

**MINISTRY OF COMMERCE AND INDUSTRY****(Department of Industrial Policy and Promotion)****NOTIFICATION**

New Delhi, the 16th May, 2013

**G.S.R.312(E).**— Whereas certain draft rules were published, in exercise of the powers conferred by Section 159 of the Patents Act, 1970 (39 of 1970), in Gazette of India, Extraordinary, Part II Section 3, Sub-Section(i) dated 21<sup>st</sup> January, 2013, vide notification of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) number G.S.R. 29(E) dated 21<sup>st</sup> January, 2013 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of forty five days from the date on which copies of the Official Gazette containing the notification were made available to the public;

And whereas, the copies of the Official Gazette containing the said notification were made available to the public on 21<sup>st</sup> January, 2013;

And whereas, no objection and suggestions were received 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 (Appeals and Applications to the Intellectual Property Appellate Board) Rules, 2011 namely:—

**1. Short title and commencement.**— (1) These rules may be called the Patents (Applications and Appeals to the Intellectual Property Appellate Board) Amendment Rules, 2013.

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

**2. In the Patents (Applications and Appeals to the Intellectual Property Appellate Board) Rules, 2011,—**

**(a) in the First Schedule, —**

**(i) for Form 2, the following Form shall be substituted, namely:—**

**"FORM 1**  
**[See rule 2]**  
**BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD**  
**APPLICATION FOR REVOCATION**  
**ORA No.**

Date Seal

(In the matter of -----)

1. Name of Applicant :
2. Address :
3. Name of Counsel and address :
4. Name(s) of Respondent (s) with address :  
 [In case of foreign respondent(s), the address for service in India, if any, may be furnished]
5. Relief claimed and relevant Sections :
6. Particulars of parallel or collateral proceedings :
7. In application for revocation of Patent (details of impugned patent – date of grant, title of patent complete specification) :
8. Facts of case  
 (set out facts in brief along with the evidence and the documents relied on)
9. Grounds on which relief is Sought for (in brief)
10. Details of fees
11. Prayer
12. Affidavit as below, in support thereof

Dated this ..... Day of .....  
 Place -----

Signature of the applicant

**List of documents:**

The proof affidavit along with the documents shall be filed.

[ For example,

Annexure-1: Copy of Certificate/order obtained by the respondent in respect of impugned patent.

Annexure-2 and so on:  
 Other documents.]

## AFFIDAVIT

BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD

Case No.  
(In the matter of -----)

----

Cause title:

... Applicant

vs.

... Respondent

----

Shri ----- son of ----- aged at ----- residing at ----- do solemnly affirm and declare as under:--

Xxx

Xxx

Deponent

## Verification

I ..... (name of deponent/of ..... Nationality, resident of .....) do hereby verify that the contents of paras ..... to ..... are true to my/our personal knowledge and paras ..... to ..... are believed to be true on legal advice and that I/we have not suppressed any material fact.

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

Place -----

Signature of the Deponent";

(ii) for Form-2, the following Form shall be substituted, namely:-

"FORM 2  
[See rule 2]

BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD

APPEAL

O.A. No.

Date Seal

(Appeal arising out of ..... )  
.....

Cause title:

... Appellant/(rank of party before the Registry, if any)

vs.

...Respondent/(rank of party before the Registry, if any)  
.....

The appellant above named, prefers the appeal under Section 117A, against the order dated .....for the following among other grounds:

(a)

(b)

(c)

(d)

Limitation:—

For the above reasons, it is prayed .....

Affidavit, as below, in support thereof:

Dated this ..... Day of .....

Place .....

Signature of the appellant

## AFFIDAVIT

BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD

Case No.

(In the matter of -----)

-----

Cause title:

... Appellant

vs.

... Respondent

-----

Shri ----- son of ----- aged at ----- residing at ----- do solemnly affirm and declare as under:—

Xxx

Xxx

Deponent

## Verification

I ----- (name of deponent/of ----- Nationality, resident of -----) do hereby verify that the contents of paras ----- to ----- are true to my/our personal knowledge and paras ----- to ----- are believed to be true on legal advice and that I/we have not suppressed any material fact.

Dated this ----- day of -----

Place

Signature of the Deponent";

(iii) for Form-3, the following Form shall be substituted, namely:—

**"FORM 3**  
[See rule 2]

BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD

(Application for condoning the delay in filing Appeal under Section 117A of the Patents Act, 1970)

Date Seal

M.P. No.

(In the matter of -----)

1. Name of Petitioner/Appellant :
2. Address :
3. Name of Counsel and address :
4. Name(s) of Respondent (s) with address :  
[In case of foreign respondent(s), the address for service in India, if any, may be furnished]
5. Period of delay
6. Grounds.
7. Prayer

Affidavit, as below, in support thereof

Dated this ..... Day of .....

Place .....

Signature of the petitioner

## AFFIDAVIT

BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD

Case No.

(In the matter of -----)

---

Cause title:

... Appellant

vs.

... Respondent

---

Shri ----- son of ----- aged at ----- residing at ----- do solemnly affirm and declare as under:—

Xxx

Xxx

Deponent

Verification

I ..... (name of deponent/of ..... Nationality, resident of .....) do hereby verify that the contents of paras ..... to ..... are true to my/our personal knowledge and paras ..... to ..... are believed to be true on legal advice and that I/we have not suppressed any material fact.

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

Place .....

Signature of the Deponent";

(b) For the Second Schedule, the following Schedule shall be substituted, namely:—

**“The Second Schedule**

[See rule 4]

**Fees**

S.No.	Description	Fees		Corresponding Form Number
		For natural person	For other than natural person either along or jointly with natural persons	
(1)	(2)	(3)	(4)	(5)
1	Application for revocation/rectification	Rs.5000/-	Rs.10000/-	Form-1
2	For filing Appeal	Rs.5000/-	Rs.10000/-	Form-2
3	Petition for condonation of delay	Rs.2500/- per month or part thereof	Rs.5000/- per month or part thereof	Form-3 <sup>rd</sup>

[No. F. 7/11/2012-IPR-I/IPAB]

D.V. PRASAD, Jt. Secy.

**Note.**—The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i) vide notification number G.S.R. 209 (E), dated the 11<sup>th</sup> March, 2011.