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IPA ASPIRANT SPRINT — COMPLETE EDITION



A SIMPLIFIED GUIDE TO THE INDIAN PATENT AGENT EXAMINATION

IPA Act: 23 Chapters (Ss. 1–163) + Rules: 16 Chapters (R.1–139, Forms 1–30)

IDA Act: 11 Chapters (Ss. 1–48) + Rules: 10 Chapters (R.1–48, Forms 1–23)

**Mental Models, Timelines & Section–Rule–Form
Triplets for Paper 1 & 2 — Patent Act Framework
from scratch, so none of us have to struggle through
legalese alone.**



**A First–Principles Guide to Cracking
the Indian Patent Agent Exam**

ABOUT THIS GUIDE

This is a Patent Law study companion for the Indian Patent Agent (IPA) Examination, written to turn two dense statutes and their procedural rulebooks into mental models an aspirant can actually retain. It walks the Patents Act (1970) and Designs Act (2000) chapter by chapter, then does the same for their operative machinery: the Patents Rules, 2003 and the Designs Rules, 2001, current up to their most recent amendments (2024 and 2021 respectively). Every provision is tagged with its **Section · Rule · Form** triplet, because that triplet, not the bare section number, is what Paper 1 and Paper 2 actually test.

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“The only companion that connects every Section to its matching Rule, Form number, and deadline into one seamless, exam-ready system.”



Compiled by Biplab Roy

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A Simplified Guide to the Indian Patents Act (1970) and Designs Act (2000)

PREFACE

Legal text is written to be enforced, not understood. If you come from a STEM background, the Patents Act (1970) and Designs Act (2000) can feel like debugging code with no comments, logical underneath, but exhausting on the surface. That is the gap this book closes.

This is not a replacement for the bare Act. Where this book simplifies and paraphrases, the bare Act governs and holds the exact wording that matters. Treat this guide as the framework, and the bare Act as the final authority... always.

What you will find in this book is structure, plain language, visual summaries, and mental models built for how engineers, inventors, scientists, and startup founders actually think.

I hope it saves you the hours it once cost me.

For

Uncle Ben

Who once famously said, "With Great Power Comes Great Responsibility"

"Could you patent the sun?"



A SIMPLIFIED GUIDE TO THE INDIAN PATENT AGENT EXAMINATION

High-Yield Study Manual for the Indian Patent Agent Exam

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IMPORTANT LINKS

OFFICIAL RESOURCES

- ▶ [IPIndia — Official Website](#)
- ▶ [Indian Patents Act \(1970\) — PDF Download](#)
- ▶ [Indian Designs Act \(2000\) — PDF Download](#)
- ▶ [Indian Patent Agent Exam — Registration Link](#)
- ▶ [Previous Year Questions & Answers — Patent Agent Exam](#)

Smarter Prep Starts Here ✨

Three AI-powered study companions — one for each paper, and one for practice.

Paper I: Patents Act & Rules



Paper II: Drafting & Interpretation



Previous Year Papers (2016 - 2026)



📱 [Click or Scan the QR to access your Google NotebookLM Study Agent](#)

A Few Tips to Get the Most Out of It

Small habits that turn a study agent into a real study partner.

Make it quiz you, not the other way round. Instead of asking "what is Section 3(d)?", ask the agent to grill you on it, "why would a small efficacy improvement fail here?" Let it keep pushing until your answer actually holds up.

Read a claim backwards. Pick a granted claim and ask the agent why it's worded the way it is and what objection or prior art it probably written to dodge. It teaches you drafting instincts, not just drafting rules.

Draft first, get critiqued after. Write a claim or a bit of a specification yourself, then hand it over and ask the agent to review it like a strict examiner would. You will learn more from the red ink than from any explanation.

Untangle the sections you keep mixing up. Sec 3 vs Sec 4, pre-grant vs post-grant opposition etc., this is where most marks quietly slip away. Ask the agent to lay the two sections or rules side by side until the difference finally sticks.

Struggle a little before you peek. Ask the agent to hand you just the question, no hints. Sit with it, attempt it cold, and only then compare notes. That bit of struggle is usually where the real learning happens.

Bring old mistakes back to life. Got something wrong last week? Ask the agent to reword it and ask you again in a few days. If you still get it right, you have actually learned it and not just remembered it for a day.

MASTER NUMBERS CHEAT-SHEET

Every deadline and figure across both Acts, in one place. The two Acts constantly borrow the same concept but use **different numbers** — that contrast is the single most-tested pattern in this whole syllabus. Revise this page last, right before you walk into the exam.

Number	Patents Act, 1970	Designs Act, 2000
6 weeks	Sec. 39 — minimum wait before filing abroad without a licence	—
3 months	Sec. 117A — appeal to High Court	Sec. 36 — appeal to High Court
6 months	Sec. 21 — put application in order (extendable); Sec. 84(6) — "reasonable period" for prior licence negotiation	Sec. 21 — exhibition grace period; Sec. 30(3) — register an assignment; Sec. 44 — convention priority window
1 year / 12 months	Sec. 9 — provisional→complete specification; Sec. 31 — exhibition grace period; Sec. 135 — convention priority window; Sec. 25(2) — post-grant opposition window	Sec. 12 — restoration of a lapsed design
18 months	Sec. 11A — publication of application; Sec. 60 — restoration of a lapsed patent	—
48 months	Sec. 11B — Request for Examination deadline 31 months RFE (for post-15-Mar-2024 filings)	—
2 years	Sec. 85 — earliest a non-working revocation can follow a compulsory licence	—
3 years	Sec. 84 — earliest a compulsory licence can be sought after grant	—
10 + 5 years	—	Sec. 11 — copyright term: 10 years, extendable once by 5 (15 years max)
20 years	Sec. 53 — full patent term, from filing date, no extension	—
₹25,000 / ₹50,000	—	Sec. 22 — statutory damages: per act / total cap per design

⚠ **The Three "12-Month" Traps (Patents Act only):** Sec. 9 (provisional→complete), Sec. 31 (exhibition), and Sec. 135 (convention priority) all use 12 months but count from completely different starting events. Never assume "12 months" alone identifies which section a question is testing.

⚠ **Same Concept, Half the Time (Designs vs Patents):** Exhibition grace — 12 months for patents, just 6 for designs. Convention priority — 12 months for patents, just 6 for designs. If a question is about designs, halve your instinct.

PART I — THE PATENTS ACT, 1970

CHAPTER I — PRELIMINARY

Sec. 1 Short Title, Extent and Commencement

One-liner: This law is called the "Patents Act, 1970," applies all over India, and started on a date the Government notified.

Essence: Naming & Commencement Clause

Sec. 2 Definitions and Interpretation

This is the Act's dictionary. You don't need to memorize all ~40 definitions word-for-word, but the exam repeatedly tests a handful of them — especially where the definition is narrower or different from everyday English. Here are the ones that actually show up on the exam:

Person interested [2(1)(t)]

Someone with a genuine business/trade interest in the invention area — includes a researcher in the same field. Used for post-grant opposition, revocation, compulsory licences.

Patent of addition [2(1)(q)]

A patent for a small improvement to your own already-patented invention.

Convention application [2(1)(c)]

An application claiming priority from an earlier filing in a "convention country" (Paris Convention member) — governed by Sec. 135.

Exclusive licence [2(1)(f)]

A licence where even the patentee can't exploit the patent themselves — only the licensee can.

New invention [2(1)(l)]

Not anticipated by any publication or use, anywhere, before the filing date — i.e., not part of "state of the art."

Inventive step [2(1)(ja)]

A feature that (a) involves technical advance or economic significance, AND (b) is not obvious to a person skilled in the art.

Capable of industrial application [2(1)(ac)]

Can actually be made or used in some industry.

Pharmaceutical substance [2(1)(ta)]

Any substance for internal/external diagnosis, treatment, mitigation, or prevention of disease in humans/animals.

True and first inventor [2(1)(y)]

Does NOT include a person who merely imports or discloses an invention already known abroad.

Essence: The Act's Dictionary — Know 2(1)(j), (ja), (l), (t) Cold

🔗 Mentor's Exam Insight

Three definitions to lock in before anything else: **Invention [2(1)(j)]** = a new product or process involving an inventive step and capable of industrial application. **Inventive step [2(1)(ja)]**, and **New invention [2(1)(l)]**. These three feed into almost every patentability question you'll face.

CHAPTER II — INVENTIONS NOT PATENTABLE

Sec. 3 What Are Not Inventions

This is one of the highest-yield sections in the whole Act — a "checklist of exclusions" that examiners love to test with fact patterns. If your invention falls into any of these buckets, it's simply not patentable, no matter how clever it is.

3(a) — Frivolous / against natural laws

e.g. a "perpetual motion machine."

3(b) — Against public order/morality, or harmful to life/environment

e.g. a device meant only for gambling fraud, or one seriously harmful to health.

3(c) — Mere discovery of a scientific principle, abstract theory, or a thing found in nature

e.g. discovering a new bacterium in soil (not inventing it).

3(d) — New form of a known substance with no enhanced efficacy; new use of a known substance; mere use of a known process without a new product/reactant

e.g. a new crystal form of an existing drug that works no better — the "evergreening" clause (Novartis/Glivec case).

3(e) — Mere admixture giving only an aggregation of properties

e.g. just mixing two known chemicals and getting exactly what you'd expect.

3(f) — Mere re-arrangement of known devices, each still working independently

e.g. a torch attached to an umbrella — both work exactly as before.

3(h) — Method of agriculture or horticulture

e.g. a new crop rotation technique.

3(i) — Medical/surgical/diagnostic/therapeutic treatment methods (humans or animals)

e.g. a new surgical technique or diagnostic method.

3(j) — Plants and animals (whole or part), seeds, varieties, species; essentially biological processes

e.g. a new cattle breed from traditional breeding.

3(k) — Mathematical/business methods, computer programs "per se," or algorithms

e.g. a pure software algorithm with no technical application — a big topic for engineering backgrounds, see insight below.

3(l) — Literary/dramatic/musical/artistic works, films, TV productions

Covered by copyright instead.

3(m) — Scheme/rule/method for a mental act, or a method of playing a game

e.g. rules of a new card game.

3(n) — Presentation of information

e.g. a new way of displaying data with nothing technical behind it.

3(o) — Topography of integrated circuits

Protected separately, under the Semiconductor IC Layout-Design Act.

3(p) — Traditional knowledge, or aggregation/duplication of known properties of a traditionally known component

e.g. a "new" use of turmeric for wound healing.

Essence: The "Not Patentable" Master Checklist

🔍 Mentor's Exam Insight

Section 3(k) (software/algorithms) and **3(d)** (evergreening) are the two most litigated and most frequently tested clauses. For 3(k): a computer program tied to a specific technical hardware effect (not "per se") can still be patentable — CRI (Computer Related Inventions) Guidelines expand on this. For 3(d): remember the term "enhancement of known efficacy" — this was the crux of the Novartis Glivec case (2013), a favourite exam reference.

Sec. 4 Inventions Relating to Atomic Energy Not Patentable

One-liner: Anything falling under Section 20(1) of the Atomic Energy Act, 1962 cannot be patented — atomic energy inventions are kept out of the patent system entirely.

Essence: Atomic Energy Carve-Out

OMITTED — NOT EXAMINABLE

Sec. 5 Omitted (dealt with "only process patentable" for food/drug/chemical inventions — removed when India moved to full product-patent regime in 2005). Not examinable, but historically important: this is WHY India only granted process patents (not product patents) for food, medicine, and chemicals before 2005.

CHAPTER III — APPLICATIONS FOR PATENTS

Sec. 6 Persons Entitled to Apply for Patents

Who can actually file a patent application? Only three categories:

- The true and first inventor themselves
- Their assignee (someone the inventor has legally transferred the right to)
- The legal representative of a deceased person who was entitled to apply

Application can be made alone or jointly with others.

Essence: Who May File

Sec. 7 Form of Application

One-liner: One invention per application, in the prescribed form; PCT international applications designating India count as applications under this Act too, and take the PCT's international filing date.

Essence: One Invention, One Application

Sec. 8 Information & Undertaking Regarding Foreign Applications

If you (or someone claiming through you) are also filing for the same/similar invention in another country, you must tell the Indian Controller — both when you file in India, and keep updating them until the patent is granted. The Controller can also demand more details about how the foreign application is progressing.

Essence: "Tell Us About Your Foreign Filings" Duty

🔗 Mentor's Exam Insight

Failure to comply with Section 8 is a specific **ground for opposition [25(1)(h)/25(2)(h)]** and also a **ground for revocation [Sec. 64(1)(m)]**. Always link Sec. 8 to these two sections in your notes.

Sec. 9 Provisional and Complete Specifications

Think of the provisional specification as a "placeholder" — you file it to lock in your priority date while you finish the details. Key rule: you must file the **complete specification within 12 months** of the provisional, or the application is treated as abandoned.

Other useful bits: multiple related provisional applications can sometimes be merged into one complete specification; and you can convert a "complete" specification into a "provisional" one if you ask within 12 months of filing.

Essence: The 12-Month Provisional-to-Complete Clock

🔍 Mentor's Exam Insight

The **12-month deadline** here is one of the most tested numbers in the whole Act — don't confuse it with the 12-month convention-country deadline under Sec. 135, even though the number is the same, the trigger event is different.

Sec. 10 Contents of Specifications

Every specification must have a title, a full description of the invention (including the best method the applicant knows of doing it), and must end with the **claims** — the part that actually defines what's protected. A complete specification must also include an **abstract**.

🔧 **Engineer's Analogy:** The specification is like a project's technical documentation — the description is the design doc explaining how it works, and the claims are like the API contract defining exactly what's exposed and protected.

Essence: Description + Best Method + Claims + Abstract

Sec. 11 Priority Dates of Claims

Every individual claim (not just the whole application) gets its own "priority date" — the date used to check if something is "prior art" against that claim. If a claim could get multiple possible priority dates, the **earliest** one applies. Also: a claim isn't invalid just because the invention was published/used on or after its own priority date, or because another patent later claims the same thing with an equal/later priority date.

Essence: Claim-by-Claim Priority Dates, Earliest Wins

CHAPTER IV — PUBLICATION AND EXAMINATION OF APPLICATIONS

Sec. 11A Publication of Applications

Applications are normally kept confidential and published only after **18 months** from filing (or priority date) — this is the prescribed period. You can request early publication. Once published, the applicant gets "like privileges and rights" as if the patent were already granted — **except** they can't sue for infringement until the patent is actually granted.

Applications are NOT published if: a secrecy direction (Sec. 35) applies, the application was abandoned, or it was withdrawn at least 3 months before the 18-month mark.

Essence: 18-Month Publication Rule + "Provisional Rights"

Mentor's Exam Insight

The "**like privileges and rights, but no infringement suit until grant**" concept is a classic MCQ. Remember: you can still send an infringer a legal notice/warning after publication, and once the patent is granted, you CAN claim damages retrospectively from the publication date (this nuance comes from case law, not the bare text — but exams do test the general concept).

Sec. 11B Request for Examination (RFE)

*One-liner: Your application won't be examined at all unless you (or another interested person) file a Request for Examination within the prescribed period of **48 months** or **31 months** (for post-15-Mar-2024 filings) from priority date — miss it, and the application is treated as withdrawn.*

Essence: No RFE, No Examination — Application Dies

Cross-ref: 48-month RFE deadline is fixed by Patent Rules, Rule 24B — not in the bare Act text, but essential for the exam.

Sec. 12 Examination of Application

Once RFE is filed, the Controller sends the application to an **Examiner**, who checks: (a) does it comply with the Act/Rules, (b) is there any legal objection to grant, (c) results of the anticipation/novelty search under Sec. 13, and (d) anything else prescribed.

Essence: The Examiner's Checklist

Sec. 13 Search for Anticipation

The examiner's job here is to hunt for **prior art** — checking if the invention was already:

- Published in an earlier Indian patent application (filed on/after 1 Jan 1912), or
- Claimed in another complete specification with an earlier priority date, or
- Published anywhere in India or abroad, in any other document

Important disclaimer built into the section itself: this examination does NOT guarantee the patent's validity — the Government isn't liable if something later turns out invalid despite being examined.

Essence: The Official Novelty/Prior-Art Search

Sec. 14 Consideration of Examiner's Report by Controller

One-liner: If the examiner's report is unfavourable or needs amendments, the Controller must tell the applicant the objections and give them a hearing if requested — before rejecting anything.

Essence: Natural Justice — You Get to Respond First

Sec. 15 Power to Refuse or Require Amendment

One-liner: If the application/specification doesn't meet the Act's requirements, the Controller can either ask for amendments or refuse the application outright if the applicant doesn't fix it.

Essence: Comply or Get Refused

Sec. 16 Division of Application

If your one application actually covers **more than one invention** (a common objection called "lack of unity"), you can split it into a further ("divisional") application. The divisional gets the same filing date as the original ("parent") application — it doesn't lose its place in line.

🔗 **Engineer's Analogy:** Think of it like splitting one bloated pull request into two focused ones — each covering a single well-defined feature, but both still timestamped to when the original branch was created.

Essence: Splitting a Multi-Invention Application (Divisional)

Sec. 17 Dating of Application

One-liner: The Controller can "post-date" an application to a later date at the applicant's request (max 6 months later), or when documents are re-filed after correction under Sec. 15.

