INDIAN PATENT OFFICE

AS

DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:
Office: Indian Patent Office
Controller: Controller of Patents
PA: The Patents Act, 1970 as amended by the Patents (Amendment) Act, 2005
PR: The Patents Rules, 2003 as amended by the Patents (Amendment) Rules, 2016

(15 August 2019)
### SUMMARY

**Designated (or elected) Office**

**IN**

**INDIAN PATENT OFFICE**

Summary of requirements for entry into the national phase

<table>
<thead>
<tr>
<th>Time limits applicable for entry into the national phase:</th>
<th>Under PCT Article 22(3): 31 months from the priority date</th>
<th>Under PCT Article 39(1)(b): 31 months from the priority date</th>
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<tr>
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<td>English</td>
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<tr>
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<td>Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract</td>
<td>Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)</td>
</tr>
<tr>
<td>Is a copy of the international application required?</td>
<td>A copy is required only if the applicant has not received Form PCT/IB/308 and the Indian Patent Office has not received a copy of the international application from the International Bureau under PCT Article 20.</td>
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<tr>
<td>National fee:</td>
<td>Currency: Indian rupee (INR)</td>
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<th>Small entity alone or with natural person(s) and/or startup</th>
<th>Others, alone or with natural person(s) and/or startup and/or small entity</th>
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<td>Up to 30 sheets and 10 claims:</td>
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</table>

[Continued on next page]

1. Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1), or at the time of any earlier express request by the applicant to proceed earlier with the national phase.

2. The Office’s fee schedule is available at: [www.ipindia.nic.in/writereaddata/portal/spoformupload/1_11_1/fees.pdf](http://www.ipindia.nic.in/writereaddata/portal/spoformupload/1_11_1/fees.pdf)
| Exemptions, reductions or refunds of the national fees: | See Summary above and Annex IN.I |
| Special requirements of the Office (PCT Rule 51bis):③ | Name, address and nationality of the inventor if they have not been furnished in the “Request” part of the international application⁴ |
| | Instrument of assignment or transfer where the applicant is not the inventor⁴ |
| | Document evidencing a change of name of the applicant if the change occurred after the international filing date and has not been reflected in a notification from the International Bureau (Form PCT/IB/306) |
| | Declaration of inventorship by the applicant⁴ |
| | Address for service in India (but no representation by an agent is required) |
| | Power of attorney if an agent is appointed |
| | Verification of translation |
| | Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form |

Who can act as agent? | Any patent agent registered to practice before the Office

Does the Office accept requests for restoration of the right of priority (PCT Rule 49ter.2)? | No

③ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

④ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.
THE PROCEDURE IN THE NATIONAL PHASE

IN.01 FORMS FOR ENTERING THE NATIONAL PHASE. The Office has a form (Form I – see Annex IN.II) for providing details of an international application entering the national phase. This form should preferably be used. PCT applicants are not, in accordance with Article 22, required, at this stage, to furnish all the items set out in Box 10 of the form, namely the statement of undertaking nor any priority document or translations thereof.

IN.02 TRANSLATION (VERIFICATION). The required verification of the translation of the international application and of any other document, which was not either filed or published in English, consists of a simple statement by the applicant, or the person duly authorized by the applicant, to the effect that the translation is correct and complete.

IN.03 TRANSLATION (CORRECTION). Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003). A request for correction or amendment must be made on Form 13 (see Annex IN.XII) together with the payment of the prescribed fee.

IN.04 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex IN.I.

IN.05 CLAIMS FEE. The claims fee is calculated on the basis of the number of claims contained in the international application at the time of national phase entry including, where amendments have been filed during the international phase, the claims as amended under PCT Article 19 or 34(2). Where the applicant fails to pay the correct amount of the claims fee within the prescribed time limit, the application will be deemed not to have been filed under Section 142(3) of the Patents Act, 1970 (for the amount of the claims fee see Annex IN.I).

IN.06 RENEWAL FEES. After a patent has been granted, renewal fees must be paid for maintaining the patent in force. The renewal fees indicated in Annex IN.I shall be payable to the office at the expiry of the second year from the date of the patent. Further renewal fees are due before the expiry of each succeeding year. If the renewal fee is not paid within the prescribed time limit, the patent will cease to have effect. However, a patent may be restored provided that an application for restoration is made on Form 15 (see Annex IN.XIV) within 18 months from the date of cessation (see paragraph IN.15). Where the patent is granted later than two years after filing, the fees which have become due must be paid within three months of grant (extendable up to an additional six months using Form 4 (see Annex IN.V)). Thereafter every renewal fee becomes due before the anniversary of the granted patent. A request for renewal of a patent must be made on plain paper accompanied by the prescribed fee (see Annex IN.I).

IN.07 REPRESENTATION. An applicant, irrespective of whether or not he is a national of or a resident in India, is not required to be represented by an agent, but he is required to have an address for service (for notices and other communications) in India. If an agent is appointed to represent the applicant, a written authorization should be filed on Form 26 (see Annex IN.XIX) or a power of attorney should be submitted.

IN.08 STATEMENT CONCERNING CORRESPONDING APPLICATIONS IN OTHER COUNTRIES. The applicant must file within six months from the date of entry into the national phase, a statement concerning any corresponding applications filed in other countries. The statement must be made on Form 3 (see Annex IN.IV) which includes an undertaking that the applicant will update the statement. No fee is required.
### Amendment of the Application; Time Limits

The applicant may, at any time before the patent is granted, make amendments to his application during the national phase provided that these do not exceed the scope of the application as originally filed. The applicant may amend the patent application or the complete specification or any document related thereto, at the discretion of the Controller, by filing a formal request on Form 13 (see Annex IN.XII) and paying the prescribed fees (see Annex IN.I). It should be noted that amendments may only be requested during the national phase proceedings and not before or at the time of national phase entry. An application for amendments may also be filed after the grant of patent. However, such amendments can only be filed by way of disclaimer, correction or explanation as prescribed under Section 59 of the Patents Act. Where an amendment is made after the grant of patent, any interested person may oppose the amendment of the patent application by filing a notice of opposition on Form 14 (see Annex IN.XIII) within three months from publication of the amended application in the Official Journal of the Indian Patent Office.

