

**Government of India  
Ministry of Commerce and Industry  
(Department of Industrial Policy and Promotion)**

**Notification**

New Delhi, the 6<sup>th</sup> May, 2013

G.S.R.....(E).--- The following draft of certain rules further to amend the Patents Rules 2003, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 159 of the Patents Act, 1970, is 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 forty five days from the date on which copies of the Gazette of India in which this notification is published, are made available to the public;

Objection or suggestions, if any, may be addressed to the Secretary, Ministry of Commerce and Industry, Government of India, Udyog Bhawan, New Delhi- 110011 or by e-mail at [chandni.raina@nic.in](mailto:chandni.raina@nic.in);

The objection 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. (1) These rules may be called the Patents (Amendment) Rules, 2013.  
(2) They shall come into force on the date of their final publication in the Official Gazette.
2. In rule 7 of the Patents Rules, 2003 (hereinafter referred to as the principal rules), in sub-rule (1), the following proviso shall be inserted, namely:-  
“ Provided that 10 percent additional surcharge shall be levied on the fees for different proceedings under the Patents Act 1970 (as amended) when the application for patent and other documents are filed in physical mode namely, in hard copy format”.

3. In sub- rule (1) of rule 55 of the principal rules, after the words “shall be filed”, the words figure, bracket and letter “ in Form 7 (A)” shall be inserted.
4. In rule 136 of the principal rules, in sub-rule (1), after the proviso, the following proviso shall be inserted, namely:-
 

“ Provided that 10 percent additional surcharge shall be levied on the scale of the costs awarded in respect of certain proceedings before the Controller, as stated in the Fourth Schedule, when the documents are filed in physical mode, namely, in hard copy format”.
5. In the Patents Rules, 2003 for the FIRST SCHEDULE and entries relating thereto, the following SCHEDULE and entries shall be inserted, namely:-

**THE FIRST SCHEDULE**  
**THE PATENTS RULES 2003**  
*(See rule 7)*  
**FEES**

<i>Number of entry</i>	<i>On what payable</i>	<i>Number of the relevant Form</i>	<i>Schedule of fees for e-filing route</i>		<i>Schedule of fees for filing through Physical mode</i>	
			<i>Amount of fees)</i>		<i>Amount of fees with 10 percent increase as surcharge</i>	
			<i>For natural person(s)</i>	<i>For other than natural person(s) either alone or jointly with natural person(s)</i>	<i>For natural person(s)</i>	<i>For other than natural person(s) either alone or jointly with natural person(s)</i>
1.	2	3	4	5	4(a)	5 (a)
			Rupees	Rupees	Rupees	Rupees

1.	On application for a patent under section 7, 54 or 135 and rule 20(1) accompanied by provisional/ complete specification—  (i) for each sheet of specification in addition to 30  (ii) for each claim in addition to 10	1	2,000  Multiple of 2,000 in case of every multiple priority.  (i) 200  (ii) 400	8,000  Multiple of 8,000 in case of every multiple priority  (i) 800  (ii) 1,600	2,200  Multiple of 2,200 in case of every multiple priority.  (i) 220  (ii) 440	8,800  Multiple of 8,800 in case of every multiple priority  (i) 880  (ii) 1760
2.	On filing complete specification after provisional upto 30 pages having up to 10 claims—  (i) for each sheet of specification in addition to 30  (ii) for each claim in addition to 10	2	No fee  (i) 200  (ii) 400	No fee  (i) 800  (ii) 1,600	No fee  (i) 220  (ii) 440	No fee  (i) 880  (ii) 1,760
3.	On filing a statement and undertaking under section 8.	3	No fee	No fee	No fee	No fee
4.	On request for extension of time under sections 53(2) and 142(4), rules 13(6), 80(1 A) and 130.	4	600 per month	2400 per month	660 per month	2640 per month
5.	On filing a declaration as to inventorship under rule 13(6).	5	No fee	No fee	No fee	No fee
6.	On application for postdating	-	1,000	4,000	1,100	4,400
7.	On application for deletion of reference under section 19(2)	-	1,000	4,000	1,100	4,400

8.	(i) On claim under section 20(1);	6	1,000	4,000	1,100	4,400
	(ii) On request for direction under section 20(4) or 20(5)	6	1,000	4,000	1,100	4,400
9.	(i) On filing representation opposing grant of patent under section 25(1)	7A	No fee	No fee	No fee	No fee
	(ii) On notice of opposition to grant of patent under section 25(2)	7	3,000	12,000	3,300	13200
10.	On giving notice that hearing before Controller will be attended under rule 65(2)	-	1500	6000	1650	6600
11.	On application under section 28(2), 28(3) or 28(7)	8	1,000	4,000	1100	4,400
12.	Request for publication under section 11A(2) and [rule24A]	9	2500	10000	2750	11000
13.	Application for withdrawing the application under section 11B(4) and rule 26(1) before publication of the application	--	2,000	8,000	2,200	8,800
14.	On request for examination of application for patent—	18				
	(a) under section 11B and rule24(1);		5000	20,000	5500	22,000
	(b) under rule 20(4)(ii)		7,000	28,000	7,700	30,800
15.	On application under section 44 for amendment of patent	10	3,000	12,000	3,300	13200

