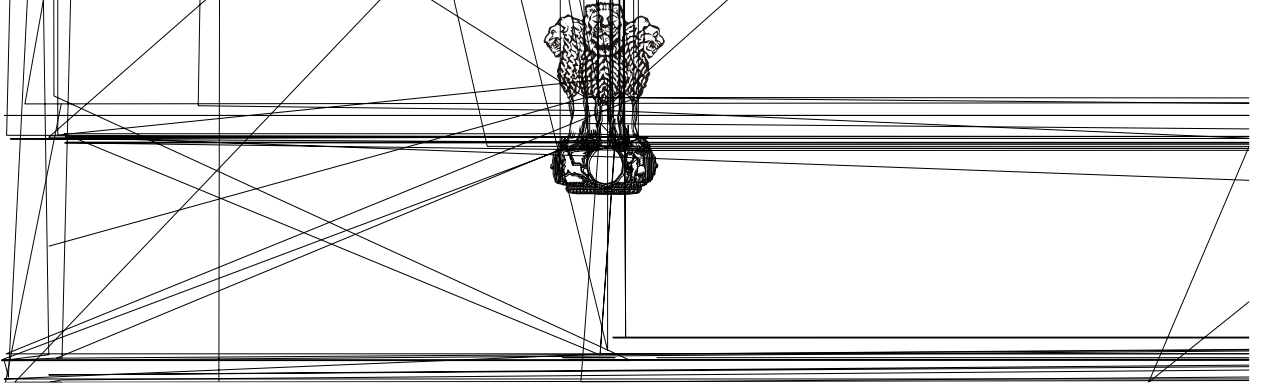




सी.जी.-डी.एल.-अ.-16032024-253150
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सगसगट
EXTRAORDINARY

तर्षी II इ अद) इ(i)
PART II Section 3 Sub-section (i)

श्रसुण सगु श्र सुलठ
PUBLISHED BY AUTHORITY

बर्षीट छफु बअ ँ पबसगफ
अ ँ बर्षीतशु बँ ठ ब सससग हर्षीतर्षी
हणखतस
तः ढभुम् , 16 पसव(20. 0

स सहा 215 घन दृच्छ हणफप, . . . / पृ ब लेणत बतृ ह्म , दृच्छ हणफप, -53, -53, स/5 णसस-15 अद णसस / दृलर्षी त सग(हृदफ हणफ पृ पृैटु ँ(बर्षीट छफु ब पबसगफ अ ँ बर्षीतशु बँ ठ ब सससग हर्षीतर्षी तर्षीठ ब सग हणखतस , पस स सहा , 4 ढतस . घतबर्षी (. . . 0 ँ ससतर्षीठ बसदवश सगसगट(तर्षी II, इ / (अद) इ i) प श्र सुलठ पस पसडस ह्म पसगफ (अ हणखतस ँ श्र सुलठ बतृ बर्षी हण सब बसदवश श्रहृफस प मे ँ अदमधण बस घसु ठस (ठ ढत बर्षीण पस वेतृ ववश श्रतर्षीठ वेतृ बर्षी तश तर्षीठ ह फ ँ दह फस ब सग पहृष डु;
ब(घन (अ हणखतस ँ श्र सुलठ तर्षीठ बसदवश श्रहृफस प मे ँ . घतबर्षी (. . . 0 ँ अदमधण बसड ड
ब(घन (अ पृैडसहाफ नण प प मे ँ श्रस ँ दह फ ब सग दव वश ब सग सस हर्षीस पस पसव
ठ न(दृच्छ हणफप, -53, -53, स/5 णसस-15 ससश्रड लह फ सश्रफे बतृ (वश ब सग ठ ससदृच्छहाफ, . . . / पृ ब लेणत बतृ ह्म ह्म ह्म ठ हाफ नतसु व(तसाठ)

- 2 क्तफप ण त घसख बट्ट पफत्तस्सत्ताटप्पि हण स्स (पसमू ठ फ वद बह ड्हफ द बहवठ
. त्थ ह सफट्टप्पस : ढ ठस्सि थ ठठ वट्ट त्म (घे त्पस्सत्ताटप्पि हण स्स बस्सप घसख
ह्मिफ)वठ त्म अदफे प्स ठ वे ठसव, अ ह अदह डठ दूस्सि व ठसव व अ
दस अ ह नमस्स स हण स्सवे स