Essence: Post-Dating an Application

Sec. 18 Powers in Cases of Anticipation

One-liner: If the Controller finds your invention was anticipated by an earlier-filed Indian document, they can refuse the application unless you prove your priority date is earlier, or you amend your specification.

Essence: Anticipation Found → Prove Earlier Priority or Amend

Sec. 19 Powers in Case of Potential Infringement

One-liner: If your invention can't be used without likely infringing someone else's existing patent, the Controller can force a "public notice" reference to that other patent in your specification — unless you show grounds to contest that other patent's validity, or you amend your specification.

Essence: Flagging a Conflicting Patent

Sec. 20 Substitution of Applicants

One-liner: If someone else legally acquires the right to the application (via assignment, agreement, or law) before grant, the Controller can substitute or add them as the applicant — with safeguards where there are joint applicants or a dispute between them.

Essence: Changing Who the Applicant Is

Sec. 21 Time for Putting Application in Order for Grant

Once the Controller raises the first objection, the applicant must satisfy **all** the requirements within a prescribed period (6 months from the first examination report, extendable — a Rules-level detail), or the application is deemed **abandoned**. There are special extensions if a High Court appeal is pending.

Essence: The "Put-in-Order" Deadline — Miss It, Application Is Dead

🔗 Mentor's Exam Insight

"Abandonment" shows up in three different flavours across the Act: Sec. 9 (no complete spec within 12 months), Sec. 11B (no RFE filed), and Sec. 21 (requirements not met in time). Exams love asking "which section causes abandonment in this scenario" — learn to tell these three apart by their *trigger event*.

OMITTED — NOT EXAMINABLE

Sec. 22, 23, 24 Omitted (used to deal with "acceptance" and "advertisement of acceptance" of the complete specification). Not examinable directly — but know WHY: pre-2005, India had an "accept then advertise for opposition" system; post-2005, this was replaced by the current "publish, then pre-grant oppose, then grant, then post-grant oppose" flow you're studying now.

CHAPTER V — OPPOSITION PROCEEDINGS TO GRANT OF PATENTS

Sec. 25(1) Pre-Grant Opposition

Once an application is **published** but a patent hasn't been **granted** yet, **any person** — a competitor, a curious engineer, anyone — can send in a written **representation** opposing the grant. It's not a formal "notice"; it goes straight to the Controller. Only these grounds are allowed:

Ground	Plain English
(a) Wrongful obtaining	Applicant "stole" the invention from the objector or someone else
(b) Prior publication	Already published before the priority date
(c) Prior claiming	Someone else already filed the same claim earlier in India
(d) Prior public knowledge/use in India	Already known/used publicly in India before priority date
(e) Obviousness	No inventive step — obvious to a skilled person
(f) Not an invention / not patentable	Hit by Sec. 3 or Sec. 4
(g) Insufficient disclosure	Specification doesn't clearly explain the invention
(h) False/non-disclosure of foreign filings	Violates the Sec. 8 duty
(i) Late convention filing	Missed the 12-month convention deadline
(j) Biological source non-disclosure	Didn't disclose/misstated the geographical origin of biological material
(k) Traditional knowledge	Already known within a local/indigenous community

If the objector requests a hearing, the Controller must hear them and dispose of the representation.

Essence: Anyone Can Object, Before Grant

🔗 Mentor's Exam Insight

"**Any person**" (25(1)) vs "**person interested**" (25(2), post-grant) is a guaranteed exam question. Also: pre-grant has **no Opposition Board** — the Controller decides directly. The Opposition Board only appears at post-grant stage (25(3)). Don't mix the two procedures.

Cross-ref: Procedure/timelines under Patent Rules, Rule 55.

Sec. 25(2)-(6) Post-Grant Opposition

After a patent is granted, any "**person interested**" (not just anyone) can file a formal notice of opposition — but only within **one year** from the date of publication of grant. The grounds are almost identical to the pre-grant list (with minor wording tweaks like "patentee" instead of

"applicant").

Procedure differs sharply from pre-grant:

1. Notice given → Controller notifies the patentee
2. Controller constitutes an **Opposition Board** to examine the case and recommend
3. Controller hears both sides, then orders: maintain, amend, or revoke the patent
4. For grounds (d) prior use or (e) obviousness, secret trials/documents can't be relied on

Essence: One-Year Window, Opposition Board, "Person Interested" Only

Sec. 26 "Obtaining" — Transferring the Patent to the True Owner

One-liner: If opposition succeeds because the invention was "obtained" (stolen) from the opponent, the Controller can transfer the patent (or the relevant part) into the opponent's name instead of just cancelling it — and preserve their earlier priority date for the transferred portion.

Essence: Stolen Invention → Ownership Can Shift to the True Owner

OMITTED — NOT EXAMINABLE

Sec. 27 Omitted (used to deal with "refusal of patent without opposition" on similar grounds). Not examinable.

Sec. 28 Mention of Inventor

An inventor (even if they're not the applicant — e.g., an employee-inventor where the company applies) has the right to be **named as inventor** in the patent and the Register, as long as they request it **before grant**. This mention doesn't give them ownership rights — it's purely a credit/attribution right.

Essence: The Right to Be Named (Not to Own)

CHAPTER VI — ANTICIPATION

Sec. 29-34 Anticipation — The "Was It Already Known?" Chapter

"Anticipation" means the invention isn't new because it was already out there before filing. This chapter is a set of **safe harbours** — situations where "already out there" is forgiven and won't kill your patent.

Section	Safe Situation	Plain English / Key Condition
29(1)	Pre-1912 Indian filings	Publication in an Indian patent application filed before 1 Jan 1912 doesn't count
29(2)	Leaked without consent	Invention was published without the inventor's consent — safe, PROVIDED the inventor filed "as soon as reasonably practicable" after learning of the leak, AND there was no commercial working in India before the priority date
29(3)	Contravention by another filer	You're the true first inventor; someone else wrongfully filed a competing application, or used/published the invention afterward without your consent — none of that anticipates YOUR later application
30	Communication to Government	Telling the Government (or its authorised investigator) about the invention, for evaluation purposes, is safe
31	Display at an exhibition	Display/use at a Government-notified exhibition is safe, IF you file within 12 months of the exhibition opening (or the paper reading/publication)
32	Public working/trial	Public working in India within 1 year before the priority date is safe IF it was genuinely for reasonable trial, and public working was reasonably necessary given the invention's nature
33	Use/publication after provisional filing	Certain uses/publications happening after a provisional specification is already filed don't count against the eventual complete specification
34	Reinforcing clause	Just a reminder: none of the situations in Ss. 29-32, by themselves, count as anticipation — full stop

Essence: The Inventor's "Grace Period" Toolbox

🔍 Mentor's Exam Insight

Exam trap #1: **12 months** (exhibition, Sec. 31) vs **1 year before priority date** (public working, Sec. 32) — same duration, different anchor point. Learn the anchor, not just the number.

Exam trap #2: Sec. 29(3) is your direct textual link to a **Sec. 25(1)(a)/25(2)(a) "obtaining" opposition** and to **Sec. 26** — always study these three together as one story: someone stole your invention → Sec. 29(3) protects your own later filing → Sec. 25/26 lets you fight and even inherit their filing.

CHAPTER VII — SECRECY DIRECTIONS FOR DEFENCE-RELATED INVENTIONS

Sec. 35 Secrecy Directions for Defence-Related Inventions

If the Controller thinks your invention is relevant to India's defence (either because it falls in a class the Government notified, or just on its own judgment), they can issue a **secrecy direction** — blocking publication or disclosure of the invention. The Controller then tells the Central Government, which reviews whether publication would actually harm defence; if not, the direction gets lifted. The Government can also flag an invention as defence-relevant on its own, any time before grant.

Essence: Classifying an Invention as a Defence Secret

Sec. 36 Periodic Review of Secrecy Directions

One-liner: Secrecy directions aren't permanent — the Government must reconsider them every 6 months (or on the applicant's reasonable request), and revoke them once they're no longer needed for defence.

Essence: The 6-Month Review Clock

Sec. 37 Consequences of Secrecy Directions

While a secrecy direction is active: the application can still proceed all the way up to being "in order for grant," but it won't actually be published or granted. No appeal lies against the Controller's orders on this. If the Government uses the invention itself during this period, the usual "Government use" compensation rules (Ss. 100, 101, 103) kick in. The applicant may also get a solatium (goodwill payment) if they suffered hardship, and no renewal fees are charged for the period secrecy was in force.

Essence: Frozen in Limbo, But Compensated

Sec. 38 Revocation of Secrecy Directions & Extension of Time

One-liner: Once a secrecy direction is lifted, the Controller can extend any deadlines the applicant missed because of the direction — even if those deadlines already technically expired.

Essence: No Penalty for Missing Deadlines During Secrecy

Sec. 39 Residents Can't File Abroad Without Permission

If you live in India, you generally can't file a patent application **outside** India first — you need written permission from the Controller. The two safe paths: (a) file in India first, wait at least **6 weeks**, then file abroad, with no active secrecy direction; or (b) get an explicit permit. If the invention touches defence or atomic energy, the Controller needs the Central Government's consent before granting that permit.

Essence: The 6-Week "India First" Rule

🔗 Mentor's Exam Insight

The **6-week** foreign-filing-license waiting period (Sec. 39) is a distinct number from the 12-month convention deadline (Sec. 135) and the 12-month provisional-to-complete deadline (Sec. 9) — examiners love testing all three together in one scenario question.

Sec. 40 Liability for Contravening Sec. 35 or 39

One-liner: Breach a secrecy direction, or file abroad without permission — the Indian application is deemed abandoned, and any patent already granted becomes liable to revocation under Sec. 64.

Essence: The Penalty — Abandonment or Revocation

Sec. 41 Finality of Orders

One-liner: Orders of the Controller or Central Government under this Chapter (secrecy) are final and can't be challenged in any court.

Essence: No Judicial Review of Secrecy Orders

Sec. 42 Savings — Disclosure to Government

One-liner: The Controller is always allowed to share application details with the Central Government, purely for deciding whether to impose or revoke a secrecy direction.

Essence: Government Can Always Be Told, For This Purpose

CHAPTER VIII — GRANT OF PATENTS AND RIGHTS CONFERRED

Sec. 43 Grant of Patents

One-liner: Once an application is in order for grant and hasn't been refused or found in breach of the Act, the patent is granted as quickly as possible, sealed, entered in the register, and published — after which the whole file becomes open for public inspection.

Essence: The Grant Moment

Sec. 44 Amendment of Patent Granted to a Deceased Applicant

One-liner: If the person a patent was granted to had actually died (or, for a company, ceased to exist) before the grant, the Controller can substitute the correct successor's name — retroactively, as if it had always been so.

Essence: Fixing a Grant to a Dead Applicant

Sec. 45 Date of Patent

One-liner: A patent is dated from the filing date of the application — but you can't sue for infringement committed before the application was published.

Essence: Patent Dated From Filing; No Suits Pre-Publication

Sec. 46 Form, Extent and Effect

One-liner: A patent is in the prescribed form, effective across all of India, and granted for one invention only (though this can't later be challenged as a technicality).

Essence: All-India Effect, One Invention

Sec. 47 Conditions Attached to Every Grant

Every patent, no matter what, is automatically subject to four built-in conditions in favour of the Government and the public:

- Government can import/make the patented article for its own use
- Government can use the patented process for its own use
- Anyone can make/use it purely for experiment, research, or teaching purposes
- For medicines/drugs: Government can import them for its own use or for public hospitals/dispensaries

Essence: The Government & Research-Use Carve-Outs

Sec. 48 Rights of Patentees

This is the heart of what a patent actually gives you — the exclusive right to stop others (without your consent) from:

- **Product patent:** making, using, offering for sale, selling, or importing that product in India
- **Process patent:** using that process, and also using/selling/importing the product directly obtained from it

Essence: The Exclusionary Right — Product vs Process

🎯 Mentor's Exam Insight

A patent gives you the right to **exclude** others — not an automatic right to practice your own invention (you might still need someone else's licence if yours is an improvement on their patent — this links to Sec. 91, licensing of related patents).

Sec. 49 Foreign Vessels/Aircraft Exception

One-liner: A patent isn't infringed by use of the invention on a foreign-registered ship, aircraft, or land vehicle that's only temporarily or accidentally in India — provided that country gives India the same courtesy.

Essence: Temporary Foreign Transit Exception

Sec. 50-51 Co-Owners of Patents

Joint patentees each get an equal undivided share by default, and each can exploit the patent for their own benefit without accounting to the others — but licensing or assigning a share needs everyone's consent. If co-owners disagree, the Controller can step in (Sec. 51) and give directions, even authorizing someone to act on a defaulting co-owner's behalf.

Essence: Equal Shares, But Joint Consent for Licensing

Sec. 52 Grant to True Inventor After Fraud

One-liner: If a patent is revoked because it was fraudulently obtained from the real inventor, the court can order a fresh patent be granted to that true inventor instead — bearing the same date/number as the revoked one.

Essence: Restoring the Patent to Its Rightful Owner

Sec. 53 Term of Patent

*One-liner: Every patent lasts **20 years from the date of filing** (for PCT applications, from the international filing date) — and lapses early if renewal fees aren't paid on time.*

Essence: The 20-Year Clock, From Filing

🔗 Mentor's Exam Insight

20 years is counted from **filing date**, not grant date — a classic exam trap, since grant can take years and the term doesn't restart or extend because of that delay.

CHAPTER IX — PATENTS OF ADDITION

Sec. 54-56 Patents of Addition

If you've improved or modified your own already-patented (or already-applied-for) invention, you can get that improvement patented as a "patent of addition" instead of a standalone patent. Key rules:

- Term (Sec. 55): runs alongside the main patent and expires with it — **no separate renewal fees** — but can become independent if the main patent is later revoked
- Validity (Sec. 56): can't be refused or invalidated just because it lacks inventive step over the main invention

Essence: A Free-Riding Improvement Patent

CHAPTER X — AMENDMENT OF APPLICATIONS AND SPECIFICATIONS

Sec. 57 Amendment Before the Controller

One-liner: The Controller can allow an applicant/patentee to amend their application or specification — but not while an infringement suit or revocation proceeding on that patent is pending in court; post-grant amendment requests may be published, and third parties can oppose.

Essence: Amending Before the Controller

Sec. 58 Amendment Before the High Court

One-liner: During a revocation proceeding, the High Court can allow the patentee to amend the specification instead of revoking the patent outright — the Controller gets notice and a chance to be heard.

Essence: Amendment as an Alternative to Revocation

Sec. 59 Supplementary Rules on Amendment

Amendments can only be a "disclaimer, correction, or explanation" — you can never use an amendment to sneak in new matter that wasn't already disclosed, or broaden a claim beyond its original scope. Once allowed, an amendment is treated as always having been part of the specification.

Essence: No New Matter, Ever

Mentor's Exam Insight

This "no added matter" rule is one of the most fundamental and frequently tested principles in patent prosecution worldwide — Indian law states it explicitly in Sec. 59(1).

CHAPTER XI — RESTORATION OF LAPSED PATENTS

Sec. 60 Applications for Restoration

*One-liner: If a patent lapsed because a renewal fee wasn't paid, the patentee (or legal representative) can apply to restore it within **18 months** of the lapse — explaining exactly why the fee was missed.*

Essence: The 18-Month Restoration Window

Sec. 61 Procedure for Restoration

One-liner: The Controller must first be satisfied the non-payment was "unintentional" and there was no undue delay in applying, then publishes the application — anyone can oppose on those same two grounds, after which restoration follows (on payment of the unpaid + additional fee) if unopposed or if the Controller rules in the applicant's favour.

Essence: "Unintentional + No Undue Delay" Test

Sec. 62 Rights After Restoration

One-liner: A restored patent's rights are subject to protections for anyone who, in good faith, started using the invention during the "gap" period between lapse and restoration — and no infringement suit can cover acts during that gap.

Essence: Protecting Innocent Users During the Gap

CHAPTER XII — SURRENDER AND REVOCATION OF PATENTS

Sec. 63 Surrender of Patents

One-liner: A patentee can voluntarily offer to surrender their own patent; the Controller publishes the offer, lets interested persons oppose, and if satisfied it's proper, accepts the surrender and revokes the patent by order.

Essence: Voluntary Give-Back

Sec. 64 Revocation of Patents — The Master Grounds List

This is one of the highest-yield sections in the Act — the complete list of grounds on which **anyone interested, the Central Government, or a defendant in an infringement suit (by counter-claim)** can get a patent revoked by the High Court. Notice how closely this overlaps with the opposition grounds in Sec. 25 — that's intentional, and worth memorizing as one connected system.

- (a) Same invention already validly claimed with earlier priority**
in another Indian patent.
- (b) Wrong applicant**
patent granted to someone not entitled to apply.
- (c) Wrongful obtaining**
obtained in contravention of the true owner's rights.
- (d) Not an invention**
doesn't meet the Sec. 2(1)(j) definition.
- (e) Lack of novelty**
already publicly known/used/published before priority date.
- (f) Obviousness**
no inventive step.
- (g) Not useful**
fails the "capable of industrial application" test.
- (h) Insufficient/unclear disclosure**
can't be worked by a person of average skill, or best method not disclosed.
- (i) Claims not clear or not fairly based**
scope of claims poorly defined.
- (j) False suggestion/representation**
patent obtained via misrepresentation.
- (k) Not patentable subject matter**
hit by Sec. 3/4.
- (l) Secret use in India**

before the priority date (with exceptions for trials/Government disclosure).