### Publication of Application

All applications for patents are published and open to the public after the expiry of 18 months from the priority date except for applications which are provisional or withdrawn or have secrecy provisions under the Act.

### Pre-Grant Opposition

Any person may, at any time after the publication of the application but before the grant of the patent, file an opposition to the grant of the patent on Form 7(A) (see Annex IN.VIII) with the Controller with a copy to the applicant. A statement in support of the opposition should also be filed, together with evidence, if any, and a request for a hearing, if so desired.

### Request for Examination

A patent application shall not be examined unless the applicant or any other interested person makes a request for such examination in the prescribed manner within 48 months from the date of priority of the application (if applicable) or from the date of filing of the patent application, whichever is earlier. Such a request must be made on Form 18 (see Annex IN.XVI).

A request for examination may be converted into a request for expedited examination, subject to the furnishing of the required documents and the payment of a balance fee (see Annex IN.I). The request to convert the request for examination into a request for expedited examination must be accompanied by a request for publication under Rule 24A, except where the application has been published or where a request for publication under Rule 24A has already been filed.

### Request for Expedited Examination

An applicant may file a request for expedited examination on Form 18A (see Annex IN.XVII) and pay the fee indicated in Annex IN.I. The request must be filed by electronic means within the period prescribed in Rule 24B. A request for expedited examination can only be filed where the Office has been specified as the competent International Searching Authority or International Preliminary Examination Authority in the corresponding international application or where the applicant is a startup.

### Request for Withdrawal of Application

An applicant may file a request for withdrawal of the application under paragraph 4(i) of Section 11B and Rule 26 on Form 29 (see Annex IN.XXI). If the application is withdrawn after the filing of a request for examination but before the issuance of the first statement of objection, the fee may be refunded under Rule 7(4A) as indicated in Annex IN.I.

### Period for Responding to a Statement of Objections

A statement of objections will be issued by the Controller in respect of applications that fail to comply with the requirements of the Patents Act. An application will be considered as abandoned unless the applicant complies with all the requirements of the Patents Act and the rules made thereunder within six months from the date on which a first statement of objection is issued. The time for putting an application in order for grant may be further extended for a period of 3 months on a request for extension made on Form 4 (see Annex IN.V) along with the payment of the prescribed fee as indicated in Annex IN.I.

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(19 January 2017)
IN.16 **POST-GRANT OPPOSITION.** At any time after the grant of the patent but before the expiry of a period of one year from the date of publication of the grant of the patent, any person may file a notice of opposition on Form 7 (see Annex IN.IX).

IN.17 **REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase.

IN.18 **EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.

IN.19 Where, during the national phase, the applicant wishes to extend a time limit for performing certain acts relating to the patent application, such as:

- filing of a statement and undertaking regarding foreign applications (Form 3 – see Annex IN.IV)
- filing of a declaration of inventorship (to be made using Form 5 – see Annex IN.VI)
- filing of a request for renewal of a patent (Rule 80(1A))
- filing a petition to review an order of the Controller under Section 77(1)(f)
- payment of accumulated renewal fees under Section 142(4) after the grant of the patent

he should furnish Form 4 (see Annex IN.V) before the expiry of the time limit together with payment of the prescribed fee. The time limit may then be extended if the Controller thinks fit and so directs.

The Controller has the power to extend the time limit up to one month beyond that prescribed in the patent rules provided that the fee for such request is paid in advance (Rule 138). It should be noted that the extended time limit does not apply to the filing of a national phase application (Rule 20(4)(i)), of a translation of amended claims (Rule 20(6)), of a priority document (Rule 21), of a request for examination (Section 24B(1), the time limit for putting the application in order for grant under Rule 24B(5) and (6) and 24C(10) and 11, the applicant’s statement and evidence in the opposition proceedings (Rule 55(4)), the payment of renewal fees (Rule 80(1A)) and the time limit for filing an application for review of a decision or setting aside of orders of the Controller (Rule 130(1) and (2)).

The Controller may also excuse the delay in transmitting or resubmitting a document to the Office or performing any act by a party, if a petition to excuse such a delay is made by the party to the Controller along with a statement regarding the circumstances of the delay and evidence in support of the statement. The evidence must, to the satisfaction of the Controller, show that the delay was due to war, revolution, civil disorder, strike, natural calamity, a general unavailability of electronic communication services or other like reason in the locality where the party resides or has his place of business, and that such situation was of such severity that it disrupted the normal communication in that area and that the relevant action was taken as soon as reasonably possible but not later than one month from the date when such situation had ceased to exist. The maximum delay shall not exceed six months from the expiry of the prescribed period, whichever is earlier.

IN.20 **RESTORATION OF A LAPSED PATENT.** Where a patent has lapsed by reason of failure to pay any renewal fee, the patentee or his representative may, within 18 months from the date on which the patent ceased to have effect, make a request for restoration of the patent using Form 15 (see Annex IN.XIV). If the Controller is satisfied that the failure to pay the renewal fee was unintentional and that there has been no undue delay in the making of the request for restoration, he will publish the request for restoration in the prescribed manner, and within the prescribed period. Any interested person may oppose the restoration of the patent by filing an opposition on Form 14 (see Annex IN.XIII). The Controller shall publish his decision concerning restoration of a lapsed patent.