3 ફલ : હ અદક્ષાપ 3) સ્વપદસ દ્વલ્લિ દ પ ત્વસ્ત્વટ પક્ષિ હળ સ્મૃ . પલ્લિદહ ડટ વેતુ પ
ક્ષિમ વવઠસવ, અદ્વલ્લિ વઠસવ પક્ષિઅદહ ડટ વેતુ . પતસ વઠસવ, ઠે ત્વસ્ત્વટ પક્ષિ હળ સ્મૃ . હ
તદહ ડટ પ(સ વતુ . સ્મટ ે ઢધ શ્વતુ . નસ્થ(ધસવ ે . ન શ્વ ઠસવ

4 ફલ, ત્વસ્ત્વટ પક્ષિ હળ સ્મૃ . પલ્લિ ઠટ સ્મટ દવ ક્ષિમ વતુ દવ, ત્વસ્ત્વટ પક્ષિ હળ સ્મૃ
ઠ વે ધસવ હ તુ અમ્મઐત પક્ષવ, ઠે વર્ષિ, હમ્મ ઠ ડલ સ્મટ હળક્ષાપ . ત સ્મ, . લસ્થ મ સ
ઠસવ ધે વર્ષિ અહ્વઠ પ ઠસવ

5 અદક્ષાપ 4 ઠવઠ શ્રફ ડલ પ હળક્ષાપ . અત શ્રસ્થિસ્ત ે હા ઢ શ પક્ષધસ સ
હાતુ . નળપ અમ્મઐત પક્ષ પક્ષવ . વઅ પ લસ્થ મ સ્મૃ . સ્મટ ે લસ્થામ પક્ષધસ સ
-, અદક્ષાપ 4 ઠવઠ શ્રફ ડલ દવ ઠસ ઠ વે . વ ત્વસ્ત્વટ પક્ષિ હળ સ્મૃ સ્વસ
વ ઠસથિ ધસ .

-- ે હાપ ઠવઠ ડલ શ્રક્ષ વ સ્વલ્લિ ત્વ ત્થિશ્રક્ષપક્ષા હ ે હાતસ .
લખ ઢ ધસ ., હા ડલ દસવઠ પક્ષ પક્ષવ

-. ત્વસ્ત્વટ પક્ષિ હળ સ્મૃ ે (ક્ષિમ દલ્લિ ે તે છ ધસ વતુ . ટ ત પક્ષ . ત્થિવ સ્વલ્લિ વવ વત
વે .

-, 3ઐ દમ) - ે : હ ધે ે હાપ ઠવઠ ત્વસ્ત્વટ પક્ષિ હળ સ્મૃ . ડલ ઠ વ ઠે વર્ષિ
ડલ ઠસ ડલ ઠત ત્થિવ દમ ફશ્રક્ષ સ્મૃ ે મુ સ્વલ્લિ પક્ષાપ . શ્રદક્ષ . પ દમ વ ઠસ
વ

નલઠ દમ ફશ્રક્ષ સ્મૃ અ વર્ષિ પક્ષ દ સ્થ ત્થિ દમ દવ ક્ષિમ વ ઠસવ(ફલ વર્ષિ નસ્થ .
ઠ વ અ હ દસ . વર્ષિ ત્થિવ દમ ઢસવત વતુ . દક્ષા શ સ્મટ વ
. દમ શ્રસ વેતુ દવ(દમ ફશ્રક્ષ સ્મૃ (તે છ પ ફલસ્થિ ઢ શ . વર્ષિ ત્થિવ દતસધવર્ષિ હાતુ .
હા (શ્રક્ષવર્ષિ ે તે છ ધસ વસ

/ દમ ફશ્રક્ષ સ્મૃ, દલ્લિ સ્મૃ ે તવર્ષિ સઅહ્વઠ વર્ષિવ શ્રદક્ષ વતુ . દ સ્થ, ઠ ડલ દસવઠ વસ
હા પ ડ તુ ડલ ત્થિલસ્થામ વ વ સાસ્થ દ દમ શ્રસ્થ ઠસ ડલ પક્ષ ત્થિવ સ્વલ્લિ વવ
વ

1, 3 ધ. ઢેત દલ્લિ ે ઠસ મ - (1) ે પક્ષા ઠવઠ ત્થિદક્ષાવસ્થા વર્ષિ મુ સ્વલ્લિ પક્ષાપ . ધસ .