(m) Sec. 8 non-disclosure

failed to disclose foreign filings, or gave false information.

(n) Secrecy/foreign-filing violation

breached Sec. 35 (secrecy direction) or Sec. 39 (filed abroad without permission).

(o) Fraudulent amendment

leave to amend (Ss. 57/58) obtained by fraud.

(p) Biological source non-disclosure

same as the opposition ground.

(q) Traditional knowledge anticipation

same as the opposition ground.

Separately (Sec. 64(4)): the High Court can also revoke a patent on the Central Government's petition if the patentee unreasonably refuses a Government request to work the invention for Government purposes.

Essence: The Complete Revocation Checklist — Mirrors Sec. 25

🔍 Mentor's Exam Insight

Compare Sec. 64 to Sec. 25 side by side in your notes — almost every opposition ground reappears here as a revocation ground, but Sec. 64 adds a few revocation-only grounds not available at opposition stage: (a) same invention with earlier priority in *another Indian patent*, (b) wrong applicant, (o) fraudulent amendment, and (n) secrecy/foreign-filing violations. These "extra" grounds are a favourite way examiners test whether you've actually compared the two sections rather than just memorized one.

Sec. 65 Revocation — Atomic Energy Directions

One-liner: If the Government later realizes a granted patent covers a non-patentable atomic energy invention (Sec. 4), it can direct the Controller to revoke it — though the Controller may allow an amendment instead.

Essence: Correcting an Atomic-Energy Grant Mistake

Sec. 66 Revocation in Public Interest

One-liner: If the Central Government believes a patent (or how it's being used) is mischievous to the State or prejudicial to the public, it can declare it revoked by Gazette notification, after hearing the patentee.

Essence: The Government's "Public Interest" Override

CHAPTER XIII — REGISTER OF PATENTS

Sec. 67 The Register of Patents

One-liner: The patent office keeps a register recording grantee names/addresses, assignments, licences, amendments, and revocations — it can be kept electronically, and certified copies are admissible as evidence.

Essence: The Official Record-Book of Patents

Sec. 68 Assignments Must Be in Writing

One-liner: Any assignment, mortgage, licence, or other interest in a patent is invalid unless it's reduced to a written, duly executed document covering all the agreed terms.

Essence: No Oral Assignments

Sec. 69 Registering Assignments/Transmissions

One-liner: Anyone who becomes entitled to a patent (or an interest in it) must apply to register their title — and an unregistered document generally can't be used as evidence of title in court or before the Controller.

Essence: Register It, Or It Doesn't (Fully) Count

Sec. 70 Registered Owner's Powers

One-liner: The registered grantee/proprietor can assign, license, or otherwise deal with the patent, subject to co-ownership rules and any other registered interests.

Essence: Dealing With a Registered Patent

Sec. 71 Rectification of the Register

One-liner: The High Court can correct the register — adding a missing entry, removing a wrong one, or fixing an error — on the application of any aggrieved person.

Essence: Fixing Register Mistakes via Court

Sec. 72 Register Open for Inspection

One-liner: The register is open to public inspection, and certified copies are available on payment of the prescribed fee.

Essence: Public Transparency of the Register

CHAPTER XIV — PATENT OFFICE AND ITS ESTABLISHMENT

Sec. 73-76 The Patent Office & Its Staff

Administrative housekeeping chapter:

- **Sec. 73:** The Controller General of Patents, Designs and Trade Marks is the "Controller" for this Act; examiners and other officers can be appointed and delegated the Controller's functions.
- **Sec. 74:** There's a Patent Office (with branch offices as needed) and an official seal.
- **Sec. 75:** Patent office staff can't personally acquire any right or interest in a patent while employed there (except by inheritance).
- **Sec. 76:** Staff can't leak information, help prepare documents, or run searches for outsiders except as authorised.

Essence: Who Runs the Patent Office, and Their Duties

CHAPTER XV — POWERS OF CONTROLLER GENERALLY

Sec. 77 Controller's Civil Court Powers

One-liner: In proceedings before him, the Controller has civil-court-like powers — summoning witnesses, requiring document discovery, taking affidavit evidence, awarding costs (executable like a decree), and reviewing his own decisions.

Essence: Quasi-Judicial Powers of the Controller

Sec. 78 Correcting Clerical Errors

One-liner: The Controller can correct clerical errors in a patent, specification, or register entry — on request or on his own initiative — with notice/hearing given if the correction would materially change the document's meaning.

Essence: Fixing Typos and Slips

Sec. 79-81 Evidence, Discretion, Time Extensions

Sec. 79: evidence before the Controller is normally by affidavit, though oral evidence/cross-examination can be allowed. Sec. 80: before deciding adversely against an applicant, the Controller must give a hearing if timely requested. Sec. 81: the Controller's decisions on extending time limits aren't appealable, and don't require notice to opposing parties.

Essence: Procedural Ground Rules Before the Controller

CHAPTER XVI — WORKING OF PATENTS, COMPULSORY LICENCES AND REVOCATION

Sec. 82 Definitions for This Chapter

One-liner: "Patented article" includes an article made by a patented process; "patentee" here also includes an exclusive licensee.

Essence: Chapter-Specific Definitions

Sec. 83 General Principles of Working Patents

A policy-statement section, but genuinely tested: patents exist to get inventions **worked in India** on a commercial scale — not just to let patentees monopolize imports. The section also lists that patents shouldn't block public health measures, shouldn't be abused to restrain trade, and should make patented benefits available at "reasonably affordable prices."

Essence: "Work It in India" — The Guiding Philosophy

Sec. 84 Compulsory Licences — The Big One

After **3 years** from grant, any interested person can apply for a compulsory licence on any of three grounds:

- (a) Reasonable requirements of the public not satisfied
- (b) Not available to the public at a reasonably affordable price
- (c) Not worked in the territory of India

Sec. 84(6) tells the Controller what to weigh: the nature of the invention, time elapsed, the applicant's ability/capacity to work the invention, and — crucially — whether the applicant tried and failed to get a voluntary licence on reasonable terms within a "reasonable period" (defined by Explanation as generally not exceeding **6 months**) — except in emergencies, public non-commercial use, or established anti-competitive conduct by the patentee.

Sec. 84(7) then defines when "reasonable requirements of the public" are deemed unsatisfied — e.g., trade/industry is prejudiced, demand isn't met, export market isn't supplied, or the patentee imposes anti-competitive licence conditions.

Essence: The 3-Year Wait + 3 Grounds + 6-Month Negotiation Rule

🔗 Mentor's Exam Insight

This is THE most exam-tested section in the whole compulsory-licensing chapter (recall the real-world *Natco v. Bayer* compulsory licence case on Nexavar, decided on exactly these three grounds). Memorize: **3 years** from grant to apply, **6 months** as the benchmark "reasonable period" for prior negotiation attempts.

Sec. 85 Revocation for Non-Working

*One-liner: If a compulsory licence has already been granted and, **2 years later**, the patent still isn't being worked/available/affordable, the Controller can revoke the patent entirely — this application must ordinarily be decided within 1 year.*

Essence: The Next Step After a Failed Compulsory Licence

Sec. 86-91 Procedure & Terms of Compulsory Licences

Rounding out the compulsory licence machinery:

- **Sec. 86:** Controller can adjourn a non-working application up to 12 months if there's a genuine reason more time is needed to start working the invention.
- **Sec. 87:** Applications get published; patentee/others can oppose.
- **Sec. 88:** Controller's powers on granting — including ordering licences to customers, cancelling/amending existing licences, and even licensing a *second*, blocking patent if it's technically essential.
- **Sec. 89:** Purpose — commercial working in India without undue delay, balanced against not unfairly prejudicing the patentee.
- **Sec. 90:** Terms — reasonable royalty, non-exclusive, non-assignable licence, generally for the balance of the patent term, predominantly for the Indian market.
- **Sec. 91:** "Licensing of related patents" — lets someone who can't efficiently work their own patented invention without infringing another patent, apply for a cross-licence.

Essence: The Compulsory Licence Machinery, End to End

Sec. 92 Government-Notified Compulsory Licences

One-liner: In a national emergency, extreme urgency, or public non-commercial use, the Central Government can notify a patent for compulsory licensing — skipping the usual Sec. 87 opposition procedure for genuine emergencies including public-health crises like HIV/AIDS, TB, or malaria.

Essence: The Fast-Track Emergency Licence

Sec. 92A Compulsory Licence for Export of Pharmaceuticals

*One-liner: India can grant a compulsory licence purely to manufacture and **export** a patented pharmaceutical to a country with insufficient manufacturing capacity of its own, if that country has authorised the import — India's implementation of the WTO/TRIPS "Paragraph 6" solution.*

Essence: Exporting Medicines Under Compulsory Licence

🎓 Mentor's Exam Insight

Sec. 92A is India's mechanism for the 2003 WTO Doha Declaration "Paragraph 6" system — a favourite pharma/international-law crossover question.

Sec. 93-94 Effect & Termination of Compulsory Licences

One-liner: A compulsory licence order operates like a deed executed between the parties (Sec. 93); it can later be terminated by the Controller if the circumstances that justified it no longer exist and aren't likely to recur (Sec. 94), though the licence-holder can object.

Essence: The Licence Isn't Necessarily Forever

CHAPTER XVII — USE OF INVENTIONS FOR GOVERNMENT PURPOSES

Sec. 99 Meaning of "Government Use"

One-liner: An invention is "used for Government purposes" if made, used, exercised, or sold for the Central Government, a State Government, or a Government undertaking.

Essence: Defining "Government Use"

Sec. 100 Government's Power to Use Inventions

Even before grant (once an application is filed), the Central Government (or anyone it authorises) can use the invention for Government purposes. If the invention was already known/tested by the Government independently (not learned from the patentee), it can be used **royalty-free**. Otherwise, the patentee gets "adequate remuneration" — agreed or fixed by the High Court. The Government must notify the patentee of such use (except in emergencies).

Essence: Government Use — With or Without Payment

Sec. 101 Rights of Third Parties in Government Use

One-liner: Existing licence/assignment agreements between the patentee and third parties don't restrict the Government's usage rights — any clause trying to do so is simply ineffective for that purpose.

Essence: Private Contracts Can't Block Government Use

Sec. 102 Government Acquisition of Inventions

One-liner: For a public purpose, the Central Government can fully acquire an invention or patent by Gazette notification — with compensation agreed upon or fixed by the High Court.

Essence: Outright Government Acquisition

Sec. 103 Reference to High Court on Government-Use Disputes

One-liner: Disputes about Government use, terms, payment shares, or acquisition compensation can be referred to the High Court by either party.

Essence: The Dispute-Resolution Route for Govt. Use

CHAPTER XVIII — SUITS CONCERNING INFRINGEMENT OF PATENTS

Sec. 104 Jurisdiction

One-liner: Infringement suits can't be filed below a District Court; if the defendant counter-claims for revocation, the whole suit moves up to the High Court.

Essence: Minimum Forum = District Court; Counter-Claim → High Court

Sec. 104A Burden of Proof — Process Patents

*One-liner: For a **process** patent, if the product is new, or there's a strong likelihood an identical product was made using the patented process and the patentee genuinely couldn't determine the actual process used, the court can shift the burden onto the defendant to prove they used a different process.*

Essence: Reverse Burden of Proof for Process Patents

🔗 Mentor's Exam Insight

Sec. 104A is a rare example of a **reversed burden of proof** in Indian law — a favourite conceptual question. Remember it only shifts the burden after the patentee first proves the product is identical to what the patented process would produce.

Sec. 105 Declaration of Non-Infringement

One-liner: Anyone can proactively sue for a declaration that their activity does NOT infringe a patent — but only after asking the patentee in writing for an acknowledgment and being refused/ignored.

Essence: Pre-Emptive "I'm Not Infringing" Suit

Sec. 106 Relief Against Groundless Threats

One-liner: If someone threatens you with infringement proceedings without basis, you can sue them for a declaration the threats are unjustified, an injunction against continuing them, and damages — unless they can actually prove infringement.

Essence: Punishing Baseless Infringement Threats

Sec. 107 Defences in an Infringement Suit

One-liner: Every ground for revocation under Sec. 64 doubles as a defence in an infringement suit, plus the Sec. 47 conditions (Government use, research/experimental use) are always available as a defence.

Essence: Sec. 64 Grounds = Your Defence Toolkit

Sec. 107A Bolar Exemption & Parallel Imports

Two acts that are explicitly NOT infringement:

- **(a) The "Bolar" exemption:** making/using/selling/importing a patented invention purely to generate data for regulatory approval (e.g., to get a generic drug ready for market the moment the patent expires)
- **(b) Parallel imports:** importing patented products from someone duly authorised to sell/distribute them

Essence: Bolar Exemption + Parallel Import Exception

🔗 Mentor's Exam Insight

The **Bolar exemption** (Sec. 107A(a)) is one of the most-tested provisions for the generic pharma industry — it's WHY Indian generic makers can start regulatory testing before patent expiry.

Sec. 108 Reliefs for Infringement

One-liner: A court can grant an injunction plus, at the plaintiff's choice, either damages or an account of profits — and can also order infringing goods/tools to be seized, forfeited, or destroyed.

Essence: Injunction + Damages/Profits + Seizure

Sec. 109-110 Who Can Sue for Infringement

One-liner: An exclusive licensee can sue in their own right (patentee must usually be joined as a defendant, Sec. 109); a compulsory licensee (Sec. 84) can also sue if the patentee refuses to act within 2 months of being asked (Sec. 110).

Essence: Licensees Can Also Enforce the Patent

Sec. 111 Restrictions on Damages

One-liner: No damages/account of profits if the defendant genuinely didn't know (and had no reason to know) the patent existed — and merely marking a product "patented" without the patent number doesn't count as notice.

Essence: Innocent Infringer Defence on Damages

OMITTED — NOT EXAMINABLE

Sec. 112 Previously dealt with restrictions on injunctions in certain cases; omitted in 2002.

Sec. 113 Certificate of Validity

One-liner: If a claim's validity was contested and upheld in a revocation proceeding, the court can certify that — and if the same claim is challenged again later and upheld again, the patentee gets full costs as of right.

Essence: A "Badge of Validity" That Pays Off Later

Sec. 114 Relief for Partially Valid Specification

One-liner: If some claims are valid and infringed but others are invalid, the court can still grant relief on the valid ones — full relief (not just injunction) if the invalid claim was included in good faith.

Essence: Partial Validity ≠ No Relief

Sec. 115 Scientific Advisers

One-liner: The court can appoint an independent scientific adviser to help it understand technical facts (not legal interpretation) in an infringement suit.

Essence: Technical Help for the Judge

CHAPTER XIX — APPEALS

Sec. 116, 117, 117B-D, 117F-H Appellate Board Provisions (Omitted)

OMITTED — NOT EXAMINABLE (BUT KNOW WHY)

The Intellectual Property Appellate Board (IPAB) used to hear patent appeals. The Tribunals Reforms Act, 2021 abolished IPAB entirely — its functions were transferred to the **High Courts**. That's why you'll see "High Court" substituted for "Appellate Board" throughout this Chapter and the rest of the Act.

Sec. 117A Appeals to the High Court

No general right of appeal exists against Central Government decisions — appeal only lies to the High Court from Controller/Government decisions under a specific list of sections (15, 16, 17, 18, 19, 20, 25(4), 28, 51, 54, 57, 60, 61, 63, 66, 69(3), 78, 84(1)-(5), 85, 88, 91, 92, 94). Appeals must be filed within **3 months** of the decision.

Essence: Appeal Only Where the Act Says So, Within 3 Months

Sec. 117E Controller's Appearance in Legal Proceedings

One-liner: The Controller has a right to appear and be heard in certain High Court proceedings (e.g., register rectification, unopposed refused applications) — or can submit a written statement instead.

Essence: The Controller Can Defend Their Own Decisions

CHAPTER XX — PENALTIES

Sec. 118-124B The Offences & Penalties Checklist

A rundown of what's punishable under the Act — worth knowing the general shape of each, not necessarily exact fine figures (these get revised periodically):

Sec. 118 — Breaching secrecy directions

up to 2 years imprisonment and/or fine.

Sec. 119 — Falsifying register entries

up to 2 years imprisonment and/or fine.

Sec. 120 — Falsely claiming a product is patented/patent-pending

monetary penalty, with a daily continuing penalty.

Sec. 122 — Refusing to supply required information

monetary penalty, escalating for continued refusal; heavier penalty if the information given is knowingly false.

Sec. 123 — Practicing as an unregistered patent agent

monetary penalty with daily continuing penalty.

Sec. 124 — Offences by companies

both the company and the responsible officer are liable, unless the officer proves lack of knowledge/due diligence.

Sec. 124A-124B — Adjudication & appeal of penalties

Controller-authorised officers adjudicate; appeals go to a higher-ranked officer within 60 days.