IN.21 **APPEAL.** Applicants may appeal to the Appellate Board against any decision, order or direction of the Controller as provided for in the Patents Act Section 117A(2). Appeals shall be made in writing and submitted within three months from the date of the decision, order or direction of the Controller, or within such further time limit as the Appellate Board may allow.
FEES¹

(Currency: Indian rupee)

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<th>Physical (paper) filing</th>
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<tr>
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¹ The Office’s fee schedule is available at: www.ipindia.nic.in/form-and-fees.htm
² This amount is applicable in case of filing by a “small entity”. For further details on the entitlement to and the establishment of “small entity” status, see Form 28 (Annex IN.XX).
³ If the application is withdrawn before the issuance of a first statement of objection using Form 29 (see Annex XXI), the fee may be refunded up to 90%.
⁴ The request for expedited examination must be filed by electronic means.

(19 January 2017)
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<th>Item</th>
<th>Electronic filing</th>
<th>Physical (paper) filing</th>
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<tr>
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<td>6,000</td>
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**How can payment of fees be effected?**

The payment of fees must be effected in Indian rupees. All payments must be made together with the filing of the form related to the fee to be paid, and indicate the application number (national, if already known; international, if the national number is not yet known), the name of the applicant and type of fee being paid.

Payments may be made by one of the following means: cash, banker’s cheque, electronic means or by bank draft payable to the Controller of Patents at any accepted bank in India where the Office namely, Chennai, Delhi, Kolkata or Mumbai is situated.

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5 See footnote 2.

(19 January 2017)
“FORM 1
THE PATENTS ACT 1970 (39 of 1970) and
THE PATENTS RULES, 2003
APPLICATION FOR GRANT OF PATENT
(See section 7, 54 and 135 and sub-rule (1) of rule 20)

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1. APPLICANT’S REFERENCE / IDENTIFICATION NO. (AS ALLOTTED BY OFFICE)

2. TYPE OF APPLICATION [Please tick (√ ) at the appropriate category]

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<td>Divisional ()</td>
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3A. APPLICANT(S)

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<th>Country of Residence</th>
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3B. CATEGORY OF APPLICANT [Please tick (√ ) at the appropriate category]

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<td>Others ()</td>
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4. INVENTOR(S) [Please tick (√ ) at the appropriate category]

<table>
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<tr>
<th>Are all the inventor(s)</th>
<th>Yes ()</th>
<th>No ()</th>
</tr>
</thead>
</table>

(19 January 2017)
same as the applicant(s) named above?

If "No", furnish the details of the inventor(s)

<table>
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<th>Name in Full</th>
<th>Nationality</th>
<th>Country of Residence</th>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>State</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Country</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Pin code</td>
</tr>
</tbody>
</table>

5. TITLE OF THE INVENTION

6. AUTHORISED REGISTERED PATENT AGENT(S) IN/PA No.
   Name
   Mobile No.

7. ADDRESS FOR SERVICE OF APPLICANT IN INDIA
   Name
   Postal Address
   Telephone No.
   Mobile No.
   Fax No.
   E-mail ID

8. IN CASE OF APPLICATION CLAIMING PRIORITY OF APPLICATION FILED IN CONVENTION COUNTRY, PARTICULARS OF CONVENTION APPLICATION

<table>
<thead>
<tr>
<th>Country</th>
<th>Application Number</th>
<th>Filing date</th>
<th>Name of the applicant</th>
<th>Title of the invention</th>
<th>IPC (as classified in the convention country)</th>
</tr>
</thead>
</table>

9. IN CASE OF PCT NATIONAL PHASE APPLICATION, PARTICULARS OF INTERNATIONAL APPLICATION FILED UNDER PATENT CO-OPERATION TREATY (PCT)

<table>
<thead>
<tr>
<th>International application number</th>
<th>International filing date</th>
</tr>
</thead>
</table>

10. IN CASE OF DIVISIONAL APPLICATION FILED UNDER SECTION 16, PARTICULARS OF ORIGINAL (FIRST) APPLICATION

<table>
<thead>
<tr>
<th>Original (first) application No.</th>
<th>Date of filing of original (first) application</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>11. IN CASE OF PATENT OF ADDITION FILED UNDER SECTION 54, PARTICULARS OF MAIN APPLICATION OR PATENT</strong></td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Main application/patent No.</td>
<td>Date of filing of main application</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>12. DECLARATIONS</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(i) Declaration by the inventor(s)</strong></td>
</tr>
<tr>
<td><strong>(In case the applicant is an assignee:</strong> the inventor(s) may sign herein below or the applicant may upload the assignment or enclose the assignment with this application for patent or send the assignment by post/electronic transmission duly authenticated within the prescribed period).</td>
</tr>
</tbody>
</table>

I/We, the above named inventor(s) is/are the true & first inventor(s) for this Invention and declare that the applicant(s) herein is/are my/our assignee or legal representative.

(a) Date
(b) Signature(s)
(c) Name(s)

<table>
<thead>
<tr>
<th><strong>(ii) Declaration by the applicant(s) in the convention country</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(In case the applicant in India is different than the applicant in the convention country:</strong> the applicant in the convention country may sign herein below or applicant in India may upload the assignment from the applicant in the convention country or enclose the said assignment with this application for patent or send the assignment by post/electronic transmission duly authenticated within the prescribed period).</td>
</tr>
</tbody>
</table>

I/We, the applicant(s) in the convention country declare that the applicant(s) herein is/are my/our assignee or legal representative.

(a) Date
(b) Signature(s)
(c) Name(s) of the signatory
(iii) Declaration by the applicant(s)

I/We the applicant(s) hereby declare(s) that:

☐ I am/ We are in possession of the above-mentioned invention.

☐ The provisional/complete specification relating to the invention is filed with this application.

☐ The invention as disclosed in the specification uses the biological material from India and the necessary permission from the competent authority shall be submitted by me/us before the grant of patent to me/us.

☐ There is no lawful ground of objection(s) to the grant of the Patent to me/us.

☐ I am/we are the true & first inventor(s).