(2) ે શ્ર સ્મૃ શ્રુ ટ ે હ વતુ . હા પક્ષ શ્રદ લઠશ વતસદક્ષા શ્વે સ દક્ષાવસ્થા અહ્વઠ ઠવ . પક્ષ
પક્ષાડસ . વ ે મુ સ્વલ્લિ પક્ષાપ . શ્રુ ઠ પક્ષ પક્ષાડસ

-, 3 . પક્ષાન નીસ - ત્વસ્ત્વટ પક્ષિ હળ સ્મૃ ડવર્ષિ દમ ફશ્રક્ષ સ્મૃ, હમ્મ ઠ દ પ વ સ્મ શ ધસુ વર્ષિ
સ્મટ , ધવસક્ષિન પક્ષ ઢલસપ સ્વલ્લિ ત વતુ . અહ્વઠ સ્મટ પૈધઢ વ, ે પક્ષાપ ક્ષિમ ઢ શ . વર્ષિ
ઠ ન શ્વ ઠસવ ધે . વર્ષિવે . હા વર્ષિ અહ્વઠ પ ઠસવ

-, 3જ. ડલ વલસ્થ - ે પક્ષા ઠવઠ દસવઠ શ્રફ ડલ દવ ઠસ ઠ ધસ ., અ દવ હાહ્યક્ષ
દ વ ઠસથિ ધસ , ત્થિ દલ્લિ ે અહ્વઠ પક્ષધસ સ વઅ ત્વસ્ત્વટ પક્ષિ હળ સ્મૃ ડવર્ષિ દમ ફ
શ્રક્ષ સ્મૃ (ધ સત્થિપક્ષમસવે ે હળ સવ વર્ષિ સંછદવત્થિ દમેઝ પક્ષધસ સ

(2) ે પક્ષા ઠવઠ લસ્થ ધ વ વર્ષિ : ત્થિવસ્થ ત્થિવ અહ્વઠ હાહ્ય પ ધપસ ધસ . "

3. અ હાપ પ(ઢ વ તાખ પ(

() ਭਰਦਯਾਲੁ ਸ਼ੁਠ ਠ ਠੀ “ਭਰਦਯਾਲੁ / ,” ਟੁਕਾ ਟੁਕਾ ਨਹਯਠ ਭਰਦਯਾਲੁ ਫ ਟੁਕਾ ਦ ਸਠ (ਯਾ ਯਾਹ ਠ ਟੁਕਾ ਲਸ਼ਯਾਮ ਫਸ ਘਸ ਸ੍ਰਿਤਸਾਠ)

-	.	/
/ -	ਯਸ਼ਸ਼ਸ- . 0 (ਯਾਫਯ - , 3	ਯਸ਼ਸ਼ਸ- . , (. . . ਟੁਕਾ - . / ਟੁਕਾ ਅਭਮਔਤ ਟੁਕਾ ਯਾ ਯਾ ਸਠ ਦਭ
/ .	ਯਸ਼ਸ਼ਸ- . 0 (ਯਾਫਯ - , 3ਘ	ਟਫਸ਼ਸ਼ਸ਼ਟਫਸ਼ੀ ਯਾ ਸ਼ਸ਼ ਟੁਕਾ ਟੁਕਾ ਯਾ ਟੁਕਾ

ਅ ਯਾਫਯ ਟੁਕਾ ਟੁਕਾ ਪ (ਭਰਦਯਾਲੁ , ਟੁਕਾ ਦ ਸਠ (ਯਾ ਯਾਹ ਠ ਭਰਦਯਾਲੁ ਟੁਕਾ ਲਸ਼ਯਾਮ ਫਸ ਘਸ ਸ੍ਰਿਤਸਾਠ)

