.O. 1029 (E), dated 23rd April, 2013.