16.	On application for directions under section 51(1) or 51(2)	11	3,000	12,000	3,300	13200
17.	On request for grant of a patent under sections 26(1) and 52(2)	12	3,000	12,000	3,300	13,200
18.	On request for converting a patent of addition to an independent patent under section 55(1)	--	3,000	12,000	3,300	13,200
19	i) before the expiration of the 2nd year from the date of patent in respect of 3rd year;		1,000	4,000	1,100	4,400
	(ii) before the expiration of the 3 <sup>rd</sup> year in respect of the 4th year;		1,000	4,000	1,100	4,400
	(iii) before the expiration of the 4 <sup>th</sup> year in respect of the 5th year;		1,000	4,000	1,100	4,400
	(iv) before the expiration of the 5th year in respect of the 6th year;		1,000	4,000	1,100	4,400
	(v) before the expiration of the 6 <sup>th</sup> year in respect of the 7th year;		3,000	12,000	3,300	13,200
	(vi) before the expiration of the 7 <sup>th</sup> year in respect of the 8th year;		3,000	12,000	3,300	13,200
	(vii) before the expiration of the 8 <sup>th</sup> year in respect of the 9th year;		3,000	12,000	3,300	13,200
	(viii) before the expiration of the 9th year in respect of the 10th year;		3,000	12,000	3,300	13,200
	(ix) before the expiration of the 10th year in respect of the 11 <sup>th</sup> year;		6,000	24,000	6,600	26,400
	(x) before the expiration of the 11th year in respect of		6,000	24,000	6,600	26,400

	the 12 <sup>th</sup> year;					
	(xi) before the expiration of the 12 <sup>th</sup> year in respect of the 13 <sup>th</sup> year;		6,000	24,000	6,600	26,400
	(xii) before the expiration of the 13 <sup>th</sup> year in respect of the 14 <sup>th</sup> year;		6,000	24,000	6,600	26,400
	(xiii) before the expiration of 14 <sup>th</sup> year in respect of 15 <sup>th</sup> year;		6,000	24,000	6,600	26,400
	(xiv) before the expiration of 15 <sup>th</sup> year in respect of 16 <sup>th</sup> year;		10,000	40,000	11,000	44,000
	(xv) before the expiration of 16 <sup>th</sup> year in respect of 17 <sup>th</sup> year;		10,000	40,000	11,000	44,000
	(xvi) before the expiration of 17 <sup>th</sup> year in respect of 18 <sup>th</sup> year;		10,000	40,000	11,000	44,000
	(xvii) before the expiration of 18 <sup>th</sup> year in respect of 19 <sup>th</sup> year;		10,000	40,000	11,000	44,000
	(xviii) before the expiration of 19 <sup>th</sup> year in respect of 20 <sup>th</sup> year.		10,000	40,000	11,000	44,000
20.	On application for amendment of application for patent/ complete specification/ other related documents under section 57—	13				
	(i) before grant of patent;		1,000	4,000	1,100	4,400
	(ii) after grant of patent;		2,000	8,000	2,200	8,800
	(iii) where amendment is for changing name/ address/ nationality / address for service.		400	1600	440	1760

21.	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	3,000	12,000	3,300	13200
22.	On application for restoration of a patent under section 60	15	3,000	12,000	3,300	13,200
23.	Additional fee for restoration	--	6,000	24,000	6,600	26400
24.	On notice of offer to surrender a patent under section 63	--	1000	4000	1100	4400
25	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 section 69(1) or 69(2) and rule 90(1) or 90(2).	16	2,000 (In respect of each patent)	8,000 (In respect of each patent)	2,200 (In respect of each patent)	8,800 (In respect of each patent)
26.	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)	--	400	1,600	440	1,760
27.	On request for entry of an additional address for service in the Register of Patents under rule 94(3).	--	1,000	4,000	1,100	4,400

28.	On application for compulsory license under sections 84(1), 91 (1), 92(1) and 92A	17	1500	6000	1650	6600
29.	On application for revocation of a patent under section 85(1)	19	1500	6000	1650	6600
30.	On application for revision of terms and conditions of licence under section 88(4)	20	3,000	12,000	3,300	13200
31.	On request for termination of compulsory licence under section 94	21	3,000	12,000	3,300	13200
32.	On application for registration as a patent agent under rule 109(1) or 112	22	4,000	-	4,400	-
33.	On request for appearing in the qualifying examination under rule 109(3)	--	2,000	-	2,200	-
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; - (ii) For every year excluding the 1st year to be paid on the 1st April in each year. -		1000 1000		1100 1100	