Essence: Know the Conduct, Not Just the Number

🔗 Mentor's Exam Insight

Note the 2023 shift: most of these offences (Ss. 120, 122, 123) moved from "criminal fine" language to a civil "**penalty**" adjudication system (Sec. 124A/124B) under the Jan Vishwas (Decriminalisation) Act, 2023 — only Ss. 118 and 119 retain actual imprisonment as an option. This decriminalisation trend is a hot current-affairs-style exam topic.

CHAPTER XXI — PATENT AGENTS

Sec. 125 Register of Patent Agents

One-liner: The Controller maintains a register of patent agents, which can be kept electronically.

Essence: The Agents' Register

Sec. 126 Qualifications for Registration — This Is About YOU

This is the section that defines your own eligibility to become a patent agent. To register, you must:

- Be a citizen of India
- Have completed 21 years of age
- Hold a degree in science, engineering, or technology from a recognised university (or an equivalent qualification specified by the Government) — **and**
- Have passed the qualifying examination (the one you're studying for!) — **or** have served at least 10 years as an Examiner/Controller under Sec. 73
- Paid the prescribed fee

Essence: Your Own Eligibility Checklist

🔗 **Engineer's Analogy:** Your engineering degree already satisfies the technical-qualification requirement — the exam you're preparing for (the "qualifying examination") is the second, independent gate you still need to clear.

Sec. 127 Rights of Patent Agents

One-liner: A registered patent agent can practice before the Controller and prepare/handle documents and business connected with Controller proceedings.

Essence: What You'll Be Entitled To Do

Sec. 128 Signing Documents

One-liner: Applications and communications to the Controller may be signed by an authorised patent agent on the applicant's behalf.

Essence: Agent Can Sign for the Client

Sec. 129 Restrictions on Practice

One-liner: Only registered patent agents (and firms where all partners are registered) can practice, describe themselves, or hold themselves out as a "patent agent" — no company/body corporate can do so either.

Essence: Practicing as an Agent Is Restricted to the Registered

Sec. 130-131 Removal & Refusal to Deal With Agents

One-liner: The Controller can remove an agent's name for misrepresentation or professional misconduct (Sec. 130, restorable later), and can refuse to recognise agents who've been removed, convicted under Sec. 123, or who lack a place of business in India (Sec. 131).

Essence: Professional Discipline for Agents

Sec. 132 Savings for Other Authorised Persons

One-liner: This Chapter doesn't stop an applicant from drafting their own specification, or an advocate (who isn't a patent agent) from appearing at a hearing on a party's behalf.

Essence: Self-Representation & Advocates Still Allowed

CHAPTER XXII — INTERNATIONAL ARRANGEMENTS

Sec. 133 Convention Countries

One-liner: A "convention country" is any country (or group/organisation) that's party to an international/regional/bilateral treaty with India and gives Indian applicants the same patent privileges it gives its own citizens.

Essence: Defining "Convention Country"

Sec. 134 Non-Reciprocating Countries

One-liner: If a notified country doesn't give Indians the same patent rights it gives its own nationals, that country's nationals can be barred from applying for, holding, or licensing Indian patents.

Essence: A Reciprocity Penalty Clause

Sec. 135 Convention Applications & Priority

If you first filed a "basic application" in a convention country, you can file in India within **12 months** and claim that earlier filing date as your priority date for matching claims. If you filed in multiple convention countries, the 12 months runs from the **earliest** one. PCT applications designating India get the same treatment, using their international filing date.

Essence: The 12-Month Convention Priority Window

🔗 Mentor's Exam Insight

Keep three "12-month" rules straight: Sec. 9 (provisional–complete), Sec. 31 (exhibition safe harbour), and Sec. 135 (convention priority). Same number, three completely different triggers — a guaranteed source of tricky exam questions.

Sec. 136-139 Convention Application Machinery

Supporting rules: a convention application must be accompanied by a complete specification and state the earlier filing's date/country (Sec. 136); multiple related basic applications can combine into one Indian filing under the same 12-month multiple-priorities logic (Sec. 137); the applicant may need to furnish certified copies/translations of the foreign filing (Sec. 138); and, apart from this Chapter's special rules, convention applications are otherwise treated just like ordinary applications (Sec. 139).

Essence: The Convention Filing's Paperwork Rules

CHAPTER XXIII — MISCELLANEOUS

Sec. 140 Avoidance of Restrictive Licence Conditions

A patentee can't use a sale/lease/licence contract to force the buyer/licensee into anti-competitive tie-ins — e.g., requiring them to buy unrelated goods only from the patentee, or banning them from using a competing product/process, or imposing exclusive grant-backs. Any such condition is **void**, and is even a defence if you're sued for infringement while such a contract exists.

Essence: No Anti-Competitive Tie-In Clauses

🔗 Mentor's Exam Insight

Compare Sec. 140 (voids anti-competitive licence clauses) with Sec. 84(7)(c) (similar anti-competitive conduct as a ground for compulsory licensing) — these two sections work together to police abusive licensing practices.

Sec. 141 Determining Certain Contracts

One-liner: Once all the relevant patents covering a licensed article/process have expired, the licensee can terminate that licence contract early by giving 3 months' written notice — regardless of what the contract says.

Essence: Exit Right Once the Patent Expires

Sec. 142 Fees

One-liner: Prescribed fees are payable for patent grants and related matters; the Controller won't act until the fee is paid, and a document isn't treated as filed until its fee is paid.

Essence: Pay First, Then the Controller Acts

Sec. 143-145 Confidentiality & Publication Rules

One-liner: Applications/specifications generally aren't published before the Sec. 11A publication stage (Sec. 143); examiner reports to the Controller stay confidential and aren't produced in court except by special order (Sec. 144); the Controller periodically publishes an official journal (Sec. 145).

Essence: What Stays Confidential vs What Gets Published

Sec. 146 Working Statements

One-liner: The Controller can demand information on how commercially a patented invention is being worked in India, and patentees/licensees must periodically furnish such working statements.

Essence: "Prove You're Actually Using This Patent"

🔗 Mentor's Exam Insight

This working-statement duty (Form 27 under the Rules) directly feeds the "not worked in India" ground for both compulsory licensing (Sec. 84) and revocation (Sec. 85) — a natural cross-reference to test.

Sec. 147 Evidence of Entries

One-liner: A Controller-certified copy of a register entry or document is admissible in court without needing to produce the original.

Essence: Certified Copies Are Sufficient Evidence

Sec. 148 Declarations by Minors/Persons of Unsound Mind

One-liner: If someone can't act for themselves due to minority or unsoundness of mind, their guardian or a court-appointed manager can make statements/do acts on their behalf.

Essence: Acting on Behalf of Those Under a Disability

Sec. 149-151 Notices, Security for Costs, Court Orders

One-liner: Notices/documents can be sent by post (Sec. 149); a foreign opponent/applicant with no residence or business in India can be required to give security for costs, or their case is treated as abandoned (Sec. 150); courts must transmit revocation/infringement judgments to the Controller for entry in the register (Sec. 151).

Essence: Procedural Housekeeping

OMITTED — NOT EXAMINABLE

Sec. 152 Previously dealt with transmission/inspection of specification copies; omitted in 2005.

Sec. 153-157 Information, Records & Government's Position

One-liner: The public can request prescribed information about a patent on payment of fee (Sec. 153); lost/destroyed patents can get a duplicate (Sec. 154); the Government reports to Parliament yearly on the Act's administration (Sec. 155); a patent binds the Government just like anyone else (Sec. 156); and the Government retains its power to sell/use lawfully forfeited articles regardless of any patent (Sec. 157).

Essence: Records, Transparency, and Government's Own Position

Sec. 157A Protection of Security of India

One-liner: The Government can withhold information on a patentable invention, or even revoke a patent, if it considers this necessary for India's security (defined broadly — fissionable material, arms traffic, wartime measures).

Essence: National Security Override

Sec. 158-160 Rule-Making Powers

One-liner: High Courts can make procedural rules for patent proceedings before them (Sec. 158); the Central Government has broad rule-making power to fill in the Act's operational details (Sec. 159); and all such Central Government rules must be placed before Parliament (Sec. 160).

Essence: Who Makes the Detailed Rules (and Parliament's Check)

OMITTED — NOT EXAMINABLE

Sec. 161, 163 Sec. 161 dealt with a repealed transitional power; Sec. 163 was a repeal-related savings clause. Both omitted/spent.

Sec. 162 Repeal of the Indian Patents & Designs Act, 1911

One-liner: This Act replaced (and repealed the patent-related parts of) the old Indian Patents and Designs Act, 1911 — with savings provisions to protect rights that already existed under the old law.

Essence: The 1970 Act's Predecessor

A Closing Note From Your Mentor

You've now been through all 23 Chapters and every substantive section of the Patents Act, 1970. A few last pieces of exam strategy:

- **Revisit the "linked sections" call-outs** scattered through this manual — Sec. 29(3)↔Sec. 25(1)(a)↔Sec. 26, Sec. 25↔Sec. 64, Sec. 84↔Sec. 85↔Sec. 146, Sec. 3(k)↔CRI Guidelines, Sec. 3(d)↔Novartis. Examiners love testing whether you see these as one connected system rather than isolated sections.
- **Numbers are everywhere** — 12 months, 6 weeks, 3 years, 2 years, 18 months, 20 years, 6 months. Make yourself a single one-page timeline chart of every deadline in this Act as your final revision tool.
- **The Rules matter too** — this manual is built on the bare Act; several exam-critical timelines (like the 48-month RFE deadline) actually live in the Patents Rules, 2003, not the Act itself. Don't stop here.

Good luck with your exam.

PART II — THE DESIGNS ACT, 2000

CHAPTER I — PRELIMINARY

Sec. 1 Short Title, Extent and Commencement

One-liner: This is the "Designs Act, 2000," extends to the whole of India, and different provisions can be brought into force on different notified dates.

Essence: Naming & Commencement Clause

Sec. 2 Definitions

The dictionary section — a few definitions are genuinely exam-critical:

Article [2(a)]

Any article of manufacture, or any substance (artificial, or partly artificial/partly natural) — includes a part of an article capable of being made and sold separately.

Copyright [2(c)]

The exclusive right to apply a design to any article in the class it's registered in — note this is a narrower, design-specific meaning of "copyright," not the general copyright law sense.

Design [2(d)] — THE definition

Only features of shape, configuration, pattern, ornament, or composition of lines/colours applied to an article (2D or 3D), by any industrial process, which appeal to and are judged **solely by the eye** in the finished article. It specifically EXCLUDES: any mode/principle of construction, anything that is in substance a mere mechanical device, any trade mark, any property mark, and any artistic work (under the Copyright Act).

Original [2(g)]

Originating from the author — but also includes old designs that are new in their application to a fresh article.

Proprietor [2(j)]

Depends on how the design was created: the person who commissioned it (if executed for consideration), the person who acquired the rights to it, or simply the author — in any other case.

Essence: "Judged Solely by the Eye" — The Heart of "Design"

🎓 Mentor's Exam Insight

Sec. 2(d)'s exclusions are a favourite MCQ trap: a design protects **appearance**, not **function**. A purely functional shape dictated by mechanical necessity (a "mere mechanical device") can never be a registrable design — this is the same underlying philosophy as excluding pure utility from aesthetic protection, and is tested constantly with fact patterns describing a shape that exists "only because it has to work that way."

CHAPTER II — REGISTRATION OF DESIGNS

Sec. 3 Controller and Other Officers

One-liner: The same Controller General of Patents, Designs and Trade Marks (appointed under the Trade and Merchandise Marks Act) also acts as the Controller of Designs — with examiners/officers appointed the same way as under the Patents Act.

Essence: One Controller, Multiple IP Regimes

🔗 Mentor's Exam Insight

This is the same Controller you studied under Sec. 73 of the Patents Act — a single office administers patents, designs, and trade marks in India. A guaranteed cross-Act question.

Sec. 4 Prohibition of Registration of Certain Designs

A design CANNOT be registered if it:

- (a) Is not new or original
- (b) Has already been disclosed to the public anywhere in India or abroad — by publication, use, or any other way — before the filing/priority date
- (c) Is not significantly distinguishable from known designs or a combination of known designs
- (d) Comprises or contains scandalous or obscene matter

Essence: The Registrability Checklist

🔗 Mentor's Exam Insight

Compare this to Patents Act Sec. 3/Sec. 25/Sec. 64 — same underlying architecture (novelty + distinctiveness + not-against-public-morality), but Designs law swaps "inventive step" for "significantly distinguishable," a lower and more visual threshold suited to appearance rather than technical merit.

Sec. 5 Application for Registration of Designs

Any person claiming to be the proprietor of a new/original design (not previously published anywhere, and not against public order/morality) can apply to the Controller to register it. Before registering, the Controller must refer the application to an examiner for a report on registrability. Other key points: the application must be in the prescribed form with the prescribed fee (Sec. 5(2)); a design can be registered in only one class (Sec. 5(3)); refusal to register can be appealed to the High Court (Sec. 5(4)); and an incomplete application (due to the applicant's own default) is deemed abandoned (Sec. 5(5)). Once registered, the design is dated back to the application date (Sec. 5(6)).

Essence: Examiner Vetting + One Class Only + Appeal to High Court

Sec. 6 Registration to Be for a Particular Article

A design is registered for specific article(s) within a prescribed class. If it's later registered for additional articles in the *same* class, that later registration isn't invalidated just because the design was already registered/published for the earlier article — though the copyright period doesn't get extended beyond the original registration's term. Special protection also exists (Sec. 6(4)) if someone applies for a design that was already registered by someone else, but the applicant later itself becomes the proprietor of that earlier registration.

Essence: Same Design, Multiple Articles in One Class

Sec. 7 Publication of Particulars of Registered Designs

One-liner: After registration, the Controller publishes the prescribed particulars, and the design becomes open to public inspection.

Essence: Registration Triggers Publication

Sec. 8 Substitution of Applicants

One-liner: Similar to Patents Act Sec. 20 — if someone else becomes entitled to a pending design application (by assignment, agreement, or law), the Controller can direct the application to proceed in that claimant's name instead, subject to safeguards for joint applicants and disputes.

Essence: Changing the Applicant Mid-Process

Sec. 9 Certificate of Registration

One-liner: The Controller grants a certificate of registration once a design is registered, and can issue duplicate copies if the original is lost.

Essence: Proof of Registration

Sec. 10 Register of Designs

One-liner: A "register of designs" is kept at the Patent Office recording proprietor names, assignments, and transmissions — can be maintained electronically, and is prima facie evidence of its contents.

Essence: The Official Design Record-Book

CHAPTER III — COPYRIGHT IN REGISTERED DESIGNS

Sec. 11 Copyright on Registration — The Key Term

Once registered, the proprietor gets "copyright" (the exclusive right to apply the design) for **10 years** from the registration date. Before that 10 years expires, the proprietor can apply to extend it for a **second period of 5 years** — giving a maximum possible term of **15 years total**.

Essence: 10 Years + 5-Year Extension = 15 Years Max

🔍 Mentor's Exam Insight

Contrast this immediately with the Patents Act: a **patent** lasts a flat **20 years from filing** with no extension possible (Sec. 53). A **design's copyright** lasts **10+5=15 years from registration**, and DOES allow one extension. Mixing up these two term structures is one of the most common cross-Act exam traps.

Sec. 12 Restoration of Lapsed Designs

*One-liner: If a design lapsed because the extension fee wasn't paid, the proprietor (or, for jointly-held designs, one owner with the Controller's leave) can apply for restoration within **1 year** from the lapse date, explaining the circumstances of the failure.*

Essence: The 1-Year Restoration Window

🔍 Mentor's Exam Insight

Compare to Patents Act Sec. 60: a lapsed **patent** gets an **18-month** restoration window; a lapsed **design** only gets **1 year (12 months)**. Same underlying idea, different numbers — a classic paired exam question.

Sec. 13 Procedure for Restoration

One-liner: Just like patent restoration, the Controller must be satisfied the non-payment was "unintentional" and there was "no undue delay" in applying, before restoring the registration on payment of the unpaid + additional fee.

Essence: Same "Unintentional + No Undue Delay" Test as Patents

Sec. 14 Rights of Proprietor After Restoration

One-liner: Restoration doesn't prejudice anyone who, in good faith, started using the design during the lapsed "gap" period — and no infringement suit can cover acts committed during that gap.

Essence: Protecting Innocent Users During the Gap

Sec. 15 Requirements Before Delivery on Sale

Before selling articles bearing a registered design, the proprietor must: (a) furnish the Controller with representations/specimens of the design (failing which the Controller can erase the registration after notice), and (b) mark each article with the prescribed mark/words showing it's registered. If marking is skipped, the proprietor **can't recover damages** for infringement — unless they prove they took proper steps to mark it, or that the infringer actually knew about the registration anyway.

Essence: Mark It, or Lose Your Damages Claim

Sec. 16 Effect of Disclosure on Copyright

One-liner: Disclosing a design in confidence (where it would breach good faith for the recipient to use/publish it), or a breach of that confidence by someone else, or accepting a first confidential textile-design order, does NOT count as "publication" that would invalidate later registration.

