

## THE SCHEDULE

[See section 162]

### AMENDMENTS TO THE INDIAN PATENTS AND DESIGNS ACT, 1911

1. Long title—Omit “Inventions and”.
2. Preamble—Omit “inventions and”.
3. Section 1—In sub-section (1) omit “Indian Patents and”.
4. Section 2—
  - (a) omit clause (1);
  - (b) in clause (2) omit “(as respects designs)”;
  - (c) for clause (3), substitute—

‘(3) “controller” means the Controller General of Patents, Designs and Trade Marks appointed under sub-section (1) of section 4 of the Trade and Merchandise Marks Act, 1958 (43 of 1958);’;
  - (d) in clause (5) for “trade mark as defined in section 478”, substitute “trade mark as defined in clause (v) of sub-section (1) of section 2 of the Trade and Merchandise Marks Act, 1958 (43 of 1958)”;
  - (e) omit clause (6);
  - (f) in clause 7, after sub-clause (ee) insert,—

“(f) in relation to the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu, the High Court at Bombay;

(g) in relation to the Union territory of Pondicherry, the High Court at Madras.”;
  - (g) omit clauses (8), (10) and (11);
  - (h) for clause (12), substitute—

‘(12) “patent office” means the patent office referred to in section 74 of the Patents Act, 1970.’
5. Omit Part I.
6. For section 51B, substitute—

**“51B. Designs to bind Government.**—A registered design shall have to all intents the like effect as against Government as it has against any person and the provisions of Chapter XVII of the Patents Act, 1970, shall apply to registered designs as they apply to patents.”
7. In section 54, for “The provisions of this Act,” substitute “The provisions of the Patents Act, 1970”.
8. Omit sections 55 and 56.
9. Section 57—For sub-section (1), substitute—

“(1) There shall be paid in respect of the registration of designs and applications therefor and in respect of other matters relating to designs under this Act such fees as may be prescribed by the Central Government.”
10. Omit section 59A.
11. Section 61—Omit sub-section (1).

12. For section 62, substitute—

**“62. Power of Controller to correct clerical errors.**—The Controller may, on request in writing accompanied by the prescribed fee, correct any clerical error in the representation of a design or in the name or address of the proprietor of any design or in any other matter which is entered upon the register of designs.”.

13. Section 63—

(a) in sub-section (1), omit “to a patent or” and “patent or”;

(b) in sub-section (2), omit “patent or” and for “patents or designs, as the case may be,”, substitute “designs,”;

(c) in sub-section (3), omit “patent or” wherever that expression occurs;

(d) in sub-section (4), omit “to a patent or”.

14. Section 64—

(a) in sub-section (1), omit “patents or” and omit the word “either” wherever it occurs;

(b) in sub-section (5), omit clause (a).

15. Omit section 66.

16. Section 67—Omit “for a patent, or for amendment of an application or of a specification, or”.

17. Section 69—In sub-section (1), omit “to grant a patent for an invention or”.

18. Section 71A—Omit “or from patents, specifications and other.”.

19. Omit section 72.

20. Omit sections 74A and 75.

21. Section 76—

(a) in sub-section (1), omit “other”;

(b) in sub-section (2), in clause (c), omit “opponent”.

22. Section 77—

(a) in sub-section (1)—

(i) in clauses (c) and (d), omit “specifications”;

(ii) for clause (e), substitute—

“(e) providing for the inspection of documents in the patent office and for the manner in which they may be published;”;

(iii) omit clause (eee);

(b) omit sub-section (2A).

23. Omit section 78.

24. For section 78A, substitute—

**“78A. Reciprocal arrangement with United Kingdom and other Commonwealth countries**—(1) Any person who has applied for protection for any design in the United Kingdom or his legal representative or assignee shall, either alone or jointly with any other person, be entitled to claim that the registration of the said design under this Act shall be in priority to other applicants and shall have the same date as the date of the application in the United Kingdom:

Provided that—

(a) the application is made within six months from the application for protection in the United Kingdom; and

(b) nothing in this section shall entitle the proprietor of the design to recover damages for infringements happening prior to the actual date on which the design is registered in India.

(2) The registration of a design shall not be invalidated by reason only of the exhibition or use of, or the publication of a description or representation of, the design in India during the period specified in this section as that within which the application may be made.

(3) The application for the registration of a design under this section must be made in the same manner as an ordinary application under this Act.

(4) Where it is made to appear to the Central Government that the legislature of any such Commonwealth country as may be notified by the Central Government in this behalf has made satisfactory provision for the protection of designs registered in India, the Central Government may, by notification in the Official Gazette, direct that the provisions of this section, with such variations or additions, if any, as may be set out in such notification, shall apply for the protection of designs registered in that Commonwealth country.”.

25. Omit sections 78B, 78C, 78D and 78E.

26. Omit the Schedule.