“ਭਰਦਯਾਲੁ -

ਟੁਕਾ ਯਾਯਾਫਯ , -53,

-53, ਸ/ 5

ਠਡਸ

ਟੁਕਾ ਯਾਯਾਫਯ , . . . , /

ਯਸ਼ਸ਼ਸ- . , (. . . ਟੁਕਾ - . / ਟੁਕਾ ਅਭਮਔਤ ਫਸ ਘਸ ਟੁਕਾ ਯਾ ਯਾ ਸਠ

ਯਸ਼ਸ਼ਸ- . 0 ; ਯਾਫਯ - , 3 - ਟੁਕਾ

- ਯਾ ਯਾ ਸਠ ਠਸ ਯਾਯਾਫਯ ਟੁਕਾ ਯਾਯਾਫਯ 6ਤਸਾ ਠਸ ਯਾ ਯਾ ਦਠਸ6 ਯਾਯਾਫਯ ਧੇ ਤ ਤ 6 ਔ :) ਪ੍ਰਮ ਠਸ ਯਾ ਯਾ	
. ਯਾ ਯਾ ਸਠ ਸਯਾਯਾਫਯ :- ਯਾਯਾਫਯ ਅਭਮਔਤ ਫਸ ਘਸ ਵੇਤ ਯਾਯਾਫਯ , ਪਫ ਟੁਕਾ ਔਯਾਯਾਫਯ ਤਾ ਨਹਯਠ ਯਾਯਾਫਯ ਯਾਯਾਫਯ ਟੁਕਾ ਅਭਮਔਤ ਫਸ ਘ ਸਧਫੈਬਸ6 ਯਾਯਾਫਯ ਪਡਤਯਾ ਸਫ: ਔ ਯਾਯਾਫਯ) ਦ ਟੁਕਾ ਲਸ਼ਯਾਮ ਤਯਾਫਯ ਵਸ਼ਯ ਯਾਯਾਫਯ ਯਾਯਾਫਯ	
ਪ ਵਪ , ਯਾ ਯਾ ਸਠ ਠਸ ਯਾਯਾਫਯ ਟਸ ਵਠਸ ਵਧ ਵ ਫਸ ਅਭਮਔਤ ਠ ਫ ਪ੍ਰਵ ਵਪਸ ਘਸ ਸ਼ਸ਼ , ਯਾਯਾਫਯ ਟੁਕਾ ਯਾਯਾਫਯ ਟੁਕਾ ਤ ਸ਼ਸ਼ ਵ ਵ	
/ ਯਾ ਯਾ ਸਠ ਠਸ ਯਾਯਾਫਯ ਟਸਯਾਫਯ:	ਵ ਟਸਯਾਫਯ
0 ਅ ਯਾਯਾਫਯ ਯਾ ਯਾ ਸਤਸਾ (ਯਾ ਯਾ ਵ ਟਸਯਾਫਯ ਵ:	(.....)
	ਯਾਯਾਫਯ , ਟਫਸ਼ਸ਼ਸ਼ਟਫਸ਼ੀ ਯਾ ਸ਼ਸ਼ , ਟੁਕਾ ਸ਼ਸ਼ਸ਼ਸ਼ਸ਼ , ਡਸ਼ਸ਼))))))))))))))))))
ਟੇ ਯਾਯਾਫਯ - ਧੇ ਮਸਾ ਤ ਵੇ , ਅ ਯਾਯਾਫਯ	

શ્રદવર્ષ . " દુષ્કર હાતાપમ, -570 (1970 સ/ 5 ઠડસ દુષ્કરહાતાપમ, . . . , / તપસાહાટપસા હા સ્મ સ્મસઘસા ઁ ઢુલ ઁ હાશ દ મ [ગસસ- . 0 (હાપમ -, 3ઔ- ઢુ]	
- દ મ ઠસશસહર્ષિઘટ હાવર્ષિઘ ળ તસા 6 ઠસા મ ઁ હા દઠસ6 દુષ્કર ધે ત ત 6 ઔ :)પૂમ ઠસા મ ઁ હા 6	
. તપસાહાટપસા હા સ્મ સ્મસ ઘસા ઁ ઢુલ સ હર્ષિઘટ (હા ઁ હાશ દ મ ઢસાઘ : વ) પસામસ ઁ ઢુલ ઠસા હર્ષિઘટ ઁ પડતશા સફ	
પ વપ....., હા સ્મઠ ઠસશવ ઔ ઠસ વઠસ વઢુ વ પવસઅમ્મ ઠ ફ પૂઢ વપસા વર્ષ પ ઘસા સ્મ, ાખતસ ઁ વહાશ સ ઁ ત સ્મ વ વ	
/ દ મ ઠસશવ ઠસર્ષિઘ:	વ ઠસર્ષિઘ
0 અ વર્ષિઘઠહાશ હ સતસા, હા તૂ વ ઠસર્ષિઘ વ:	(.....)
	ઁ વર્ષિઘ, દ મ ફશ્રસાહા સ્મ, ડસા)))))))))
તે હ- ઘે મસા ત વે, અ સ્મઢ "	