Essence: Confidential Disclosure Doesn't Kill Novelty

Sec. 17 Inspection of Registered Designs

One-liner: While copyright subsists, anyone can inspect a design (on furnishing identifying information and paying the fee) or obtain a certified copy.

Essence: Public Inspection Rights

Sec. 18 Information as to Existence of Copyright

One-liner: On request and payment of fee, the Controller will confirm whether a design's registration still exists, for which classes, its registration date, and the registered proprietor's details.

Essence: "Is This Design Still Protected?" Lookup

Sec. 19 Cancellation of Registration

Anyone interested can petition the Controller to cancel a design's registration, any time after registration, on these grounds:

- (a) The design was previously registered in India
- (b) It was published in India or elsewhere before the registration date
- (c) The design is not new or original
- (d) The design is not registrable under this Act
- (e) It isn't a "design" at all under Sec. 2(d)

An appeal lies to the High Court, and the Controller can also refer a petition directly to the High Court for decision.

Essence: The Design World's "Revocation" Equivalent

🔍 Mentor's Exam Insight

Sec. 19 is the Designs Act's version of the Patents Act's Sec. 64 (revocation) and Sec. 25 (opposition) rolled into one — but notice it's simpler: only 5 grounds, one post-registration cancellation route (no separate pre-grant/post-grant split like patents have), and it's the Controller (not a court) who has first-instance jurisdiction.

Sec. 20 Designs to Bind Government

One-liner: A registered design binds the Government exactly like it binds anyone else, and Chapter XVII of the Patents Act (Government use provisions) applies to designs in the same way.

Essence: Government Use Rules Borrowed From the Patents Act

🔍 Mentor's Exam Insight

Direct cross-reference: this pulls in everything you studied under Patents Act Ss. 99-103 (meaning of Government use, Government's power to use, compensation, dispute resolution) and applies it to designs wholesale.

CHAPTER IV — INDUSTRIAL AND INTERNATIONAL EXHIBITIONS

Sec. 21 Exhibition Safe Harbour

Displaying a design (or an article bearing it) at a Government-notified industrial/other exhibition — or publishing a description of it during/after that exhibition, even without the proprietor's consent — does NOT prevent later registration or invalidate it, **provided**:

- The exhibitor gave the Controller prior notice in the prescribed form, AND
- The application for registration is made within **6 months** of first exhibiting (or publishing the description)

Essence: The Exhibition Grace Period — 6 Months

🔍 Mentor's Exam Insight

Compare to Patents Act Sec. 31: a **patent** exhibition grace period is **12 months**; a **design** exhibition grace period is only **6 months**. Same concept, half the time — a very frequently tested contrast.

CHAPTER V — LEGAL PROCEEDINGS

Sec. 22 Piracy of Registered Designs

While copyright in a design subsists, it's unlawful for anyone (without the registered proprietor's consent) to:

- (a) Apply the design (or an obvious/fraudulent imitation) to any article in the registered class, for sale purposes
- (b) Import for sale any article with the design (or imitation) applied to it
- (c) Publish or expose for sale an article, knowing the design was applied without consent

Remedies for a contravention — the proprietor can choose between:

- **(a) A fixed statutory sum:** up to **₹25,000 per contravention**, recoverable as a contract debt, capped at a **total of ₹50,000 per design**; OR
- **(b) A damages suit** plus an injunction — but no such suit can be filed below the court of a District Judge

Every Sec. 19 cancellation ground is also available as a defence in such a suit; and if a cancellation ground is actually raised as a defence, the whole matter gets transferred to the High Court for decision.

Essence: ₹25,000/₹50,000 Statutory Damages, OR a Full Damages Suit

🔍 Mentor's Exam Insight

The **₹25,000 per act / ₹50,000 total** figures are among the most specific, testable numbers in this Act — designed as a quick, low-cost remedy alternative to a full infringement suit. Also note: raising a Sec. 19 ground as a defence automatically escalates the case to the High Court, mirroring how a Patents Act counter-claim for revocation escalates an infringement suit under Sec. 104.

Sec. 23 Borrowing From the Patents Act — Certificate of Validity & Groundless Threats

One-liner: The Patents Act's rules on certificates of validity (Sec. 113) and relief against groundless threats (Sec. 106) apply equally to designs — just substitute "copyright"/"design"/"proprietor" wherever the Patents Act says "patent"/"invention"/"patentee."

Essence: Two More Provisions Borrowed Wholesale From the Patents Act

🔍 Mentor's Exam Insight

Between Sec. 20, Sec. 23, and Sec. 43 (patent agents, ahead), the Designs Act leans heavily on the Patents Act rather than repeating itself — a strong signal that exam questions will test whether you recognise these "borrowed" provisions rather than treating the Designs Act as fully self-contained.

CHAPTER VI — GENERAL

Sec. 24 Fees

One-liner: Prescribed fees apply to design registration and related matters; a proceeding requiring a fee has no effect until that fee is paid.

Essence: Pay First, Then It Counts

Sec. 25 Notice of Trust Not to Be Entered

One-liner: No trust (express, implied, or constructive) can be recorded on the design register.

Essence: No Trusts on the Register

Sec. 26 Inspection of and Extracts From Registers

One-liner: The register is open to public inspection, and certified copies are available on payment of the prescribed fee — including computer printouts where the register is kept electronically.

Essence: Public Transparency of the Register

Sec. 27 Privilege of Reports of Controller

One-liner: Reports made to/by the Controller (other than the Sec. 45 Parliamentary report) stay confidential and are never published or open to public inspection.

Essence: Controller's Internal Reports Stay Private

Sec. 28 Prohibition of Publication Where Application Abandoned/Refused

One-liner: If a design application is abandoned or refused, none of its drawings, photographs, or specimens are ever opened to public inspection or published.

Essence: Failed Applications Stay Confidential Forever

Sec. 29 Power to Correct Clerical Errors

One-liner: On request and fee, the Controller can correct clerical errors in a design's representation, or in the proprietor's name/address, or any other register entry.

Essence: Fixing Typos and Slips

Sec. 30 Entry of Assignments and Transmissions in Register

Anyone who becomes entitled to a registered design (by assignment, transmission, or operation of law) can apply to register their title — same for anyone acquiring a lesser interest (mortgage, licence). Crucially, an assignment/mortgage/licence is only **valid** if it's in writing, covers all agreed terms, AND is filed for registration within **6 months** of execution (extendable by another 6 months). An unregistered document generally can't be used as evidence of title in court.

Essence: 6 Months to Register an Assignment, or It's Invalid

🔗 **Mentor's Exam Insight**

Notice the difference from the Patents Act: under Patents Act Sec. 68, an unregistered assignment is simply invalid regardless of any deadline. Under Designs Act Sec. 30(3), the assignment is only valid if registration is actually applied for within a strict **6-month** window — a sharper, time-bound requirement unique to designs.

Sec. 31 Rectification of Register

One-liner: The Controller (not just a court, unlike under the Patents Act) can rectify the design register on an aggrieved person's application — for a missing entry, a wrongful entry, or an error — and an appeal from the Controller's order lies to the High Court.

Essence: Controller Rectifies First; Patents Act Sends This Straight to Court

CHAPTER VII — POWERS AND DUTIES OF CONTROLLER

Sec. 32 Controller's Civil Court Powers

One-liner: Just like under Patents Act Sec. 77, the Controller has civil-court-like powers in design proceedings — summoning witnesses, compelling document discovery, and awarding costs executable like a court decree.

Essence: Quasi-Judicial Powers, Mirroring the Patents Act

Sec. 33 Exercise of Discretionary Power

One-liner: Before exercising a discretionary power against an applicant, the Controller must give a hearing if the applicant timely requests one.

Essence: A Hearing Before an Adverse Discretionary Call

Sec. 34 Power to Seek Central Government Directions

One-liner: In any case of doubt or administrative difficulty, the Controller can seek directions from the Central Government.

Essence: The Controller's Escalation Path

Sec. 35 Refusal on Public Order or Morality Grounds

One-liner: The Controller may refuse to register a design whose use would, in their opinion, be contrary to public order or morality — appealable to the High Court.

Essence: The Morality Filter

Sec. 36 Appeals to the High Court

*One-liner: Wherever this Act allows an appeal, it must be filed within **3 months** of the Controller's order (excluding time spent obtaining a copy of that order); the High Court can use an expert's assistance and its decision is final.*

Essence: 3-Month Appeal Window — Same as the Patents Act

CHAPTER VIII — EVIDENCE, ETC.

Sec. 37 Evidence Before the Controller

One-liner: Evidence before the Controller is normally by affidavit, though the Controller can allow oral evidence or cross-examination instead.

Essence: Affidavit by Default

Sec. 38 Certificate of Controller as Evidence

One-liner: A Controller's certificate about an authorised entry, matter, or thing is prima facie evidence of it.

Essence: Controller's Word Is Prima Facie Proof

Sec. 39 Evidence of Documents in Patent Office

One-liner: Certified copies of Patent Office documents/register entries are admissible in any Indian court without producing the originals, unless the court doubts their authenticity.

Essence: Certified Copies Suffice

Sec. 40 Applications and Notices by Post

One-liner: Any application, notice, or document under this Act may be sent to the Patent Office/Controller by post.

Essence: Postal Filing Is Valid

Sec. 41 Declaration by Infant, Lunatic, etc.

One-liner: If someone can't act for themselves due to infancy, lunacy, or other disability, their lawful guardian/manager (or a court-appointed one) can act on their behalf — mirroring Patents Act Sec. 148.

Essence: Acting for Those Under a Disability

Sec. 42 Avoidance of Certain Restrictive Conditions

Mirrors Patents Act Sec. 140: a sale/lease/licence contract for a registered-design article can't force the buyer/licensee into anti-competitive tie-ins — e.g. requiring them to buy unrelated goods only from the vendor, or banning them from using a competing article not supplied by the vendor. Any such condition is **void**, and existence of such a condition is a defence if sued for

piracy under Sec. 22 (unless the plaintiff proves the condition was inserted without their knowledge/consent). Exceptions preserve ordinary exclusive-dealership clauses and a lessor's right to reserve repair/replacement-parts supply.

Essence: No Anti-Competitive Tie-Ins — Same Logic as Patents Sec. 140

CHAPTER IX — AGENCY

Sec. 43 Who Can Represent an Applicant

*One-liner: Applications/attendances before the Controller may be made by a legal practitioner, or by an agent registered in the **patent agents register maintained under Patents Act Sec. 125** — the Controller can require such agents to reside in India.*

Essence: The Same Patent Agent Register Covers Designs Too

🔗 Mentor's Exam Insight

There's no separate "design agent" registration — the qualification you're studying for under Patents Act Sec. 126 is what entitles you to practice in design matters as well.

CHAPTER X — POWERS ETC. OF CENTRAL GOVERNMENT

Sec. 44 Reciprocal Arrangements — Convention Priority

If you've applied for design protection in the UK or another convention country, you can claim priority for an Indian design application filed within **6 months** of that foreign application — getting the earlier foreign filing date. However, you still can't claim damages for piracy for anything happening before the Indian design is actually registered. Exhibition/use/publication of the design in India during this 6-month window doesn't invalidate the later Indian registration either.

Essence: The 6-Month Convention Priority Window for Designs

🔗 Mentor's Exam Insight

This is one of the sharpest cross-Act contrasts in the whole syllabus: **Patents Act Sec. 135** gives **12 months** of convention priority; **Designs Act Sec. 44** gives only **6 months**. Same Paris Convention mechanism, half the time for designs — memorize this pair as one unit.

Sec. 45 Report to Parliament

One-liner: The Central Government must place a yearly report on the Act's administration before both Houses of Parliament.

Essence: Annual Parliamentary Reporting

Sec. 46 Protection of Security of India

One-liner: The Controller can withhold design information, or the Government can order cancellation of a design's registration, if necessary for India's security (defined to cover articles used for war or military purposes) — mirrors Patents Act Sec. 157A.

Essence: National Security Override

Sec. 47 Power of Central Government to Make Rules

One-liner: The Central Government has broad rule-making power to fill in the Act's operational details (an extensive list from application forms to fees), subject to prior publication and being laid before Parliament for 30 days.

Essence: The Detailed Rule-Making Engine

CHAPTER XI — REPEAL AND SAVING

Sec. 48 Repeal and Savings

This Act repealed the old Designs Act, 1911 — but preserves everything already validly done under it (notifications, registrations, certificates, etc.), which continue in force as if made under this Act. Pending applications/proceedings under the old Act continue under this Act's provisions; pending court proceedings continue as if this Act hadn't been passed. Special transitional rule: designs registered before this Act's commencement keep their **original 5+5 year** copyright structure under the old law, not the new 10+5 year structure.

Essence: The 1911 Act's Replacement, With Transitional Safeguards

A Closing Note From Your Mentor — On the Designs Act

You've now covered all 48 sections across 11 chapters of the Designs Act, 2000. Key exam-strategy takeaways:

- **Think in contrasts with the Patents Act** — nearly every number here has a Patents Act sibling with a different value: 6-month exhibition grace (vs 12 for patents), 6-month convention priority (vs 12), 1-year restoration (vs 18 months), 10+5=15 year term (vs a flat 20 years). Build yourself a single side-by-side numbers table across both Acts.
- **Remember what's borrowed wholesale** — Government use (Sec. 20 → Patents Ch. XVII), certificates of validity and groundless threats (Sec. 23 → Patents Ss. 113, 106), and patent agents (Sec. 43 → Patents Sec. 125) all just plug the Patents Act machinery directly into designs.
- **Sec. 2(d)'s definition of "design"** — appearance judged solely by the eye, excluding function/mechanical necessity/trademarks/artistic works — is the conceptual foundation for almost every other section in this Act.

Good luck with your exam.

PART III — EXECUTIVE SUMMARY & LANDMARK CASE LAW

This Part is adapted from a plain-English executive summary of the Patents Act, 1970 (source: Corrida Legal, "The Patents Act, 1970 – Executive Summary and Bare Act," Nov 15, 2025). It does not add new legal provisions beyond Parts I-II — its value is **revision-level reinforcement, worked examples, and real case law**, which the bare Act text alone doesn't give you. Read this last, as a consolidation pass.

Why This Act Exists

Before 1970, India ran on the colonial-era Patents and Designs Act, 1911 — a law built for a British administration, not for a newly independent country trying to build its own industry. The 1970 Act was a deliberate rewrite, and it tries to hold two goals in tension at once: give the inventor a real, exclusive, exploitable right over what they made, *and* make sure that right doesn't lock society out of the benefit forever.

🔗 **Think of it like this:** A patent is a deal, not a gift. The inventor says "I'll tell everyone exactly how this works" (full disclosure), and in exchange the Government says "for 20 years, only you get to profit from it — after that, it belongs to everyone." If patents only rewarded inventors with no time limit or no disclosure requirement, we'd end up with permanent, secret monopolies — which is exactly what the Act is designed to prevent.

Essence: Reward Innovation, Without Creating Unchecked Monopolies

Key Definitions, Restated Simply

A quick, plain-English refresher on the terms you already met formally in Part I (Sec. 2) — this time with a running example to anchor each one. Imagine an engineer, Priya, who has just designed a new kind of foldable water purifier filter.

- **Patent** — the exclusive right to stop others from making, using, or selling the invention without permission. *If Priya gets one, a competitor can't copy her filter design and sell it, even if they built it independently.*
- **Invention** — a new product or process with an inventive step, capable of industrial use. *Priya's filter design itself, once it satisfies all three conditions.*
- **Inventive step** — the "non-obvious to a skilled person" test. *If any competent filter engineer would have arrived at the same fold mechanism just by routine design work, it fails this test — no matter how well it works.*
- **Patentee** — whoever is actually entered in the register as owner. *Usually Priya herself, unless she's assigned the rights to her employer.*
- **Prior art** — everything publicly known before the filing date. *If a similar foldable filter was described in a 2019 conference paper, that paper is prior art Priya's application has to be checked against.*

Essence: The Five Terms Every Other Concept Builds On

The Three-Part Patentability Test

Distilled to its simplest form, a patentable invention must clear three hurdles at once: **novelty** (genuinely new, nowhere disclosed before), **inventive step** (not obvious to a skilled person), and **industrial application** (actually usable in an industry). Miss any one leg, and the whole claim collapses — it doesn't matter how impressive the invention looks otherwise.

✦ **Worked example:** Say Priya's filter uses a folding mechanism nobody has published before (novel), that no ordinary filter engineer would have thought to combine that way (inventive step), and that can actually be manufactured and sold as a real product (industrial application). All three are satisfied — patentable. Now suppose someone else just changes the colour of an existing filter. It might be "new" in a trivial sense, but it's obvious and adds nothing — it fails the inventive-step leg, and Sec. 3 would exclude it anyway as a non-invention.

Essence: Novelty + Inventive Step + Industrial Use — The Three-Legged Stool

The Application Journey, End to End

Here's the whole Part I, Chapters III-VIII journey walked through with Priya's filter as the example, so you can see how the pieces connect in real time rather than as isolated sections.

