



THE PATENTS RULES, 2003

Rule 102

Application for termination of compulsory licence under section 94

- (1) An application for termination of compulsory licence under section 94(1) shall be made in Form 21 by the patentee or any other person deriving title or interest in the patent. The application shall be accompanied by the evidence in support of the application.
- (2) The applicant shall serve a copy of the application and evidence on the holder of the compulsory licence and shall inform the Controller the date on which the service has been effected.
- (3) The holder of the compulsory licence may file his objection along with evidence, if any, to the application within one month from the date of receipt of the application and evidence by him to the Controller and serve a copy thereof to the applicant.
- (4) No further evidence or statement shall be filed by either party except with special leave of or on requisition by the Controller.
- (5) On completion of the above proceedings, the Controller shall forthwith fix a date and the time for the hearing of the case and shall give the parties not less than ten days' notice of such hearing.
- (6) The procedure specified in sub-rules (2) to (5) of rule 62 so far as may be, apply to the procedure for hearing under this rule as they apply to the hearing in opposition proceedings.
- (7) If the Controller decides to terminate the compulsory licence he shall forthwith issue an order giving terms and conditions, if any, of such termination and serve copies of the order to both the parties.

[<<previous](#)[next>>](#)