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INTELLECTUAL PROPERTY INDIA
PATENTS | DESIGNS | TRADE MARKS
GEOGRAPHICAL INDICATIONS

THE PATENTS RULES, 2003

Rule 2

Definitions

In these rules, unless the context otherwise requires,-

(a) "Act" means the Patents Act, 1970 (39 of 1970);

(b) "appropriate office" means the appropriate office of the patent office as specified in rule 4;

(c) "article" includes any substance or material, and any plant, machinery or apparatus, whether affixed to land or not;

(ca)"educational institution" means a university established or incorporated by or under Central Act, a Provincial Act, or a State Act, and includes any other educational institution as recognised by an authority designated by the Central Government or the State Government or the Union territories in this regard;

(d) "Form" means a Form specified in the Second Schedule;

(da) "person other than a natural person" shall include a "small entity";

(db) "Request for examination" means a request for examination, including expedited examination, made under section 11B in respect of rule 24B or rule 24C;

(e) "Schedule" means Schedule to these rules;

(f) "section" means a section of the Act;

(fa) "small entity" means, -
(i) in case of an enterprise engaged in the manufacture or production of goods, an enterprise where the investment in plant and machinery does not exceed the limit specified for a medium enterprise under clause (a) of sub-section (1) of section 7 of the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006); and

(ii)in case of an enterprise engaged in providing or rendering of services, an enterprise where the investment in equipment is not more than the limit specified for medium enterprises under clause (b) of sub-section (I) of Section 7 of the Micro, Small and Medium Enterprises Development Act, 2006.
Explanation 1. - For the purpose of this clause, "enterprise" means an industrial undertaking or a business concern or any other establishment, by whatever name called, engaged in the manufacture or production of goods, in any manner, pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951 (65 of 1951) or engaged in providing or rendering of any service or services in such an industry.

Explanation 2. - In calculating the investment in plant and machinery, the cost of pollution control, research and development, industrial safety devices and such other things as may be specified by notification under the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006); shall be excluded.

Explanation 3.- The reference rates of foreign currency of the Reserve Bank of India shall prevail.

(fb) (i) "Startup" means
(a) an entity in India recognised as a startup by the competent authority under Startup India initiative.
(b) In case of a foreign entity, an entity fulfilling the criteria for turnover and period of incorporation/ registration as per Startup India Initiative and submitting declaration to that effect.

Explanation: In calculating the turnover, reference rates of foreign currency of Reserve Bank of India shall prevail.

(g) words and expressions used, but not defined in these rules, shall have the meanings respectively assigned to them in the Act.

<<previous next>>