☐ I am/we are the assignee or legal representative of true & first inventor(s).

☐ The application or each of the applications, particulars of which are given in Paragraph-8, was the first application in convention country/countries in respect of my/our invention(s).

☐ I/We claim the priority from the above mentioned application(s) filed in convention country/countries and state that no application for protection in respect of the invention had been made in a convention country before that date by me/us or by any person from which I/We derive the title.

☐ My/our application in India is based on international application under Patent Cooperation Treaty (PCT) as mentioned in Paragraph-9.

☐ The application is divided out of my /our application particulars of which is given in Paragraph-10 and pray that this application may be treated as deemed to have been filed on DD/MM/YYYY under section 16 of the Act.

☐ The said invention is an improvement in or modification of the invention particulars of which are given in Paragraph-11.

13. FOLLOWING ARE THE ATTACHMENTS WITH THE APPLICATION

(a) Form 2

<table>
<thead>
<tr>
<th>Item</th>
<th>Details</th>
<th>Fee</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete/provisional specification#</td>
<td>No. of pages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of Claim(s)</td>
<td>No. of claims and No. of pages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abstract</td>
<td>No. of pages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of Drawing(s)</td>
<td>No. of drawings and No. of pages</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# In case of a complete specification, if the applicant desires to adopt the drawings filed with his provisional specification as the drawings or part of the drawings for the complete specification under rule 13(4), the number of such pages filed with the provisional specification are required to be mentioned here.

(b) Complete specification (in conformation with the international application)/as amended before the International Preliminary Examination Authority (IPEA), as applicable (2 copies).
(c) Sequence listing in electronic form
(d) Drawings (in conformation with the international application)/as amended before the International Preliminary Examination Authority (IPEA), as applicable (2 copies).
(e) Priority document(s) or a request to retrieve the priority document(s) from DAS (Digital Access Service) if the applicant had already requested the office of first filing to make the priority document(s) available to DAS.
(g) Statement and Undertaking on Form 3
(h) Declaration of Inventorship on Form 5
(i) Power of Authority
(j)

**Total fee ₹........in Cash/ Banker’s Cheque/Bank Draft bearing No........... Date............. on ............. Bank.**

I/We hereby declare that to the best of my/our knowledge, information and belief the fact and matters slated herein are correct and I/We request that a patent may be granted to me/us for the said invention.

Dated this................day of..................20..................

Signature:

Name:

To,
The Controller of Patents
The Patent Office, at..................

Note: -
* Repeat boxes in case of more than one entry.
* To be signed by the applicant(s) or by authorized registered patent agent otherwise where mentioned.
* Tick (√)/cross (x) whichever is applicable/not applicable in declaration in paragraph-12.
* Name of the inventor and applicant should be given in full, family name in the beginning.
* Strike out the portion which is/are not applicable.
* For fee: See First Schedule’;
## FORM 2

**THE PATENT ACT 1970**  
(39 of 1970)  
&  
**The Patents Rules, 2003**  
**PROVISIONAL/COMPLETE SPECIFICATION**  
*(See section 10 and rule 13)*

### 1. TITLE OF THE INVENTION

### 2. APPLICANT(S)

(a) NAME:  
(b) NATIONALITY:  
(c) ADDRESS:

### 3. PREAMBLE TO THE DESCRIPTION

<table>
<thead>
<tr>
<th>PROVISIONAL</th>
<th>COMPLETE</th>
</tr>
</thead>
<tbody>
<tr>
<td>The following specification describes the invention.</td>
<td>The following specification particularly describes the invention and the manner in which it is to be performed.</td>
</tr>
</tbody>
</table>

### 4. DESCRIPTION *(Description shall start from next page.)*

### 5. CLAIMS *(not applicable for provisional specification. Claims should start with the preamble — “I/we claim” on separate page)*

### 6. DATE AND SIGNATURE *(to be given at the end of last page of specification)*

### 7. ABSTRACT OF THE INVENTION *(to be given along with complete specification on separate page)*

---

**Note:**  
*Repeat boxes in case of more than one entry.  
*To be signed by the applicant(s) or by authorized registered patent agent.  
*Name of the applicant should be given in full, family name in the beginning.  
*Complete address of the applicant should be given stating the postal index no./code, state and country.  
*Strike out the column which is/are not applicable*
FORM 3

THE PATENTS ACT, 1970

(39 of 1970)

and

THE PATENTS RULES, 2003

STATEMENT AND UNDERTAKING UNDER SECTION 8

(See section 8; Rule 12)

1. Name of the applicant(s).

I/We........................................................................................................
.................................................................
.................................................................

hereby declare:

2. Name, address and nationality of the joint applicant.

(i) that I/We have not made any application for the
same/substantially the same invention outside
India

Or

(ii) that I/We who have made this application
No.......dated .............alone/jointly
with ....................., made for the same/
substantially same invention, application(s) for
patent in the other countries, the particulars of
which are given below:

<table>
<thead>
<tr>
<th>Name of the country</th>
<th>Date of application</th>
<th>Application No.</th>
<th>Status of the application</th>
<th>Date of publication</th>
<th>Date of grant</th>
</tr>
</thead>
</table>

3. Name and address of the assignee

(iii) that the rights in the application(s) has/have been
assigned
to........................................................................................................

(19 January 2017)
that I/We undertake that up to the date of grant of the patent by the Controller, I/We would keep him informed in writing the details regarding corresponding applications for patents filed outside India within six months from the date of filing of such application.

Dated this........day of........20.....

| 4. To be signed by the applicant or his authorized registered patent agent. | Signature. ...................... |
| 5. Name of the natural person who has signed. | (.................................). |

To
The Controller of Patents,
The Patent Office,
at.................................