- **File** — Priya files a provisional specification the moment she has a working prototype, locking in her priority date, then follows up with a complete specification within 12 months (Sec. 9).
- **Publish** — 18 months after filing, the application is automatically published (Sec. 11A) — the world can now see what she's claiming, even though it isn't granted yet.
- **Request examination** — Priya (or anyone interested) must actively request examination, or the application dies unexamined.
- **Examine** — an Examiner checks her claims against prior art for novelty, inventive step, and industrial use (Sec. 12-13).
- **Oppose** — a rival filter company gets a pre-grant window to object before grant, and a further post-grant window within a year after grant (Sec. 25).
- **Grant** — if nothing derails it, the patent is sealed and entered in the register.
- **20 years** — Priya's exclusive right runs for 20 years from her original filing date, not from the (often much later) grant date — provided she keeps paying renewal fees.

Essence: File → Publish → Examine → Oppose → Grant → 20 Years

Rights and Obligations Are Two Sides of One Coin

A patentee's rights (make, use, sell, license, assign, and exclude others) are matched, deliberately, by real obligations: fully disclosing the invention so it eventually enters the public domain, actually "working" the invention in India (declared via Form 27), and paying renewal fees to keep the patent alive.

✎ **Think of it like this:** A patent is closer to a library-book loan than outright ownership. You get exclusive use for a fixed period, but you signed an agreement (the disclosure) describing exactly what you borrowed and how it works, and you're expected to actually use it productively — not just sit on it to keep it away from everyone else. Sit on it too long without "working" it (Sec. 84), and the system can force you to let others borrow it too.

Essence: Exclusive Rights Come Bundled With Public-Facing Duties

Compulsory Licensing — The Public-Interest Safety Valve

The three grounds you already studied formally in Part I, Sec. 84 — reasonable requirements of the public not met, not available at an affordable price, or not worked in India — exist so a patent can never be used purely to block access. It's a "pro-public-policy tool," not an anti-patent one: an applicant still has to show a genuine, failed attempt at a voluntary licence first.

★ **Real example:** This is exactly what happened in **Natco Pharma v. Bayer (2012)**, discussed in full below — Bayer's cancer drug Sorafenib was priced far beyond what most Indian patients could afford, and wasn't being supplied at scale in India. Natco was granted a compulsory licence to manufacture a generic version, at a fraction of the price, while still paying Bayer a royalty. The patent wasn't cancelled — the exclusivity was just pried open, on strict statutory conditions.

Essence: A Patent Can't Be Used Just to Withhold Access

Revocation — The System's Correction Mechanism

Revocation exists because grant isn't infallible — examiners can miss things. The same grounds you studied in Part I, Sec. 64 (lack of novelty, non-patentable subject matter, false disclosure, wrongful obtaining, non-working, and so on) let a patent be undone entirely, as if it never existed.

★ **Worked example:** Suppose it later turns out Priya's "novel" folding mechanism was actually described in a 2015 hobbyist blog post the Examiner never found. A competitor, once sued for infringement, could raise that blog post as a revocation ground — and if the High Court agrees the mechanism wasn't genuinely novel, Priya's patent is revoked outright. The register gets corrected, and the mechanism becomes freely usable by anyone.

Essence: Grant Isn't Final — The System Can Still Correct Itself

Infringement and Remedies, in Plain Terms

Infringement is simply exploiting someone's patent (making, using, selling, importing) without consent, including helping someone else do it. Defences include: the act doesn't fall within the claims, the patent itself is invalid, it was experimental/research use, or it was for Government purposes. Remedies available to a successful patentee: an injunction, damages, an account of the infringer's profits, and seizure/destruction of infringing goods.

✦ **Worked example:** If a competitor starts selling a filter that copies Priya's patented fold mechanism without her consent, she can sue for infringement. If she wins, the court can order them to stop immediately (injunction), pay her for her losses (damages) or hand over their profits from the copied product (account of profits), and destroy their existing stock built on her design.

Essence: Unauthorised Exploitation + Available Defences + Four Remedy Types

Where India Sits Internationally

India's patent system isn't self-contained — it operates inside the WTO's **TRIPS Agreement**, which is why India guarantees a minimum 20-year term and covers pharmaceuticals (this obligation drove the major 2005 amendments). The **Patent Cooperation Treaty (PCT)** lets a single international application be pursued in multiple countries instead of filing separately everywhere, and India also allows reciprocal arrangements with individual foreign states outside formal treaties.

🔗 **Think of it like this:** Filing under the PCT is like submitting one common application form that many universities agree to accept — it doesn't get you admitted everywhere automatically, but it saves you from redoing the paperwork from scratch in every single country. If Priya wants patent protection in India, the US, and Europe, a single PCT filing lets her enter the "national phase" in each of those countries later, using one original filing date.

Essence: TRIPS Sets the Floor, PCT Simplifies Filing Abroad

Landmark Case Law — Know These Five

The bare Act tells you the rule; these cases tell you how courts actually applied it, often turning an abstract section into a concrete, memorable story. All five are genuinely exam-relevant.

Novartis AG v. Union of India (2013)

Novartis wanted a patent on Glivec, a cancer drug, based on a new crystalline form of a molecule that was already known. The Supreme Court said no — the new form didn't show any *enhanced therapeutic efficacy* over the old one, so it fell squarely within **Sec. 3(d)**'s "no patent for a new form of a known substance without enhanced efficacy" bar. This is the definitive case against "evergreening" (repeatedly re-patenting minor tweaks to extend a monopoly), and the one to cite whenever Sec. 3(d) comes up.

Bishwanath Prasad Radhey Shyam v. Hindustan Metal Industries (1979)

A dispute over a mechanism for manufacturing utensils. The Court held that a mere workshop improvement — the kind of tweak any skilled mechanic would make while building the device — is not an "inventive step," no matter how useful it turns out to be in practice. This remains the benchmark case for testing non-obviousness.

Natco Pharma Ltd. v. Bayer Corporation (2012)

India's first compulsory licence, granted for the anti-cancer drug Sorafenib (branded Nexavar). Bayer's version cost roughly ₹2.8 lakh for a month's treatment; Natco's generic, under the compulsory licence, cost a small fraction of that. The Controller found the reasonable requirements of the public weren't being met and the price wasn't affordable — the direct, real-world application of Sec. 84.

Enercon (India) Ltd. v. Enercon GmbH (2014)

A prolonged dispute between an Indian wind-energy company and its German parent/licensor over who actually controlled certain patented technology, and the terms of the licence between them. The Delhi High Court's rulings clarified how assignment and licensing disputes are approached — relevant background to Part I's Chapter XIII (Register) and the licensing provisions.

TVS Motor Co. Ltd. v. Bajaj Auto Ltd. (2009)

Bajaj accused TVS of infringing its patent on digital twin spark ignition (DTSi) technology in motorcycle engines. The case became a well-known example of how courts weigh interim injunctions — should sales of a competing product be halted while the underlying infringement dispute is still being decided? — in fast-moving, commercially sensitive technical patent disputes.

Essence: One Case Each for Sec. 3(d), Inventive Step, Compulsory Licensing, Ownership, and Injunctions

📌 Mentor's Exam Insight

If you can only remember two cases walking into the exam, make them **Novartis** (Sec. 3(d) / evergreening) and **Natco v. Bayer** (Sec. 84 / compulsory licensing) — these are the two most likely to appear as a named case in an MCQ or short-answer question, precisely because they connect a real, high-profile dispute to a specific numbered section.

Staying Relevant: Biotech and Digital Innovation

Two areas worth flagging as live, evolving edges of this 1970 Act. **Biotechnology** inventions are patentable subject to strict scrutiny, but anything contrary to morality — such as human cloning or embryo-based processes — stays excluded outright, no matter how technically impressive.

Software is trickier: "computer programs per se" remain unpatentable under Sec. 3(k), but software demonstrating a genuine technical effect (not just an abstract algorithm sitting on a page) can still qualify.

✦ **Worked example:** A generic sorting algorithm, described only in the abstract, is "per se" and unpatentable. But if that same algorithm is built into a specific medical imaging device to detect tumours faster, and the claim is drafted around that concrete technical effect rather than the algorithm alone, it moves into potentially patentable territory. This is the same Sec. 3(k) exclusion you studied in Part I — now framed as a live, frequently-litigated policy debate rather than a static textbook rule.

Essence: The Same Old Exclusions, Applied to New Technology

Closing Thought

Everything in this appendix is a second pass over ground you've already covered properly in Parts I and II — the value here isn't new rules, it's seeing the rules applied to a running example and to real disputes, stated in one continuous narrative instead of section-by-section. If a concept here still feels unfamiliar, that's your signal to go back and re-read the corresponding section in Part I, not to treat this summary as a substitute for it.

Rules Update (2024) — What's Changed Since This Act Was Last Amended

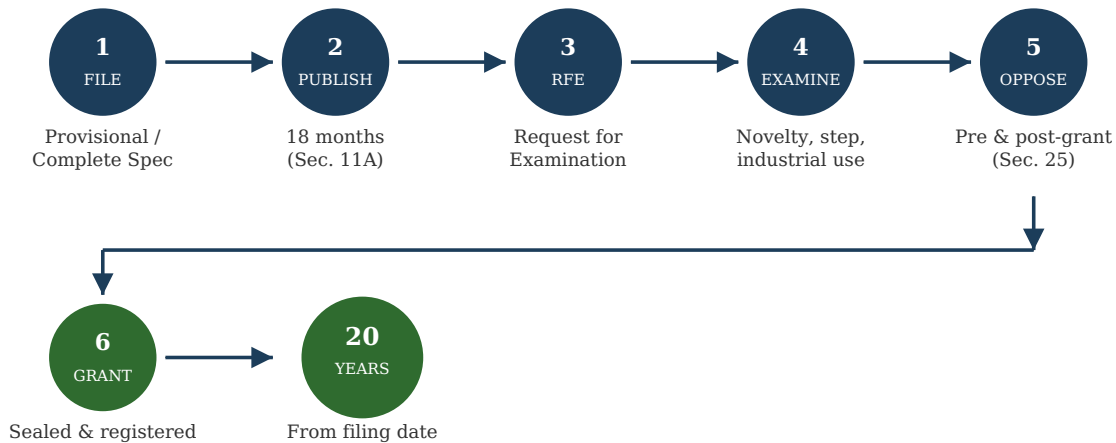
The bare Act's text hasn't changed, but these **5 Updated Rules** under it were significantly revised by the Patents (Amendment) Rules, 2024 (effective 15 March 2024).

- 1. RFE deadline cut to 31 months:** Request for Examination must now be filed within 31 months from the earliest priority date for any application filed on or after 15 March 2024 — down from the earlier 48-month window. (Applications filed before 15 March 2024 still get the old 48-month deadline.)
- 2. Exhibition grace period now needs a formal request:** To rely on the Sec. 31 exhibition grace period, you must now file Form 31 along with supporting evidence and the prescribed fee.
- 3. Working statements — once every 3 years, not annually:** Form 27 (statement of working under Sec. 146) is now filed once every three financial years, instead of annually.
- 4. New Certificate of Inventorship:** A new Form 8A lets an inventor obtain formal recognition of their inventorship, separate from the Sec. 28 "mention of inventor" right.
- 5. Pre-grant opposition now has a fee:** Filing a pre-grant opposition under Sec. 25(1) now requires payment of a prescribed fee (₹4,000 for individuals/startups, ₹20,000 for others).

PART IV — VISUAL QUICK-REFERENCE (INFOGRAPHICS)

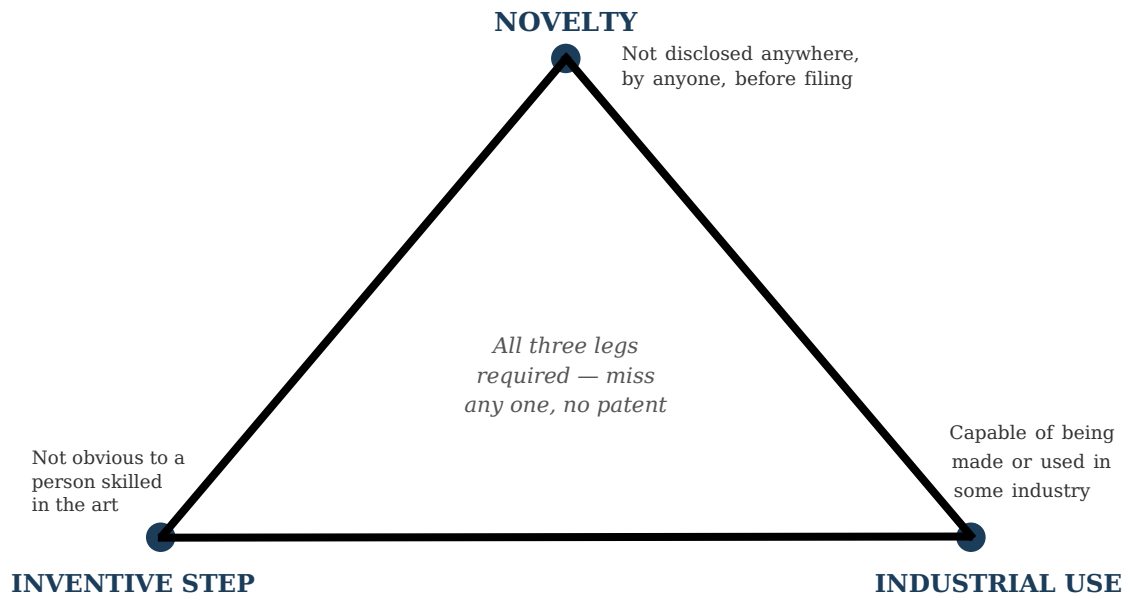
Six diagrams covering the highest-yield concepts across both Acts. Use these for rapid visual recall in the last days before your exam — each one condenses a topic you've already studied in depth in Parts I-III.

1. The Patent Lifecycle — Filing to Grant



Numbers to remember: **18 months** to publication, patent lasts **20 years from filing** (not from grant).

2. The Patentability Triangle



Sec. 2(1)(j): "invention" = new product/process + inventive step + industrial application. Miss any corner, the whole claim fails.

3. What's NOT Patentable — Sec. 3 & 4 at a Glance

Discoveries Scientific principles, abstract theories, things found in nature	3(d) Evergreening New form of known substance, no enhanced efficacy (Novartis)	3(k) Software/Biz Computer programs "per se," algorithms, business methods	Atomic Energy Sec. 4 — excluded entirely, no exceptions
Medical Methods Diagnostic, surgical, therapeutic treatment of humans/animals	Plants & Animals Whole/part, seeds, varieties; essentially biological processes	Mental Acts & Games Schemes/rules for a mental act, or playing a game	Traditional Knowledge Already known within a local/indigenous community

*...plus: mere admixtures, mere re-arrangement of known devices,
literary/artistic works, presentation of information, and IC topography.*

Full checklist in Part I, Sec. 3(a)-(p) and Sec. 4. 3(d) and 3(k) are the two most litigated clauses.

4. Pre-Grant vs Post-Grant Opposition

PRE-GRANT (Sec. 25(1))	POST-GRANT (Sec. 25(2)-(6))
Who can object? Any person	Who can object? Person interested (only)
Form Representation to Controller	Form Formal notice of opposition
Time limit Anytime after publication, before grant	Time limit Within 1 year of publication of grant
Opposition Board? No — Controller decides directly	Opposition Board? Yes — examines & recommends
Outcome Grant refused, or proceeds	Outcome Maintain, amend, or revoke patent

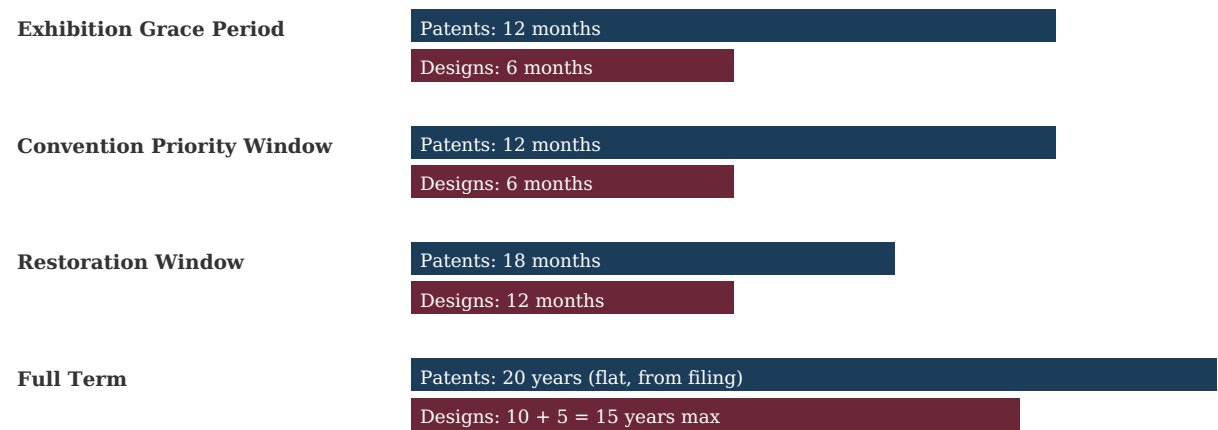
The single most-tested contrast in Chapter V: "any person" vs "person interested," and the presence/absence of an Opposition Board.

5. Compulsory Licensing Timeline



The Natco v. Bayer sequence, mapped to Ss. 84 & 85. Memorize the anchor events, not just the raw numbers.

