



**INTELLECTUAL  
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INDICATIONS.



सत्यमेव जयते

**Government of India**  
Office of The Controller General,  
Patents, Designs & Trade Marks,  
Boudhik Sampada Bhavan,  
S.M. Road, Antop Hill,  
**Mumbai-400 037 (India)**

(Tel): ☎ 022-24132735  
022-24123388

(Fax): ☎ 022-24123322

(Email): [egoffice-mh@nic.in](mailto:egoffice-mh@nic.in)

(Website): [www.ipindia.nic.in](http://www.ipindia.nic.in)

**CG/ Public Notice/PO/2012/15**

**Dated:02.07.2012**

**PUBLIC NOTICE**

**on filing of PCT National Phase Applications in India**

Indian Patent Office (IPO) continuously endeavors to improve its efficiency so as to render better services to the public. In an effort to simplify the process of filing of a PCT National Phase Application, the IPO has, in coordination with the International Bureau (IB) of the World Intellectual Property Organization (WIPO), acquired online access to the PCT International Applications and related documents available with the IB. The benefits of this coordination will be passed on to the stakeholders as redundant processes will be eliminated. An Applicant will no more be required to file multiple copies of documents already available with IB, as IPO will be able to utilize such documents accessed electronically from IB. This would also result in more efficient usage of the valuable resources of IPO and reduce errors in data entry, thereby obviating the need for corrections in many cases.

In order to operationalise the simplified process of filing of PCT National Phase Applications, the following instructions are issued. It may be noted that these instructions apply only to PCT National Phase Applications entering India which do not claim priority of any PCT National Phase Application filed previously in India.


**Instructions**

- 1) a. For filing a PCT National Phase Application in India, which does not claim priority of any PCT National Phase Application filed previously in India, only the following contents are required to be populated in Form 2:
  - i) Column 1, 2 and 3; and

- ii) The last page of claims (first page, if claims comprise of only one page) with date and signature.
- b. It is clarified that if an Applicant, for the aforementioned category of Applications, submits a Form 2 in which columns other than 1, 2 and 3 are also populated, the IPO will consider the contents accessed from IB.
- c. All other applicable documents are still required to be filed.

**Note:**

- i. For the applications of the type referred to above, columns 7 and 8 of Form 1 need not be populated in any case.
- ii. It is clarified that the IPO does not allow an Applicant to amend the specification or the related documents before he actually enters National Phase in India. These directions are in consonance with the aforementioned practice.
- 2) The documents filed by the Applicant should exactly correspond with the up-to-date information available on the record of IB on the date of filing of the PCT National Phase Application in India. The said information must have been notified / published by the IB in accordance with the PCT and the Regulations made thereunder. Any request pending with the IB shall be of no consequence and should not be reflected in the documents. If any such request is reflected in the documents, the information notified/published by IB shall prevail.
- 3) The requirement of filing complete specification and abstract in Form 2 at the time of filing of a PCT National Phase Application in India is being dispensed with for the Applications under reference, as explained in (1) above. However, where the international application was either not filed or has not been published in English, the Applicant shall file translation of the Application in English, duly verified by the Applicant or the person duly authorized by him that the contents thereof are correct and complete.
- 4) The Applicants will be required to comply with all other requirements in accordance with the Patents Act, 1970 and the Patents Rules, 2003.
- 5) These instructions shall come into effect on 6<sup>th</sup> July, 2012.

  
2/7/2012

(Chaitanya Prasad)

Controller General of Patents, Designs & Trade Marks