Note.- Strike out whichever is not applicable;
FORM 4
THE PATENTS ACT, 1970
(39 of 1970)
and
THE PATENTS RULES, 2003
REQUEST FOR EXTENSION OF TIME
[See sections 53(2), and 142 (4); rules 13(6), 24B(6), 24C(11) and 80(1A), 130]

| 1. Name of the applicant | I/We.........................................................................................................................
|                          | .........................................................................................................................
|                          | .........................................................................................................................
|                          | hereby request for extension of time for .........................................................
|                          | ......................months(s) under section/rule.................................in connection with my/our/application/Patent
|                          | No..............
|                          | The reasons for making the request are as follows:-
|                          | .........................................................................................................................
|                          | .........................................................................................................................
|                          | Dated this.......day of ..........20....

| 2. To be signed by the applicant or his authorized registered patent agent | Signature
|                                                                      | (......................................................)

| 3. Name of the natural person who has signed | To
|                                            | The Controller of Patents,
|                                            | The Patent Office,
|                                            | at .............................................

(19 January 2017)
## FORM 5
### THE PATENTS ACT, 1970
(39 of 1970)

&

The Patents Rules, 2003

DECLARATION AS TO INVENTORSHIP

[See section 10(6) and rule 13(6)]

<table>
<thead>
<tr>
<th>1. NAME OF APPLICANT (S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>hereby declare that the true and first inventor(s) of the invention disclosed in the complete specification filed in pursuance of my /our application numbered dated is/are</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. INVENTOR (S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) NAME</td>
</tr>
<tr>
<td>(b) NATIONALITY</td>
</tr>
<tr>
<td>(c) ADDRESS</td>
</tr>
</tbody>
</table>

Dated this ......................day of....................20.............

Signature: -
Name of the signatory: -

<table>
<thead>
<tr>
<th>3. DECLARATION TO BE GIVEN WHEN THE APPLICATION IN INDIA IS FILED BY THE APPLICANT (S) IN THE CONVENTION COUNTRY:</th>
</tr>
</thead>
<tbody>
<tr>
<td>We the applicant(s) in the convention country hereby declare that our right to apply for a patent in India is by way of assignment from the true and first inventor(s).</td>
</tr>
</tbody>
</table>

Dated this ......................day of....................20.............

Signature: -
Name of the signatory: -

<table>
<thead>
<tr>
<th>4. STATEMENT (to be signed by the additional inventor(s) not mentioned in the application form)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I/We assent to the invention referred to in the above declaration, being included in the complete specification filed in pursuance of the stated application.</td>
</tr>
</tbody>
</table>

Dated this ......................day of....................20.............

Signature of the additional inventor(s): -
Name: -

To, The Controller of Patent
The Patent Office, at............

Note
*Repeat boxes in case of more than one entry.
*To be signed by the applicant(s) or by authorized registered patent agent otherwise where mentioned.
*Name of the inventor and applicant should be given in full, family name in the beginning.
*Complete address of the inventor should be given stating the postal index no./code, state and country.
*Strike out the column which is/ are not applicable

(1 December 2011)
F O R M 6
THE PATENTS ACT, 1970
(39 of 1970)
&
The Patents Rules, 2003
CLAIM OR REQUEST REGARDING ANY CHANGE IN APPLICANT
FOR PATENT
[ See sections 20(1), 20(4) and 20(5); rules 34(1), 35(1) and 36(1) ]

1. Repeat the columns (a) to (c) if there are more than one applicant.

(a) ........................................

(b) ........................................

(c) ........................................

I/We, ........................................

2. Insert the name in full. The family or principal name in the beginning if the applicant is a natural person.

3. Insert the complete address including postal index number/code and state and/or country.

No...............................dated ....................

made by........................................

4. Insert the nationality.

5. State the name of the applicant(s) for patent.

6. Original and certified copies of the documents shall accompany the claim or request. Consent by the legal representative of the deceased joint applicant shall be filed whenever required.

7. Insert the details of the documents.

8. Complete address including postal index number/code and state along with Telephone and fax number(s).

9. To be signed by the applicant(s) or authorized registered patent agent.

10. Name of the natural person who has signed.

Dated this ............... day of ................... 200

Signature ........................................

To
The Controller of Patents,
The Patent Office,
At ....................................................

N.B.: This form is not applicable for mere change of name.
Note: (a) Strike out whichever is not applicable.

(b) For fee:- See First Schedule.
"FORM 7A
AND
THE PATENTS RULES, 2003
REPRESENTATION FOR OPPOSITION TO GRANT OF PATENT
[see rule 55]

1. State names, address and nationality.
I/We, ...........................................
hereby give representation by way of
opposition to the grant of patent in
respect of application
no. .................................. dated ..................
made by ............ and published on:
..........................

2. State the grounds taken one after
another.
on the grounds ...................................

3. Complete address including postal
index number/code and state along
with telephone and fax number.
My/our address for service in India is
...................................................

4. To be signed by the opponent or by his/her
authorized registered patent agent.
Signature ...........................................

5. Name and designation of the natural person who has signed.
(...........................................)

To
The Controller of Patents,
The Patent Office,
At .................................."

(19 January 2017)
FORM 7
THE PATENTS ACT, 1970
(39 of 1970)
&
The Patents Rules, 2003
NOTICE OF OPPOSITION
[ See sections 25(3) and rule 55A]

1. State names, address and nationality.
I/We,¹__________________________
____________________________
____________________________
hereby give notice of opposition to

2. State the grounds taken one after another.
patent No. ......................) granted on
application No. .................dated..............
published on dated..............made
by______________________________
on the grounds ².

3. Complete address including postal index number/code and state along with Telephone and fax number.

4. To be signed by the opponent or by his authorized registered patent agent.
My/Our address for services in India is.³

5. Name of the natural person who has signed.
Signature ⁴...

To
The Controller of Patents,
The Patent Office,
At ..................................................

For fee: See First Schedule.