[ધસ દ)24031/13/2020- : દ ઁ બ)III]

હાપસા દસઢુ, ફ ઠ હાવર્ષિઘ

તે હ પમ હાપમ(તર્જીઠ ઁ વસપદવર્ષા સગસટ, તર્જી II, ઝ 3, અદ ઝ ii) હાઁખતસ , પસ

સ સહા 05/ (), ઢતસ 2 પ: (200/ ઁ પસપમ ઁ શ્ર સ્મઠ ઢુ ઁ વ હપ નસા ઢતસ

. - હ ઠનવ, 20. - હાઁખતસ , પસ સ સહા 202 () ઁ પસપમ ઁ લે હાઠ ઢુ

MINISTRY OF COMMERCE AND INDUSTRY

(Department for promotion of Industry and Internal Trade)

NOTIFICATION

New Delhi, the 16th March, 2024

G.S.R. 215(E). WHEREAS the draft of certain rules, further to amend the Patents Rules, 2003 was published as required under sub-section (3) of section 159 of the Patents Act, 1970 (39 of 1970), vide notification of the Government of India in the Ministry of Commerce & Industry (Department for Promotion of Industry and Internal Trade) number G.S.R. 08(E), dated the 2nd January, 2024 in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) inviting objections and suggestions from all person likely to be affected there by before the expiry of a period of thirty days from the date on which copies of the Official Gazette containing the said notification were made available to public;

AND WHEREAS copies of the Official Gazette in which the said notification was published were made available to the public on the 2nd January 2024;

AND WHEREAS the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

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

1. (1) These rules may be called the Patents (Second Amendment) Rules, 2024.
(2) They shall come into force from the date of their publication in the Official Gazette.
2. In the Patents Rules, 2003 (herein after referred to as the said rules), after rule 107, the following chapters shall be inserted namely, -

HMF UYJ WXIVA

ADJUDICATION OF PENALTIES AND APPEALS

107A. Definitions.-In this Chapter, unless the context otherwise requires,-

- (a) "adjudicating officer" means an officer authorized under section 124A of the Act;
- (b) appeal before the appellate authority under sub-section (1) of section 124B of the Act;
- (c) "appellate" means an authority officer authorized under sub-section (1) of section 124 B of the Act;
- (d) words and expressions used in these rules and not defined but defined in the Act, shall have the meaning respectively assigned to them in the act.

107 B. Complaint. (1) Any person may file a complaint in Form 31 through electronic means to the adjudicating officer regarding any contravention committed under sections 120, 122, and 123 of the Act.

107 C. Holding of inquiry. - (1) For the purpose of adjudication under section 124 A of the Act whether any person has committed any contravention as specified in that section, the adjudicating officer shall, issue a notice through electronic means to such person requiring him to show cause within such period as may be specified in the notice (being not less than seven days from the date of service thereof) why an inquiry should not be held against him.

- (2) Every notice under sub-rule (1) shall indicate the nature of contravention alleged to have been committed.
- (3) After considering the cause, if any, shown by such person, the adjudicating officer is of the opinion that an inquiry should be held, he shall issue a notice requiring the appearance of that person personally or through a legal practitioner duly authorised by him on such date as may be fixed in the notice.
- (4) On the date fixed, the adjudicating officer shall explain to the person proceeded against or his legal practitioner, the contravention, committed by such person and the provisions of the Act, in respect of which contravention is alleged to have committed.

- (5) The adjudicating officer shall, then, give an opportunity to such person to produce such documents or evidence as he may consider relevant to the inquiry and if necessary, the hearing maybe adjourned to a future date and in taking such evidence the adjudicating officer shall not bebound to observe the provisions of the Bhartiya Sakshya Adhiniyam 2023 (47 of 2023).
- (6) While holding an inquiry under this rule the adjudicating officer may require and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer may be useful for or relevant to the subject matter of the inquiry.
- (7) If any person fails, neglects or refuses to appear as required by sub-rule (3) before the adjudicating officer, the adjudicating officer may proceed with the inquiry in the absence of such person after recording the reasons for doing so.
- (8) If, upon consideration of the evidence produced before the adjudicating officer, the adjudicating officer is satisfied that the person has committed the contravention, he may, by order in writing, impose such penalty under the Act as he thinks fit
- (9) Every order made under sub-rule (8) shall specify the provisions of the Act in respect of which contravention has being committed and shall contain the reasons for imposing the penalty.
- (10) Every order made under sub-rule (8) shall be dated and signed by the adjudicating officer.
- (11) A copy of the order made under this rule and all other copies of proceedings shall be supplied free of charge to the person against whom the order is made.
- (12) The adjudicating officer shall complete the proceeding within the three months form the issuance of the notice to the opposite party.

