



THE PATENTS ACT, 1970

Section 2

Definitions and interpretation

(1) In this Act, unless the context otherwise requires,-

- (a) "Appellate Board" means the Appellate Board referred to in section 116;
- (ab) "assignee" includes an assignee of the assignee and the legal representative of a deceased assignee and references to the assignee of any person include references to the assignee of the legal representative or assignee of that person;
- (aba) "Budapest Treaty" means the [Budapest Treaty](#) on the International Recognition of the Deposit of Micro-organisms for the purposes of Patent Procedure done at Budapest on 28th day of April, 1977, as amended and modified from time to time;
- (ac) "capable of industrial application", in relation to an invention, means that the invention is capable of being made or used in an industry;
- (b) "Controller" means the Controller General of Patents, Designs and Trade Marks referred to in section 73;
- (c) "convention application" means an application for a patent made by virtue of section 135;
- (d) "convention country" means a country or a country which is member of a group of countries or a union of countries or an Inter-governmental organization referred to as a convention country in section 133;
- (e) "district court" has the meaning assigned to that expression by the [Code of Civil Procedure, 1908 \(5 of 1908\)](#);
- (f) "exclusive licence" means a licence from a patentee which confers on the licensee, or on the licensee and persons authorised by him, to the exclusion of all other persons (including the patentee), any right in respect of the patented invention, and exclusive licensee shall be construed accordingly;
- (g) [Omitted]
- (h) "Government undertaking" means any industrial undertaking carried on—
 - (i) by a department of the Government, or
 - (ii) by a corporation established by a Central, Provincial or State Act, which is owned or controlled by the Government, or
 - (iii) by a Government company as defined in section 617 of the [Companies Act, 1956 \(1 of 1956\)](#), or
 - (iv) by an institution wholly or substantially financed by the Government;
- (i) "High Court", in relation to a State or Union territory, means the High Court having territorial jurisdiction in that State or Union territory, as the case may be;
- (ia) "international application" means an application for patent made in accordance with the [Patent Cooperation Treaty](#);
- (j) "invention" means a new product or process involving an inventive step and capable of industrial application;
- (ja) "inventive step" means a feature of an invention that involves technical advance as compared to the existing knowledge or having economic significance or both and that makes the invention not obvious to a person skilled in the art;
- (k) "legal representative" means a person who in law represents the estate of a deceased person;
- (l) "new invention" means any invention or technology which has not been anticipated by publication in any document or used in the country or elsewhere in the world before the date of filing of patent application with complete specification, i.e., the subject matter has not fallen in public domain or that it does not form part of the state of the art;
- (la) "Opposition Board" means an Opposition Board constituted under sub-section (3) of section 25;
- (m) "patent" means a patent for any invention granted under this Act;
- (n) "patent agent" means a person for the time being registered under this Act as a patent agent;
- (o) "patented article" and "patented process" means respectively an article or process in respect of which a patent is in force;
- (oa) "Patent Cooperation Treaty" means the [Patent Cooperation Treaty](#) done at Washington on the 19th day of June, 1970 as amended and modified from time to time;
- (p) "patentee" means the person for the time being entered on the register as the grantee or proprietor of the patent;

- (q) "patent of addition" means a patent granted in accordance with section 54;
 - (r) "patent office" means the patent office referred to in section 74;
 - (s) "person" includes the Government;
 - (t) "person interested" includes a person engaged in, or in promoting, research in the same field as that to which the invention relates;
 - (ta) "pharmaceutical substance" means any new entity involving one or more inventive steps;
 - (u) "prescribed" means,—
 - (A) in relation to proceedings before a High Court, prescribed by rules made by the High Court;
 - (B) in relation to proceedings before the Appellate Board, prescribed by rules made by the Appellate Board; and
 - (C) in other cases, prescribed by rules made under this Act;
 - (v) "prescribed manner" includes the payment of the prescribed fee;
 - (w) "priority date" has the meaning assigned to it by section 11;
 - (x) "register" means the register of patents referred to in section 67;
 - (y) "true and first inventor" does not include either the first importer of an invention into India, or a person to whom an invention is first communicated from outside India.
- (2) In this Act, unless the context otherwise requires, any reference—
- (a) to the Controller shall be construed as including a reference to any officer discharging the functions of the Controller in pursuance of section 73;
 - (b) to the patent office shall be construed as including a reference to any branch office of the patent office.

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