6. Same Concept, Different Number — Patents vs Designs



Bar length is proportional to duration — Designs consistently gets the shorter end.

If a question is about designs, your instinct should be "half the patent number" for exhibition and convention deadlines.

PART V — THE PATENTS RULES, 2003

CHAPTER I — PRELIMINARY

One-liner: The rulebook that operationalises the Patents Act — definitions, fees, forms, and the basic mechanics of filing and serving documents.

Rule	Sec./Form link	What it does
1	—	Short title & commencement — the rules are the “Patents Rules, 2003.”
2	—	Definitions — “appropriate office,” “e-transmission,” “startup,” “small entity,” “natural person,” etc.
3	—	Save as otherwise stated, the particulars in a Form are the “prescribed particulars” the Act refers to.
4	—	Appropriate office — determined by the applicant’s/first-named applicant’s address, or place of invention’s origin for foreign applicants (with a branch/HO rule for Patent Office jurisdiction).
5	—	Every applicant/patentee must furnish an address for service in India — no address, no obligation on the Controller to act.
6	—	Leaving/serving documents — by hand, post, or e-transmission; deemed-delivery rules; Controller may condone delay in confirming e-filed originals.
7	Sec. 142	Fees — First Schedule; 10% surcharge for physical (non-e) filing; fee concessions for natural persons, startups, small entities, and educational institutions.
8	—	Forms — Second Schedule prescribes the forms; Form 30 is the residual “miscellaneous” form for anything not otherwise covered.

Rule	Sec./Form link	What it does
9	—	Filing of documents/copies — additional copies on Controller's requisition.

Essence: Chapter I is the Act's "operating system" — address for service, fee schedule, and forms. Rule 7 (fee concessions) and Rule 8 (Form 30 as the catch-all) are the two most exam-tested points here.

◆ **Mentor's Exam Insight:** Fee category matters as much as fee amount. Know the four fee-payer categories — natural person, startup, small entity, large entity — and that a startup/small entity that later grows out of that status must pay the *differential fee*, not the full fee again, on pending matters (Rule 7 proviso).

CHAPTER II — APPLICATION FOR PATENTS

One-liner: The mechanics of what goes into a patent application once you've decided to file — proof of right, specifications, drawings, models.

Rule	Sec./Form link	What it does
10	Sec. 7(2)	Proof of right (assignment) — must be filed within 6 months of filing, extendable.
11	—	Order of recording applications — same-day applications ranked by time of filing.
12	Sec. 8, Form 3	Statement & undertaking on foreign applications. Post-2024: filed with the Indian application (or within 6 months), then a single <i>updated</i> Form 3 within 3 months of the First Examination Report — no more repeated filings.
13	Sec. 10, Form 2	Specifications — provisional/complete; contents, sequence listing requirements for biotech claims.
14	—	Amendments to specifications before grant/acceptance.
15	—	Drawings — format, scale, standard requirements.

Rule	Sec./Form link	What it does
16	—	Models or samples the Controller may call for.

Essence: Rule 12 (Form 3) is the single most-amended rule in the whole 2024 update — memorize the *new* timeline, not the 2003 original.

◆ **Mentor's Exam Insight:** Old rule: Form 3 had to be refiled every time a status changed abroad — a huge compliance burden. New rule (2024): file once at filing (or +6 months), update once after FER (+3 months, extendable by another 3). The Controller may also just check public databases instead of insisting on paper. Expect a “which of these is still required” trap question.

CHAPTER III — INTERNATIONAL APPLICATIONS UNDER THE PCT

One-liner: How a PCT application converts into a “national phase” Indian application, and how India functions as a Receiving Office / ISA / IPEA.

Rule	What it does
17–19	Definitions; appropriate office for PCT filings; India as Receiving Office.
19A–19E	India as International Searching Authority (ISA) — search report, timelines, confidentiality.
19F–19N	India as International Preliminary Examining Authority (IPEA) — demand, fees, IPER timelines, refund conditions.
20	National phase entry — application “designating or electing India.”
21	Filing of priority document.
22	Effect of non-compliance with PCT formalities.
23	These rules are supplemental to the PCT Regulations, not a substitute for them.

Essence: Chapter III is really “Chapter IV of the Act (Ss. 6–11) rebuilt for the PCT track.” Same substantive outcome (a patent application in India), different procedural doorway.

◆ **Mentor's Exam Insight:** National phase entry in India must happen within **31 months** from the priority date (Sec. 138/PCT Art. 22 read with these rules) — don't confuse this with the 31-month RFE deadline introduced in 2024; they're numerically identical but conceptually different triggers.

CHAPTER IV — PUBLICATION AND EXAMINATION OF APPLICATIONS

One-liner: The application goes public, then a request for examination puts it in the queue for substantive scrutiny.

Rule	Sec./Form link	What it does
24	Sec. 11A(1)	Publication after 18 months (standard).
24A	Sec. 11A(2), Form 9	Early publication on request.
24B	Sec. 11B, Form 18	Request for Examination (RFE). 2024 amendment: reduced from 48 to 31 months from priority/filing date, whichever is earlier — applies only to applications filed <i>on or after 15 March 2024</i> ; pre-2024 filings keep the 48-month window.
24C	—	Expedited examination — for startups, small entities, female applicants (sole/first named), government departments, PCT-ISA/IPEA where India was chosen, or applicants under an eligible foreign filing arrangement.
25–26	—	Identification of published applications; request for withdrawal (fee refund window).
27–28A	—	Inspection of published documents; procedure on anticipation by prior publication; report of examiner under Sec. 14.
29–30	—	Anticipation by prior claiming; amendment of complete specification.
31–37	—	Reference to another specification/patent; claims under Sec. 20; numbering of applications on grant.

Essence: Publication (18 months, automatic) and RFE (now 31 months, applicant-triggered) are the two clocks every patent agent must track separately for every single application.

◆ **Mentor's Exam Insight:** The **RFE cut from 48 → 31 months** is 2026's highest-probability rules question. Pair it with: (a) it doesn't apply retroactively, (b) expedited examination routes exist for six defined categories, (c) withdrawal before the FER is issued gets you a partial fee refund (Rule 26).

CHAPTER V — [OMITTED]

One-liner: Rules 39–54 (the original “Anticipation” procedural chapter) were omitted; their subject matter now lives inside Chapter IV (Rules 28–30) and the Act's own Ss. 29–34.

◆ **Mentor's Exam Insight:** A favourite trick question: “What does Chapter V of the Patents Rules cover?” Correct answer — nothing; it's officially omitted. Don't let the Act's own Chapter VI (Anticipation, Ss. 29–34) confuse you into inventing rules content here.

CHAPTER VI — OPPOSITION PROCEEDINGS TO GRANT OF PATENTS

One-liner: The rules-level machinery behind Sec. 25's pre-grant and post-grant opposition.

Rule	Sec./Form link	What it does
55	Sec. 25(1), Form 7A	Pre-grant representation.
55A	Sec. 25(3), Form 7	Post-grant notice of opposition — within 1 year of publication of grant.
56	—	Constitution & proceeding of the Opposition Board (post-grant only).
57–60	—	Written statement/evidence, reply statement/evidence, reply evidence, further evidence by leave.
61–63A	—	Supply of documents; hearing; costs; request under Sec. 26(1) (dual-applicant conflict).
66–69	Sec. 28, Form 8	

Rule	Sec./Form link	What it does
		Mention/claim of inventor — request, claim, hearing procedure.
70	—	Mention of inventor — formal recording.

Essence: Same contrast tested in the Act (any person vs. person interested; Board or no Board) — the Rules simply supply the paperwork sequence: statement → evidence → reply evidence → hearing.

◆ **Mentor's Exam Insight:** Numbering trap: Rules 64–65 don't exist in this chapter (jump from 63A straight to 66) — expect a “which rule number is missing” distractor.

CHAPTER VII — SECRECY DIRECTIONS

One-liner: The Rules-level counterpart to Ss. 35–42 of the Act — how you get permission to file the same invention abroad.

Rule	Sec./Form link	What it does
71	Sec. 39, Form 25	Permission for filing outside India — must ordinarily be decided within 21 days .
72	Sec. 36(2)	Communication of the result of periodic reconsideration of a secrecy direction.

◆ **Mentor's Exam Insight:** Pair this chapter with the Act's own **6-week** minimum wait (Sec. 39) before foreign filing without a licence — the Rules chapter is short precisely because the substance lives in the Act.

CHAPTER VIII — GRANT OF PATENTS

One-liner: What happens procedurally the moment a patent is granted — the certificate, its amendment, and renewal fees.

Rule	Sec./Form link	What it does
74	—	

Rule	Sec./Form link	What it does
		Form of patent (certificate) — now includes the Certificate of Inventorship introduced by the 2024 amendment, separately naming inventors (the patent certificate itself doesn't name them).
74A	—	Inspection of documents relating to grant.
75	Sec. 44, Form 10	Amendment of a granted patent.
76–78	Sec. 51, Form 11	Directions of the Controller on joint patentees.
79	Sec. 52(2), Form 12	Request for grant following an Appellate Board/court direction.
80	Sec. 53, Form 4	Renewal fees — payable from the 3rd year onward; extension request procedure.

Essence: The 2024-introduced **Certificate of Inventorship** is the headline new item in this chapter — it exists purely to credit inventors, since the patent certificate names only the patentee/assignee.

◆ **Mentor's Exam Insight:** Don't confuse "amendment of patent" (Rule 75, post-grant correction) with "amendment of application" (Rule 81, Chapter IX, pre-grant/pending correction) — same word, two different rules, two different chapters.

CHAPTER IX — AMENDMENT OF APPLICATION, SPECIFICATION, OR ANY DOCUMENT

One-liner: How you fix a pending application, as opposed to a granted patent (that's Chapter VIII).

Rule	Sec./Form link	What it does
81	Sec. 57, Form 13	Application to amend a pending application/specification/document.
82	—	Preparation of amended specifications by the Office.
83	—	Publication of the amendment allowed.

◆ **Mentor's Exam Insight:** Three-rule chapter — easy to underrate, easy 1-mark question: “amendment before grant is governed by which Sec./Rule pair?” Answer: **Sec. 57 / Rule 81**.

CHAPTER X — RESTORATION OF PATENTS

One-liner: Bringing a lapsed patent (renewal fee unpaid) back to life.

Rule	Sec./Form link	What it does
84	Sec. 60, Form 15	Application for restoration — within 18 months of lapse.
85	Sec. 61(1), Form 14	Opposition to restoration.
86	—	Payment of unpaid renewal fees + additional fee, once restoration is allowed.

◆ **Mentor's Exam Insight:** Restoration is 18 months for **patents** vs. 12 months for **designs** (Sec. 12, Designs Act) — the Master Numbers Cheat-Sheet contrast, now anchored to Rule 84 on the patents side.

CHAPTER XI — SURRENDER OF PATENTS

One-liner: A one-rule chapter — how a patentee voluntarily gives up a patent under Sec. 63.

Rule	Sec./Form link	What it does
87	Sec. 63, Form 14	Surrender of patents — Controller advertises the offer; persons interested may oppose.

CHAPTER XII — REGISTER OF PATENTS

One-liner: The rules-level machinery for what gets entered in, and how you inspect, the Register of Patents (Sec. 67–72 of the Act).

Rule	Sec./Form link	What it does
88	Sec. 67	Contents of the Register.

Rule	Sec./Form link	What it does
90	Sec. 69(1)/(2), Form 16	Registration of title/interest (assignment, transmission, licence) — within 6 months , extendable.
91–92	—	Presentation & registration of the assignment document.
93	—	Entry of renewal fee in the Register.
94	—	Alteration of address on record.
95	Sec. 72	Inspection of the Register — fee payable.

◆ **Mentor's Exam Insight:** Rule 89 is skipped in the numbering (jumps 88 → 90) — same “missing number” trap as Chapter VI.

CHAPTER XIII — COMPULSORY LICENCE AND REVOCATION OF PATENT

One-liner: The procedural layer behind Ss. 84–94 (compulsory licensing) and Sec. 85 (non-working revocation).

Rule	Sec./Form link	What it does
96	Ss. 84(1)/91/92, Form 17	Application for compulsory licence.
97	—	Procedure when no prima facie case is made out.
98	Sec. 87(2), Form 14	Notice of opposition to grant of CL.
99	—	Manner of publishing the revocation order.
100	Sec. 88(4), Form 20	Application to revise licence terms.
101	—	Procedure for Rule 100 applications.
102	Sec. 94, Form 21	Application for termination of a compulsory licence.

Essence: This chapter is the operational spine of the Natco v. Bayer sequence already flagged in the Master Numbers Cheat-Sheet (Ss. 84 → 85).

◆ **Mentor's Exam Insight:** Know the trigger chain cold: **3 years** post-grant (Sec. 84, earliest CL application) → CL granted → **2 years** later (Sec. 85, earliest non-working revocation). Rules 96–102 are just the paperwork for each step in that chain.

CHAPTER XIV — SCIENTIFIC ADVISERS

One-liner: How the Patent Office maintains a panel of technical experts who assist courts, not the Controller.

Rule	What it does
103	Roll of scientific advisers maintained by the Controller.
103A	Disqualifications for inclusion.
104–105	Application for inclusion; inclusion of other persons at Controller's discretion.
106	Controller's power to relax requirements.
107	Removal of names from the roll.

◆ **Mentor's Exam Insight:** Scientific advisers assist the **court** in infringement proceedings (Sec. 115 of the Act), not the Controller in prosecution — a commonly confused point.

CHAPTER XV — PATENT AGENTS

One-liner: The rules-level counterpart to Ss. 125–132 of the Act — who can become, and remain, a registered patent agent.

Rule	Sec./Form link	What it does
108	—	Particulars in the register of patent agents.
109	Form 22	Application for registration.
110	Sec. 126(1)(b)	Qualifying examination particulars.
111	—	Registration itself.
111A	—	Issue of duplicate certificate.
112	Form 22	Details required in the application.

Rule	Sec./Form link	What it does
113	Sec. 126(2)	Registration for persons who qualify without the exam (e.g., advocates in some transitional categories).
114	—	Disqualifications — insolvency, professional misconduct, non-citizen (subject to reciprocity), etc.
115	—	Payment of fees.
116	—	Removal of a name from the register.
117	Sec. 130(2), Form 23	Restoration of a removed name.
118	—	Alteration of name/address on record.
119	—	Refusal to recognise a person as patent agent (e.g., before the Controller in a specific matter).
120	—	Publication of the list of registered patent agents.

Essence: This is the “how do I actually become and stay a patent agent” chapter — directly relevant to the exam you’re preparing for.

◆ **Mentor’s Exam Insight:** Passing the qualifying exam (Rule 110) is necessary but not sufficient — Rule 114’s disqualifications (insolvency, misconduct, etc.) can still keep a qualified candidate off the register. Also note: registration must be **renewed annually** by paying the prescribed fee (Rule 115) — lapse it, and Rule 116 kicks in.

CHAPTER XVI — MISCELLANEOUS

One-liner: The residual “everything else” chapter — corrections, affidavits, Controller’s general and discretionary powers, extension of time.

Rule	Sec./Form link	What it does
121	—	Period for filing copies of specification, etc.
121A	—	Address for communications (e-mail as valid mode).

Rule	Sec./Form link	What it does
122–125	Sec. 78	Correction of clerical errors — advertisement, opposition, notification.
126–127	—	Form of affidavits; exhibits.
128–129A	—	Directions not otherwise prescribed; Controller's discretionary power; adjournment of hearing.
130	Ss. 77(1)(f)/(g), Form 24	Review / setting aside of Controller's decision.
131	Sec. 146(2), Form 27	Statement of working — Form 27 itself was overhauled in 2024: revenue/value figures dropped; now just a worked/not-worked declaration + licensing-availability statement; frequency relaxed from annual to once every 3 financial years .
132–134	—	Duplicate patent; certified copies; request for information under Sec. 153.
135	Ss. 127/132, Form 26	Agency — power of authorisation.
136	—	Scale of costs.
137	—	Powers of Controller generally — 2024 amendment: Controller may now extend time / condone delay for up to 6 months , any number of requests before expiry, at a flat monthly fee (~₹50,000) — but this power explicitly cannot be used for PCT national-phase delay, translations, RFE, FER response, renewal fee, working statement, or review-petition delays.
138	—	Power to extend time prescribed generally.
139	—	Hearings before the Controller are public, except where confidentiality is warranted.

Essence: Rule 137 (extension/condonation power) and the new Form 27 (Rule 131) are the two most heavily tested 2024-amendment items in this chapter.

◆ **Mentor's Exam Insight:** Learn Rule 137's **carve-out list** by heart — it's the classic "which of these delays CANNOT be condoned under Rule 137" MCQ. Mnemonic: **PCT-FRR-W** — **P**CT national phase, **T**ranslation, **F**orm 3 (foreign details), **R**FE, **R**esponse to FER, **W**orking-statement/renewal-fee delay.

