



THE PATENTS ACT, 1970

Section 159

Power of Central Government to make rules

- (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) Without prejudice to the generality of the foregoing power, the Central Government may make rules to provide for all or any of the following matters, namely:—
- (i) the form and manner in which any application for a patent, any specifications or drawings and any other application or document may be filed in the patent office;
 - (ia) the period which the Controller may allow for filing of statement and undertaking for in respect of applications under sub-section (1), the period within which the details relating to processing of applications may be filed before the Controller and the details to be furnished by the applicant to the Controller under sub-section (2) of section 8;
 - (ib) the period within which a reference to the deposit of materials shall be made in the specification under sub-clause (A) of clause (ii) of the proviso to sub-section (4) of section 10;
 - (ic) the period for which application for patent shall not be open to the public under sub-section (1) and the manner in which the applicant may make a request to the Controller to publish his application under sub-section (2) of section 11 A;
 - (id) the manner of making the request for examination for an application for patent and the period within which such examination shall be made under sub-sections (1) and (3) of section 11B;
 - (ie) the manner in which an application for withdrawal of an application for grant of a patent shall be made and the period within which a request for examination from the date of revocation of secrecy directions shall be made under the proviso to sub-section (4) of section 11B.
 - (ii) the time within which any act or thing may be done under this Act, including the manner in which and the time within which any matter may be published under this Act;
 - (iii) the fees which may be payable under this Act and the manner and time of payment of such fees;
 - (iv) the matters in respect of which the examiner may make a report to the Controller;
 - (v) the manner in which and the period within which the Controller shall consider and dispose off a representation under sub-section (1) of section 25;
 - (va) the period within which the Controller is required to dispose of an application under section 39;
 - (vi) the form and manner in which and the time within which any notice may be given under this Act;
 - (vii) the provisions which may be inserted in an order for restoration of a patent for the protection of persons who may have availed themselves of the subject-matter of the patent after the patent had ceased;
 - (viii) the establishment of branch offices of the patent office and the regulation generally of the business of the patent office, including its branch offices;
 - (ix) the maintenance of the register of patents and the safeguards to be observed in the maintenance of such register in computer floppies, diskettes or any other electronic form and the matters to be entered therein;
 - (x) the matters in respect of which the Controller shall have powers of a civil court;
 - (xi) the time when and the manner in which the register and any other document open to inspection may be inspected under this Act;
 - (xii) the qualifications of, and the preparation of a roll of, scientific advisers for the purpose of section 115;
 - (xiia) the salaries and allowances and other conditions of service of the officers and other employees of the Appellate Board under sub-section (2) and the manner in which the officers and other employees of the Appellate Board shall discharge their functions under subsection (3) of section 117;
 - (xiib) the form of making an appeal, the manner of verification and the fee payable under sub-section (3) of section 117A;
 - (xiic) the form in which, and the particulars to be included in the application to the Appellate Board under sub-section (1) of section 117D;
 - (xiii) the manner in which any compensation for acquisition by Government of an invention may be paid;

(xiv) the manner in which the register of patent agents may be maintained under sub-section (1) of section 125 and the safeguards to be observed in the maintenance of such register of patent agents on computer floppies, diskettes or any other electronic form under subsection (2) of that section; the conduct of qualifying examinations for patent agents; and matters connected with their practice and conduct, including the taking of disciplinary proceedings against patent agents for misconduct;

(xv) the regulation of the making, printing, publishing and selling of indexes to, and abridgements of, specifications and other documents in the patent office; and the inspection of indexes and abridgements and other documents;

(xvi) any other matter which has to be or may be prescribed.

(3) The power to make rules under this section shall be subject to condition of the rules being made after previous publication: Provided that the Central Government may, if it is satisfied that the circumstances exist which render it practically not possible to comply with such condition of previous publication, dispense with such compliance.

[<<previous](#)

[next>>](#)