---------------------------------------------------------------------
(19 January 2017)
FORM 8

THE PATENTS ACT, 1970
(39 of 1970)
&
The Patents Rules, 2003

REQUEST OR CLAIM REGARDING MENTION OF
INVENTOR AS SUCH IN A PATENT
[ See sections 28(2), 28(3) and 28(7); rules 66, 67 and 68 ]

1. State names, address and nationality of the person making this application.

I/We, hereby state/claim that the following person(s) be mentioned as inventor(s) in the patent application No. dated made by

or hereby declare that,

2. Insert the name of the person mentioned as inventor.

3. Complete address including postal index number/code and state along with Telephone and fax number(s).

ought not to have been mentioned as inventor in the application for Patent No. dated made by

and I/We hereby apply for a certificate to that effect.

A Statement setting out the circumstances under which this application is made is attached together with the copy/copies thereof as required under the rules.

4. To be signed by the applicant or his authorized registered patent agent.

My/Our address for service in India is

Dated this day of 20

5. Name of the natural person who has signed.

Signature

To The Controller of Patents,
The Patent Office,
At

Note: For fee, See First Schedule.
FORM 9
THE PATENTS ACT, 1970
(39 of 1970)
&
The Patents Rules, 2003
REQUEST FOR PUBLICATION
[See section 11A(2); rule 24A]

1. Name, address and nationality of the applicant(s).

I/We¹......................................................................................
......................................................................................
......................................................................................
......................................................................................

2. To be signed by the applicant or his authorized registered patent agent.

hereby request for early publication of my/our application for Patent No.................... dated ................................under section 11A(2) of the Act.

Dated this ............day of ............................................. 20

3. Name of the natural person who has signed.  

Signature ..²...

(...................................................................................).³...

To
The Controller of Patents,
The Patent Office,
At .................................................................

________________________________________________________________________

Note: - For fee : See First Schedule

(19 January 2017)
**FORM 13**

**THE PATENTS ACT, 1970**

**(39 of 1970)**

**and**

**THE PATENTS RULES, 2003**

**APPLICATION FOR AMENDMENT OF THE APPLICATION FOR PATENT/COMPLETE SPECIFICATION/ANY DOCUMENT RELATED THERETO**

[See section 57; sub-rule (1) of rule 81]

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>
| 1. Name of the applicant(s). | I/We........................................................................................................
|   | .................................................................................................................
|   | request leave to amend the application/any document related thereto/complete specification with respect to application for patent No........dated...........as highlighted in the copy hereto annexed.
|   | My/Our reason for making this request are as follows:-
|   | .................................................................................................................
|   | .................................................................................................................
|   | I/We declare that no action for infringement or for the revocation of the patent in question is pending before Appellate Board or a Court.
|   | I/We declare that the facts and matters stated herein are true to the best of my/our knowledge information and belief.
| 2. To be signed by the applicant(s) or patentee(s) or by his authorized registered patent agent | Dated this........day of............20........
|   | Signature.................................................................

(19 January 2017)
<table>
<thead>
<tr>
<th>3. Name of the natural person who has signed</th>
<th>(...........................................)</th>
</tr>
</thead>
<tbody>
<tr>
<td>To</td>
<td>The Controller of Patents,</td>
</tr>
<tr>
<td></td>
<td>The Patent Office,</td>
</tr>
<tr>
<td></td>
<td>at........................................</td>
</tr>
<tr>
<td>Note.- For fee: See First Schedule.&quot;;</td>
<td></td>
</tr>
</tbody>
</table>
FORM 14
THE PATENTS ACT, 1970
(39 of 1970)
&
The Patents Rules, 2003
NOTICE OF OPPOSITION TO AMENDMENT / RESTORATION / SURRENDER
OF PATENT/GRANT OF COMPULSORY LICENCE OR REVISION OF TERMS
THEREOF OR TO CORRECTION OF CLERICAL ERRORS
[See sections 57(4), 61(1), 63(3), 78(5) and 87(2); rules 81(3)(b), 85(1), 87(2),
98(1), 101(3) and 124]

1. State the name, address and nationality.

I/We' ....................................................................................................................................
hereby give notice of opposition: -
to the amendment of the application/specification with
respect to application for Patent No. 
----------------------------------
dated ......................

OR
to the application for restoration of Patent No.
----------------------------------
dated ......................

OR
to the offer to surrender the Patent No.
----------------------------------
dated ......................

OR
for the grant of compulsory licence, or revocation of Patent
No. ........................................ dated .................................

OR
for the revision of the terms and conditions of licence in
respect of Patent No. .................. dated .............................

OR
for correction of a clerical error in Patent No. ...........
dated ...................... / Specification No.
.......................... dated ...................... in respect of Patent
No. .................................. dated .......................... or Patent
application No. .................................. dated ..............

The grounds in which the said opposition is made are as
follows:

........................................................................................................................................

My / Our address for service in India is: 

..................................................

Dated this ..................... day of ............. 20

Signature . 3. ....

(......................................................) 3. ....

To
The Controller of Patents,
The Patent Office,
At .................................................................

.................................................................

Note: -(a) Strike out whichever is not applicable.
(b) For fee : See First Schedule.

3852 GNL—13

(19 January 2017)
FORM 15
THE PATENTS ACT, 1970
(39 of 1970)
&
The Patents Rules, 2003
APPLICATION FOR THE RESTORATION OF PATENT
[See section 60; rule 84]

1. Insert the name, address, nationality of the applicant(s).

I/We¹ .................................................................
.............................................................................
.............................................................................
hereby apply for an order of the Controller for the restoration of Patent No. .................. dated
................................................................................
................................................................................
................................................................................
The circumstances which led to the failure to pay the renewal fee to pay the renewal fee for the year
................................................................................
on or before ................................ are as follows:
................................................................................
I/We declare that I/We have not assigned the patent to any other person(s) and that the facts and
matters stated herein are true to the best of my/our knowledge information and belief.