PATENTS (AMENDMENT) RULES, 2024 — QUICK DIGEST

- **RFE:** 48 months → **31 months** (Rule 24B), prospective only (applications filed on/after 15 Mar 2024).
- **Form 3:** filed once at filing/+6 months, then one **updated** Form 3 within 3 months of FER (Rule 12).
- **Form 27 (working statement):** simplified — worked/not-worked + licensing availability, no revenue figures; frequency eased to once per 3 financial years (Rule 131).
- **Grace period utilisation (Sec. 31):** new **Rule 29A** lays down the procedure for claiming the 12-month exhibition grace period.
- **Certificate of Inventorship:** new document (Rule 74) separately naming inventors.
- **General condonation power:** Controller may extend/condone up to **6 months** under Rule 137, with defined exceptions (see above).
- **Pre-grant opposition:** representations under Sec. 25(1) must now be examined and disposed of by the Controller in **3 months**, tightening what used to be an open-ended timeline.

◆ **Mentor's Exam Insight:** If a 2026 exam question says "Patents (Amendment) Rules," it is almost certainly testing the 2024 amendment — the RFE cut, Form 27 simplification, and Rule 137's condonation power are the three highest-yield facts.

PART VI — THE DESIGNS RULES, 2001

CHAPTER I — PRELIMINARY

One-liner: Definitions, mode of filing/serving documents, address for service, fees, forms, and classification — the Design Rules' equivalent of Patents Rules Chapter I.

Rule	Sec./Form link	What it does
1	—	Short title & commencement — 11 May 2001.
2	—	Definitions — “Office,” “Reciprocity Application,” “Set,” etc.
3	—	Leaving/serving documents — post, courier, or tele-fax/e-mail (original to follow within 15 days); branch offices may also receive filings.
4	—	Address for service in India — mandatory, may include an e-mail/digital address.
5	—	Fees — First Schedule; cash/cheque/DD; stamps and postal orders not accepted; advance-deposit facility available.
6	—	Forms — Second Schedule; unlisted purposes may adapt an existing form with Controller's permission.
7	—	Size/format of documents — A4, English/Hindi, one side only, 1.5"/4 cm left margin.
8	Ss. 5, 12, 19, 37	Signature & verification — statement of truth required.
9	Sec. 43, Form 21	Agency — power of authority to an agent.
10	—	Classification of goods — per Rule 10(1), now the current edition of the Locarno Classification (post-2021 amendment: 13th edition, 32 classes, 237 sub-classes), replacing the old Third Schedule list.

Essence: Rule 10 is the headline 2021-amendment rule — India formally moved from its own Third Schedule list to WIPO's Locarno Classification.

◆ **Mentor's Exam Insight:** Class 32 (added in the 13th edition) covers graphic symbols, logos, surface patterns, and ornamentation — but a proviso to Rule 10 makes clear that mere presence of a class doesn't override Sec. 2(a)/2(d) of the Act, so GUI/screen-display designs still face substantive hurdles despite the new class.

CHAPTER II — APPLICATION FOR REGISTRATION

One-liner: What must accompany a design application, and the special “reciprocity” (convention) route.

Rule	Sec./Form link	What it does
11	Sec. 5, Form 1	Application — 4 copies of representation, class, article specified.
12	—	Statement of novelty — mandatory if the Controller requires it.
13	—	Additional representations/ specimens on Controller's requisition.
14	—	Representation format — A4, durable paper, upright figures, consent needed if a living/deceased person's likeness appears.
15	Sec. 44	Reciprocity application — must be filed within 6 months of the first foreign application; certified priority copy within 3 months (extendable).
16	Sec. 8(1), Form 2	Claim to proceed as applicant/joint applicant.
17	—	Acceptance — on examiner's report showing no lawful objection.
18	—	Objections — statement sent; 3 months to respond/apply for hearing; overall completion cap of 6 months from filing.
19	—	Decision of Controller — grounds communicated in writing.

Rule	Sec./Form link	What it does
20	—	Date of dispatch of decision = date of decision, for appeal purposes.
21	—	Non-completion within 6 months = deemed abandoned.
22	Sec. 7	Publication of registered design particulars in the Official Gazette.
23	Sec. 11(2), Form 3	Application for extension of copyright.
24	Sec. 12, Form 4	Application for restoration of a lapsed design.
25	—	Payment of unpaid extension fee once restoration is allowed.

Essence: The exam-favourite pair here is **6 months** (reciprocity filing window, Rule 15) vs. **12 months** (patents' equivalent, Sec. 135) — designs consistently get half the patents timeline.

◆ **Mentor's Exam Insight:** Track the "6-month clock" three separate times in this chapter: reciprocity filing (Rule 15), objection removal (Rule 18), and overall completion of the application (Rule 21) — three different starting events, same headline number, classic trap.

CHAPTER III — MARKING OF ARTICLES

One-liner: A one-rule chapter — the physical marking obligation on registered-design goods.

Rule	Sec./Form link	What it does
26	Sec. 15(1)(b)	Every article must be marked REGISTERED / REGD. / RD plus the registration number before sale — exceptions for printed/woven textiles (other than handkerchiefs) and brittle charcoal-dust articles.

◆ **Mentor's Exam Insight:** Failure to mark is the procedural precondition tested alongside Sec. 22 (statutory damages) — no marking, generally no damages claim without proof the infringer had actual notice.

CHAPTER IV — INSPECTIONS AND SEARCHES

One-liner: How the public accesses registered designs and requests official searches.

Rule	Sec./Form link	What it does
27	—	Inspection of registered designs — open to the public after Gazette notification; Form 5.
28	Sec. 18, Forms 6 & 7	Search request — Form 6 if registration number is known; Form 7 (with duplicate specimen) if not, triggering a class-based search.

◆ **Mentor's Exam Insight:** Unlike patents (open to inspection post-publication *before* grant), a design is inspectable only *after* registration and Gazette notification — designs don't have a separate "publication" stage the way patent applications do.

CHAPTER V — CANCELLATION

One-liner: The rules-level machinery behind Sec. 19 — how a registered design gets challenged and cancelled.

Rule	Sec./Form link	What it does
29	Sec. 19, Form 8	Petition for cancellation — duplicate petition + statement; counter-statement, evidence-in-chief, evidence-in-reply, all with copies exchanged between parties; hearing with 10 days' notice; time limits ordinarily 1 month , extendable up to 3 months in aggregate.

Essence: This single rule mirrors the Patents Rules' opposition chapter (Chapter VI, Rules 55–70) almost step for step — statement → evidence → reply evidence → hearing — just compressed into one rule instead of sixteen.

◆ **Mentor's Exam Insight:** "Any person" may petition for cancellation under Sec. 19 (unlike post-grant patent opposition, which needs "person interested") — a cross-Act contrast worth flagging.

CHAPTER VI — GENERAL (REGISTER OF DESIGNS)

One-liner: Everything about maintaining, altering, and rectifying the Register of Designs.

Rule	Sec./Form link	What it does
30	—	What gets entered in the Register — design number, class, filing/ reciprocity date.
31	Form 22	Alteration of proprietor's name/ address.
32	Sec. 30(3), Form 10	Registration of documents affecting title.
33–34	Sec. 30, Forms 11–13	Entry of subsequent proprietorship, mortgage/licence, notification of documents.
35	—	Production of documents of title for the Controller's inspection.
36	—	Prescribed form of Register entry (proprietor/licensee/mortgagee).
37	—	Entry of notification of a document affecting proprietorship.
38	—	Register open to public inspection during office hours.
39	Sec. 31	Rectification of the Register — notice to all interested parties + Gazette advertisement.
40	—	Opposition to rectification — 3 months to oppose; 14 days to file written statement thereafter.

◆ **Mentor's Exam Insight:** Rectification (Sec. 31/Rule 39) is about *fixing an error or omission in the Register itself* — don't confuse it with cancellation (Sec. 19/Rule 29), which challenges the *validity of the registration*.

CHAPTER VII — CERTIFICATES

One-liner: Certified copies of Register entries and other official documents.

Rule	Sec./Form link	What it does
41	Form 15	Certified copies of Register entries, affidavits, declarations, etc. — on payment of fee.
42	—	Form/execution of affidavits — headings, numbered paragraphs, swearing before designated officers in India or abroad, translation certificate for non-English/illiterate deponents.

CHAPTER VIII — AWARD OF COST BY CONTROLLER

One-liner: A one-rule chapter — the Controller's discretion to award costs, capped by the Fourth Schedule.

Rule	Sec./Form link	What it does
43	—	Controller may award reasonable costs in any proceeding, subject to the Fourth Schedule ceiling (e.g., ₹1,000 max for a cancellation petition, ₹500/day of hearing).

CHAPTER IX — MISCELLANEOUS POWERS OF CONTROLLER

One-liner: Residual discretionary powers — hearing notice, requiring statements, amending irregularities, enlarging time.

Rule	Sec./Form link	What it does
44	Sec. 33	Hearing entitlement — 1 month to exercise the option; 10 days' notice of hearing thereafter, curtailable to avoid deemed abandonment.
45	—	Controller may require a written statement or personal explanation from applicant/agent at any time.
46	—	General power of amendment — irregularities correctable without prejudice to any person.

Rule	Sec./Form link	What it does
47	—	General power to enlarge time prescribed by these rules — the design-law counterpart to the Patents Rules' Rule 137/138.

◆ **Mentor's Exam Insight:** Rule 47 has no built-in "6-month cap" or carve-out list the way the 2024-amended Patents Rule 137 does — a good contrast question between the two regimes' extension-of-time philosophy.

CHAPTER X — REPEAL

One-liner: A one-rule chapter closing out the old regime.

Rule	What it does
48	Repeals the Designs Rules, 1933 ; pending matters under the old rules continue to be disposed of under them.

DESIGNS (AMENDMENT) RULES, 2021 — QUICK DIGEST

- **Locarno Classification adopted** (Rule 10): 13th edition — **32 classes, 237 sub-classes** — replacing the old Third Schedule.
- **New Class 32** added: graphic symbols/logos, surface patterns, ornamentation (subject to Sec. 2(a)/2(d) hurdles for GUI/screen designs).
- **"Startup" recognised** as a distinct applicant category (new Sec. 2(eb) of the Rules) — Indian and foreign entities meeting Startup India criteria qualify, with the fee concessions extended to natural persons/small entities now shared with startups.
- Builds on the earlier **Designs (Amendment) Rules, 2014**.

◆ **Mentor's Exam Insight:** The parallel to draw for the exam: Patents got its big 2024 procedural overhaul; Designs got its big 2021 classification overhaul. Different years, different subject (timelines vs. classification), same exam pattern — "know the most recent amendment cold."

APPENDIX — MASTER FORMS INDEX (Patents Rules & Designs Rules)

One-liner: Every prescribed Form, in numerical order, with its governing Section and Rule pulled apart into separate columns — the single-page lookup the exam rewards you for having memorised.

A. PATENTS RULES, 2003 — FORMS 1 TO 30 (CHRONOLOGICAL)

Form	Section(s)	Rule(s)	Explanation
1	Ss. 7, 54, 135	R. 20(1)	Application for grant of a patent.
2	S. 10	R. 13	Provisional / Complete Specification.
3	S. 8	R. 12	Statement and undertaking regarding foreign applications.
4	Ss. 53(2), 142(4)	R. 13(6)(ii), 24B(4)(ii), 80(1A), 130	Request for extension of time.
5	S. 10(6)	R. 13(6)	Declaration as to inventorship.
6	Ss. 20(1), 20(4), 20(5)	R. 34(1), 35(1), 36(1)	Claim or request regarding change in applicant for patent.
7	S. 25(3)	R. 55A	Notice of (post-grant) opposition to grant of a patent.
7A	S. 25(1)	R. 55(1)	Representation opposing grant of patent — pre-grant opposition .
8	Ss. 28(2), 28(3), 28(7)	R. 66, 67, 68	Request/claim regarding mention of inventor.
9	S. 11A(2)	R. 24A	Request for (early) publication.
10	S. 44	R. 75	Application for amendment of a granted patent.
11	Ss. 51(1), 51(2)	R. 76, 77	

Form	Section(s)	Rule(s)	Explanation
			Application for direction of the Controller (joint patentees).
12	Ss. 26(1), 52(2)	R. 63A, 79	Request for grant of patent (post-direction/appeal).
13	S. 57	R. 81(1)	Application to amend a pending application/specification.
14	Ss. 57(4), 61(1), 63(3), 78(5), 87(2)	R. 81(3)(b), 85(1), 87(2), 98(1), 101(3), 124	Notice of opposition — amendment / restoration / surrender / compulsory licence / correction of clerical error.
15	S. 60	R. 84	Application for restoration of a lapsed patent.
16	Ss. 69(1), 69(2)	R. 90(1), 90(2)	Application for registration of title/interest in a patent.
17	Ss. 84(1), 91, 92, 92A	R. 96	Application for compulsory licence.
18	S. 11B	R. 20(4)(ii), 24B(1)(i)	Request for Examination (RFE).
18A	S. 11B	R. 24C	Request for Expedited Examination.
19	S. 85(1)	R. 96	Application for revocation of a patent for non-working.
20	S. 88(4)	R. 100	Application for revision of licence terms/conditions.
21	S. 94	R. 102(1)	Request for termination of a compulsory licence.
22	—	R. 109(1), 112	Application for registration of a Patent Agent.
23	S. 130(2)	R. 117(1)	Application for restoration of a name in the register of Patent Agents.
24	Ss. 77(1)(f), 77(1)(g)	R. 130(1), 130(2)	Application for review / setting aside of Controller's decision or order.

Form	Section(s)	Rule(s)	Explanation
25	S. 39	R. 71(1)	Request for permission to file a patent application outside India.
26	Ss. 127, 132	R. 135	Power of authorisation of a Patent Agent / other person.
27	S. 146(2)	R. 131(1)	Statement regarding the working of the patented invention (commercial scale, India).
28	—	R. 2(fa), 7	Small-entity declaration, filed with every fee-bearing document.
29	S. 118(4)	R. 7(4A), 24C(5), 26	Request for withdrawal of a patent application (fee-refund trigger).
30	—	R. 8(2)	Miscellaneous form — catch-all when no other form is prescribed.

Essence: Forms 1, 3, 18, and 27 are the “four pillars” — filing (Form 1), foreign-filing disclosure (Form 3), examination request (Form 18), and the post-grant working statement (Form 27). Almost every scenario-based MCQ hangs off one of these four.

◆ **Mentor’s Exam Insight:** Two sub-lettered forms only — **7A** (pre-grant opposition, Sec. 25(1)) and **18A** (expedited examination, Rule 24C) — both inserted by later amendments without renumbering the principal Schedule. A question that asks “which form has no whole number of its own” is testing exactly this pair.

B. DESIGNS RULES, 2001 — FORMS 1 TO 23 (CHRONOLOGICAL)

Form	Section(s)	Rule(s)	Explanation
1	Ss. 5, 44	—	Application for registration of a design / reciprocity application.
2	S. 8(1)	—	Claim to proceed as applicant or joint applicant.
3	S. 11(2)	—	

Form	Section(s)	Rule(s)	Explanation
			Application for extension of copyright (the design's protection term).
4	S. 12(2)	—	Application for restoration of a lapsed design.
5	S. 17(1)	—	Inspection of a registered design.
6	S. 18	—	Request for information — registration number given .
7	S. 18	—	Request for information — registration number not given (class-based search).
8	S. 19	—	Petition to cancel registration of a design.
9	S. 21	—	Notice of intended exhibition/publication of an unregistered design.
10	S. 30(3)	—	Application for registration of a document in the Register.
11	S. 30	—	Application for entry of name of proprietor/part-proprietor.
12	S. 30	—	Application for entry of mortgage or licence.
13	S. 30	R. 37	Application for entry of notification of a document affecting proprietorship.
14	S. 29	—	Request for correction of a clerical error.
15	S. 26	R. 41	Request for a certificate.
16	S. 17(2)	—	Application for a certified copy of a registered design.
17	S. 31	—	Application for rectification of the Register.
18	—	R. 15	Application for extension of time for filing the priority document.

Form	Section(s)	Rule(s)	Explanation
19	—	R. 40	Notice of opposition (to rectification).
20	—	R. 29, 40	Notice of intention to attend a hearing.
21	S. 43	—	Power of authority to an agent.
22	—	R. 31	Request to alter name/ address/address for service in the Register.
23	S. 10	—	Request for entries of two addresses in the Register.

Essence: Forms 6/7 (Sec. 18 search) are a matched pair — the only difference is whether you already know the registration number. Same split logic as Forms 1/2 of the Patents search machinery in spirit, though patents don't have a direct equivalent pair.

◆ **Mentor's Exam Insight:** Design Forms carry **no sub-lettered insertions** (no "7A," no "18A") — a clean, untouched 1–23 sequence since 2001, unlike the Patents Schedule. If a question implies a design form was added mid-sequence by amendment, that's a distractor; the 2021 amendment changed classification (Rule 10), not the Forms Schedule.

THANK YOU

A Simplified Guide to the Indian Patent Agent Examination

The purpose of this book is to understand and grasp the core concepts of Indian Patent Law. Any criticism or feedback on improvements is warmly welcome.

Get in Touch

Have feedback or found something worth improving? I'd love to hear from you.



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IMPORTANT LINKS

- [IPIndia — Official Website](#) →
- [Indian Patents Act \(1970\) — PDF Download](#) →
- [Indian Designs Act \(2000\) — PDF Download](#) →
- [Indian Patent Agent Exam — Registration Link](#) →
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