107 D. Appeal:- (1) Any person aggrieved by an order of the adjudicating under this rule, may prefer an appeal in Form 32 through electronic means to appellate authority, within sixty days from the date of the order, to the appellate authority, within sixty days from the date of the order.

Provided that the appellate authority may entertain appeal after the expiry of the said period it he satisfied that he has sufficient cause for the not filling the appeal within such period.

(2) On receipt of the appeal, the appellate authority shall issue a notice requiring, to the Respondent, to file his reply within such period as may be specified in the notice.

(3) The appellate authority shall, after giving the parties a reasonable opportunity of being heard, pass a reasoned order, including an order for adjournment, and complete the proceedings ordinarily within six months from the date of the receipt of the appeal.

107H. Serving upon parties - (1) All communications under this Chapter shall be transmitted through electronic means only.

(2) In proving such transmission, it shall be sufficient to show that the communication was properly addressed and transmitted through electronic means.

107I. Extension of time.- The adjudicating officer or the appellate authority may, for reasons to be recorded in writing, where there is a reasonable cause for the delay or failure to act, extend any period specified in this chapter till such period as he may thinks fit.

107L. Order and penalties.- (1) Every order under this Chapter, , shall be dated, digitally signed, communicated to all the parties, and also uploaded on the official website of the adjudicating officer or the appellate authority as the case may be

(2) All sums realized by way of penalties under this Chapter shall be credited to the Consolidated Fund of India".

3. In the said rules, in the SECOND SCHEDULE,

the following shall be

inserted, namely:

1	2	3
	Section 124A, rule 107C	Complaint for contravention of sections 120, 122, and 123
32.	Section 124B, rule 107F	Appeal against an order of the adjudicating

(b) In the second schedule to the said rules, after Form 30, the following forms shall be inserted, namely:

T WR 31 THE PATENTS ACT,1970 (39 OF 1970) and THE PATENTS RULES, 2003 COMPLAINT FOR CONTRAVENTION OR DEFAULT OF SECTIONS 120, 122 and 123 [See section 124A, rule 107(1)]	
1. Particulars of Complainant (mandatory): - a. Name: b. Address for service: c. Contactno.: d. Email (for service):	
2.Of Complaint:-	
a. Date, time, and instance of commission of the alleged contravention or default:	

b. Statement of contravention or default setting out all relevant material particulars:	
c. Evidence in support of the statement:	
e. Tentative amount of damage (in Monetary terms) with cost break up	
I/We, the Complainant here in declare that the facts stated here in are correct to the best of my/our knowledge, information and belief.	
3.Signature of the Complainant:	Signature
4. Name of the natural person who has signed:	
	To, The Adjudicating Officer, The Patent Office, at
Note.-Strike out whichever is not applicable.	

FORM 32 THE PATENTS ACT, 1970 (39 OF 1970) and THE PATENTS RULES, 2003 APPEAL AGAINST AN ORDER PASSED BY THE ADJUDICATING OFFICER [Section 124B, rule 107D(1)]	
1. Particulars of Appellant (mandatory):- a. Name:	

b. Address for service: c. Contact no.: d. Email (for service):	
2. Particulars of Order passed by the adjudicating officer against which the appeal is preferred: -	
a. Case No.:	
b. Date of Order:	
c. Evidence in support of the statement:	
Appellant herein declare that the facts stated herein are correct to the best of my/our knowledge, information and belief.	
3. Signature of the Appellant:	Signature
4. Name of the natural person who has signed:	
	To, The Appellate Authority, at
Note. -Strikeout which ever is not	

[F. No.P-24031/13/2020-IPR-III]

HIMANI PANDE Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-Section (ii) vide number S.O. 493 (E) dated the 2nd May, 2003 and last amended vide notification number G.S.R. 646(E) dated the 21st September, 2021