

PATENTS (APPEALS AND APPLICATIONS TO THE INTELLECTUAL
PROPERTY APPELLATE BOARD) RULES, 2011

PREAMBLE

Whereas the draft of the Patents (Appeals and Applications to the Intellectual Property Appellate Board) Rules, 2010 were published as required by subsection (3) of Section 159 of the Patents Act, 1970 in Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) dated 20th August, 2010, vide notification of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) number G.S.R.690 (E), dated 18th August, 2010, 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 Gazette containing the notification were made available to the public; And whereas the copies of the Gazette containing the notification were made available to the public on 27th August, 2010; And whereas the objections and suggestions received from the public 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 namely:--

1. Short title and commencement.--

- (1) These rules may be called the Patents (Appeals and Applications to the Intellectual Property Appellate Board) Rules, 2011.
(2) They shall come into force on the date of their final publication in the Official Gazette.

2. Appeals and applications.--

The manner of making appeals and applications and the forms of appeals and applications to the Appellate Board and the manner of verification thereof shall be as provided in the First Schedule.

3. Condonation of delay in filing appeal.--

Subject to the rules, if any, made in that behalf by Appellate Board any appeal under Section 117A of the Patents Act, 1970 may be admitted after the prescribed period, if the Appellate Board is satisfied on a

petition made to it in Form 3 that there is sufficient cause for not preferring the appeal within the prescribed time.

4. Fees.--

The fees for filing appeal, application petition for condonation of delay

before the Appellate Board shall be as provided in the Second Schedule

which shall be paid by way of bank draft drawn in favour of the Deputy

Registrar, Intellectual Property Appellate Board, payable at Chennai.