Dated this ................... day of ........... ................... 20

2. To be signed by the applicant(s) or by his authorised registered patent agent.

Signature ²…….
..................................................................³

3. Name of the natural person who has signed.

To
The Controller of Patents,
The Patent Office,
At ......................... .........................

Note: For fee: See First Schedule.
FORM 16
THE PATENTS ACT, 1970
(39 of 1970)
&
The Patents Rules, 2003
APPLICATION FOR REGISTRATION OF TITLE/INTEREST IN A
PATENT OR SHARE IN IT OR REGISTRATION OF ANY
DOCUMENT PURPORTING TO AFFECT PROPRIETORSHIP OF
THE PATENT
[See sections 69(1), 69(2); rules 90(1) and 90(2)]

1. Insert the name, address and
nationality of the applicant(s).
I/We1.

2. A description of the nature of
the document, giving the date
and the names, address and
nationality of the parties
thereof.

3. Complete address including
postal code and state along
with telephone and fax
number(s).

4. To be signed by the applicant
or his authorised registered
patent agent.

5. Name of the natural person
who has signed.

Dated this ..........day of ............. 20

Signature . 4 …..

(-------------------------------)5

To
The Controller of Patents,
The Patent Office,
At ........................................

Note: -
(a) For fee. See First Schedule.
(b) Strike out whichever is not applicable.

(19 January 2017)
**FORM 18**

**THE PATENTS ACT, 1970**

[39 of 1970]

&

The Patents Rules, 2003

**REQUEST/EXPRESS REQUEST FOR EXAMINATION**

**OF APPLICATION FOR PATENT**

[See section 11B and rule 20(4)(ii), 24B(1)(i)]

<table>
<thead>
<tr>
<th>(FOR OFFICE USE ONLY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RQ. No:</td>
</tr>
<tr>
<td>Filing Date:</td>
</tr>
<tr>
<td>Amount of Fee Paid:</td>
</tr>
<tr>
<td>CBR No:</td>
</tr>
<tr>
<td>Signature:</td>
</tr>
</tbody>
</table>

1. **APPLICANT (S)/OTHER INTERESTED PERSON**
   
   (a) **NAME:**
   
   (b) **NATIONALITY:**
   
   (c) **ADDRESS:**

2. **Statement in case of request for examination made by the applicant(s)**

   (a) We hereby request that my/our application for patent no. _________ filed on ____________ for the invention titled ___________________________ shall be examined under sections 12 and 13 of the Act.

   Or

   (b) We hereby make an express request that my/our application for patent no. _________ filed on ____________ based on Patent Cooperation Treaty (PCT) application no. ____________________________ dated ____________ made in country ________________ shall be examined under sections 12 and 13 of the Act, immediately without waiting for the expiry of 31 months as specified in rule 20(4)(ii).

3. **Statement in case of request for examination made by any other interested person**

   (a) We the interested person request for the examination of the application no. _________ dated ____________ filed by the applicant ____________________________ titled ____________________________ under sections 12 and 13 of the Act.

   As an evidence of my/our interest in the application for patent following documents are submitted.

   (a) ____________________________

4. **ADDRESS FOR SERVICE**

   Dated this ______ day of ________ 20

   Signature

   Name of the signatory

   **To, The Controller of Patents:**
   
   The Patent Office, at __________

   **NOTE:**

   *To be signed by the applicant(s) or by his authorized registered patent agent

   *Strike out the column which is/are not applicable

(19 January 2017)
**FORM 18 A**

**THE PATENTS ACT, 1970**

and **THE PATENT RULES, 2003**

**REQUEST FOR EXPEDITED EXAMINATION**

**OF APPLICATION FOR PATENT**

[See section 11B and Rule 24C]

<table>
<thead>
<tr>
<th>(FOR OFFICE USE ONLY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RQ. No.:</td>
</tr>
<tr>
<td>Filing Date:</td>
</tr>
<tr>
<td>Amount of fee Paid:</td>
</tr>
<tr>
<td>CBR no:</td>
</tr>
<tr>
<td>Signature:</td>
</tr>
</tbody>
</table>

1. **APPLICANT(s)**
   
   **(A) NAME:**
   
   **(B) NATIONALITY:**
   
   **(C) ADDRESS:**

2. I/We ---------------------------------------------hereby request that my/our application for patent no.--------filed on----------for -------------------the-----------------------------------invention titled -------------------shall be examined under sections 12 and 13 of the Act.

   or

I/We ---------------------------------------------hereby request that my/our application for patent no.--------filed on----------for -------------------the-----------------------------------invention titled -------------------based on Patent Cooperation Treaty (PCT) application no.----------dated----------made in country --------shall be examined under sections 12 and 13 of the Act, immediately without waiting for the expiry of 31 months as specified in rule 20(4)(ii).

   or

I/We hereby request that my/our request for examination bearing no.--------for application for patent no.--------filed on----------for -------------------the-----------------------------------invention titled -------------------may be converted to a request for expedited examination of patent application under rule 24C and the application shall be examined under sections 12 and 13 of the Act.

(19 January 2017)
3. The applicant(s) to indicate (by ticking the appropriate box) any of the grounds applicable in case of request for expedited examination made by on any of the following grounds:

- that the applicant is a startup, or
- that India has been indicated as the competent International Searching Authority or elected as an International Preliminary Examining Authority in the corresponding international application.

ADDRESS FOR SERVICE IN INDIA:


Dated this day of 20

Signature

Name of the signatory

To

The Controller of Patent

The Patent Office, at..........

NOTE:

To be signed by the applicant(s) or by his/ their authorized registered patent agent

"Strike out the column(s) which is/ are not applicable."