35.	On application for duplicate certificate of patent agent under rule 111A	--	2,000	-	2,200	-
36.	On application for restoration of the name of a person in the register of patent agents under rule 117(1)	23	2,000 (Plus continuation fee under entry number 34)	-	2200 (Plus continuation fee under entry number 34)	-
37.	On a request for correction of clerical error under section 78(2)	--	1,000	4,000	1,100	4,400
38.	On application for review or [setting aside the decisions/order [of the controller under section 77 (l) (f) or 77(l) (g)	24	2,000	8,000	2,200	8,800
39	On application for permission for applying patent outside India under section 39 and rule 71(1)	25	2,000	8,000	2,200	8,800
40	On application for duplicate Patent under section 154 and rule 132	--	2,000	8,000	2,200	8,800
41	On request for certified copies under section 72 or for certificate under section 147 and rule 133	--	1,000 ( up to 30 pages) and in multiple of 1000 for every 30 pages or a part thereof thereafter)	4,000 ( up to 30 pages and in multiple of 1000 for every 30 pages or a part thereof thereafter)	1,100 ( up to 30 pages) and in multiple of 1100 for every 30 pages or a part thereof thereafter)	4,400 ( up to 30 pages and in multiple of 4400 for every 30 pages or a part thereof thereafter)
42	For certifying office copies, printed each	--	1,000	4,000	1,100	4,400

43	On request for inspection of register under section 72, inspection under rule 27 or rule 74A	--	400	1,600	440	1,760
44	On request for information under sections 153; and rule 134	--	600	2,400	660	2,640
45	On form of authorization of patent agent	26	No fee	No fee	No fee	No fee
46	On petition not otherwise provided for	--	2,000	8,000	2,200	8,800
47	For supplying of photocopies of the	--	8	8	8	8
48	Transmittal fee for International application	--	4,000	16,000	4,400	17600
49	For preparation of certified copy of priority document and for transmission of the same to the International Bureau of World Intellectual Property Organization	--	1,000 (up to 30 pages) and in multiple of 1000 for every 30 pages or part thereof thereafter)	4,000 (up to 30 pages) and in multiple of 1000 for every 30 pages or part thereof thereafter)	1,100 ( up to 30 pages) and in multiple of 1100 for every 30 pages or part thereof thereafter)	4,400 ( up to 30 pages) and in multiple of 4,400 for every 30 pages or part thereof thereafter)
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	No fee	No fee

**Note : All forms, applications, request, notice and petitions being filed in the physical format other than e-filing mode shall be required to be submitted in duplicate unless otherwise specified in the rules.**

**6. In the SECOND SCHEDULE to the principal rules,**

**(1) in Form No. 7, for the figures and brackets " 25(3)", the figures and brackets**

**"25(2)" shall be substituted**

**(2) after Form No. 7, the following Form shall be substituted, namely:**

**" FORM 7A  
THE PATENTS ACT, 1970 (39 OF 1970)  
AND  
THE PATENTS RULES, 2003  
REPRESENTATION FOR OPPOSITION TO GRANT OF PATENT  
[section 25(1) and rule 55]**

1. State names, address and nationality. I/We, <sup>1</sup> .....  
.....  
hereby give representation by way of  
opposition to the grant of patent in  
r/o application  
no.....dated..... made  
by..... and published on  
.....
2. State the grounds taken one after another. .... on the grounds <sup>2</sup>:  
.....  
.....
3. Complete address including postal index number/code and state along with telephone and fax number. My/our address for service in India is <sup>3</sup>  
.....
- To be signed by the opponent or by his/her authorized registered patent agent. Signature <sup>4</sup>
4. Name of the natural person who has signed. (.....) <sup>5</sup>

To  
The Controller of Patents,  
The Patent Office,  
At .....";

7. For the **FOURTH SCHEDULE** to the principal rules and entries relating thereto, the following **SCHEDULE** and entries shall be substituted, namely:-


THE FOURTH SCHEDULE

[See proviso to rule 136(1)]

Number of entry	Matter in respect of which cost is to be awarded	Amount of fees (in rupees)	
		For natural person(s)	For other than natural person(s) either alone or jointly with other(s)
1	2	3	4
1	For notice of opposition under Section 25, 57, 60, 63, 78, 87(2) or 88(4)	3,000	12,000
2	For application for compulsory licence: under Section 84(1), 91(1) or 92(1)	1,500	6,000
3	For application for revision of terms and conditions of licence: under Section 88(4)	3,000	12,000
4	For notice of intention to attend the hearing under Rule 62(2)	1,500	6,000
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	5,000	5,000

7	For each document of publication produced in the proceedings, if relevant	2,000	2,000
8	For each unnecessary or irrelevant affidavit or citation	2,000	2,000
9	For every day or part day of hearing before the Controller	5,000	5,000".

[F. No. 14/1/2008-IPR-III]

  
(D.V. Prasad)

Joint Secretary to the Government of India

Note. – The principal rules were published in the Gazette of India, Extraordinary, *vide* notification number S.O. 493 (E), dated the 2<sup>nd</sup> May, 2003 and subsequently amended *vide* notification numbers –

- (i) S.O. 1418(E), dated the 28<sup>th</sup> December, 2004;
- (ii) S.O. 657 (E), dated the 5<sup>th</sup> May, 2006; and
- (iii) S.O. 2296(E), dated the 25<sup>th</sup> September, 2012.