For fee: See First Schedule."
FORM 25
THE PATENTS ACT, 1970
(39 of 1970)
&
The Patents Rules, 2003

No Fee REQUEST FOR PERMISSION FOR MAKING PATENT APPLICATION OUTSIDE INDIA
[See section 39 and Rule 71(1)]

1. State the title of the invention. I am/We are in possession of an invention for
........................................................................................................
........................................................................................................
I/We have made an application for the grant of a patent for the
said invention, its number being No..............of
........................................Dated..............
....... OR

2. Name and address of the person (s) I/We hereby attach the brief description of the invention.
I/We intend to make application (s) alone/jointly
........................................................................................................
........................................................................................................
....... for the same/substantially same invention for patent in the
following country/countries/convention countries, namely:-
........................................................................................................
........................................................................................................
I/We declare that the rights in the application (s) has/have been assigned to
........................................................................................................
........................................................................................................
I/We request that I/We may be granted permission to make
application (s) for the said invention in the said
country/countries. The reasons for making this application, are
as follows:-

The facts and matters stated above are true to the best of
my/our knowledge, information and belief.
Dated this ..............day of ....................20 ............

3. Name and address of the assignee

4. To be signed by the applicant (s) or authorised patent agent.

Signature

To
The Controller of Patents
The Patent Office
at ......................

Note: (a) Strike out whichever is not applicable.
FORM 26
THE PATENTS ACT, 1970
(39 of 1970)
&
The Patents Rules, 2003
FORM FOR AUTHORISATION OF A PATENT AGENT/OR ANY PERSON IN A MATTER OR PROCEEDING UNDER THE ACT
[See sections 127 and 132; and rule 135]

1. Insert name, address and nationality.

I/We\(^1\) ....................................................................................................................
 ....................................................................................................................
 ....................................................................................................................

2. Insert the name, address and nationality of the person(s) to be authorised.

I/We\(^2\) hereby authorise ..................................................................................
 ....................................................................................................................
 ....................................................................................................................

to act on my/our behalf in connection with\(^3\)
 ....................................................................................................................

and request that all notices, requisitions and communication relating thereto may be sent to such person at the above address unless otherwise specified.

I/We hereby revoke all previous authorisation, if any made, in respect of same matter or proceeding.

I/We hereby assent to the action already taken by the said person in the above-matter.
Dated this ...................... day of ................................./20 ...............

4. To be signed by the person(s) making this authorisation.

Signature\(^4\) ........................................

5. Name of the natural person who has signed along with designation and official seal, if any.

(______________________________________)\(^5\)

To
The Controller of Patents
The Patent Office
at .........................

To be stamped under the Indian Stamp Act, 1899 (2 of 1899).

(19 January 2017)
"FORM 28
THE PATENTS ACT, 1970
(39 of 1970)
AND
THE PATENTS RULES, 2003

TO BE SUBMITTED BY A SMALL ENTITY / STARTUP

[See rules 2 (fa), 2(fb) and 7]

<table>
<thead>
<tr>
<th></th>
<th>Insert name, address and nationality.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>I/We .................................................................</td>
</tr>
<tr>
<td></td>
<td>.................................................................</td>
</tr>
<tr>
<td></td>
<td>applicant/ patentee in respect of the patent application</td>
</tr>
<tr>
<td></td>
<td>no. ..............or patent no.......................</td>
</tr>
<tr>
<td></td>
<td>hereby declare that I/we am/are a small entity in</td>
</tr>
<tr>
<td></td>
<td>accordance with rule 2(fa) or a startup in accordance</td>
</tr>
<tr>
<td></td>
<td>with rule 2(fb) and submit the following document(s) as</td>
</tr>
<tr>
<td></td>
<td>proof:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Documents to be submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>i. For claiming the status of a small entity:</td>
</tr>
<tr>
<td></td>
<td>A. For an Indian applicant: Evidence of registration under the Micro, Small and Medium</td>
</tr>
<tr>
<td></td>
<td>B. In case of a foreign entity: Any other document.</td>
</tr>
<tr>
<td></td>
<td>ii. For claiming the status of a startup</td>
</tr>
<tr>
<td></td>
<td>A. For an Indian applicant: Any document as evidence of eligibility, as defined in rule 2(fb).</td>
</tr>
<tr>
<td></td>
<td>B. In case of a foreign entity: Any other document.</td>
</tr>
<tr>
<td>3</td>
<td>To be signed by the applicant(s) / patentee (s) / authorised registered</td>
</tr>
<tr>
<td>4</td>
<td>The information provided herein is correct to the best</td>
</tr>
<tr>
<td></td>
<td>of my/our knowledge and belief.</td>
</tr>
<tr>
<td></td>
<td>Dated this ........day of ........... 20...</td>
</tr>
<tr>
<td></td>
<td>Name of the natural person who has</td>
</tr>
<tr>
<td></td>
<td>signed.</td>
</tr>
</tbody>
</table>

Signature ..............................................

(19 January 2017)
| Designation and official seal, if any, of the person who has signed. | (Name) ..................................
| (Designation) ....................... |

To
The Controller of Patents,
The Patent Office,
At.........................................";
FORM 29
THE PATENTS ACT, 1970
(39 of 1970)
and
THE PATENTS RULES, 2003
REQUEST FOR WITHDRAWAL OF THE APPLICATION FOR PATENT
[See Section 11B(4) and rules 7(4A), 26]

1. Name of the applicant

I/ We_________________________ request that
the application for patent numbered ...........
____________ dated __________ filed by
me/us, if applicable, having the request for
examination / request for expedited examination
numbered..........................
____________ dated_____________,
be treated as withdrawn under rule 7(4A) / 26.

2. To be signed by the applicant or his
authorized registered patent agent

Dated ------------------- day of-----------------

Signature
(__________________________)

(Name) .............................
(Designation) .........................

To
The Controller of Patents

N.B. strike out whichever not applicable

Patent Office at ____________

(19 January 2017)