
DESIGNS RULES, 1933

CONTENTS

CHAPTER 1 :- Preliminary

1. Short title, extent and commencement
2. Definitions
3. Leaving and serving documents
4. Address for service
5. Fees
6. Forms
7. Size, etc., of documents
8. 8
9. Agency
10. .
11. .
12. .
13. .
14. .
15. .
16. .
17. .
18. .
19. .
20. .
21. .
22. .
23. .
24. .
25. .
26. .
27. .
28. .
29. .
30. .
31. .
32. .
33. .
34. Classification of goods
35. Application for Registration
36. Statement of novelty
37. Additional copies of representations or specimens
38. Representation
- 38A. Reciprocity application for the registration of a design
39. Acceptance
40. Objections
41. Decision of Controller
42. Date for appeal
43. Non-completion within six months
44. Omitted
45. Marketing of articles before delivery on sale
46. inspection of designs
47. Search under Sec. 51
48. Cancellation of registration of designs under Sec. 51-A

CHAPTER 2 :- GENERAL

49. 49
50. 50
51. 51
52. Registering designs
53. Alteration of Address
54. Applications for entry of subsequent proprietorship
55. Particulars in applications
56. Production of documents of title and other proof
57. Form of entry
58. Entry of notification of documents

- 59. Hours of Inspection of registers
- 60. Rectification of register
- 61. Opposition to rectification
- 62. Appeals to the Central Government
- 63. Certified copies of documents
- 63A. 63-A
- 63B. Form etc. of affidavits
- 63C. Scale of Costs
- 63D. 63-D
- 64. Exercise of discretionary Power of Controller
- 65. Controller may require statement
- 66. General powers of amendment
- 67. General power to enlarge time
- 67A. 67-A
- 68. Repeal

SCHEDULE 1 :- FIRST SCHEDULE

SCHEDULE 2 :- SECOND SCHEDULE FORMS

SCHEDULE 3 :- THIRD SCHEDULE

SCHEDULE 4 :- FOURTH SCHEDULE

SCHEDULE 5 :- THE FIFTH SCHEDULE

SCHEDULE 6 :- SIXTH SCHEDULE

DESIGNS RULES, 1933

In exercise of the powers conferred by sub-section (1) of Sec. 57 and sub-section (1) of Section 77 of the Indian Designs Act, 1911 (2 of 1911), the Governor General in Council is pleased to make the following rules, the same having been previously published as required by sub-section (2) of the last named section, namely,-

CHAPTER 1
Preliminary

1. Short title, extent and commencement :-

- (1) These rules may be called the ¹ [* * *] Designs Rules, 1933.
- (2) They extend to the whole of India.
- (3) They shall come into force on the 1st April. 1933.

1. The words "Indian Patents and" omitted by the Patents Rules. 1972, rule 126 and the Fifth Schedule.

2. Definitions :-

In these rules, unless there is anything repugnant In the subject or context-

(a) "Act" means the ¹ [* * *] Designs Act, 1911:

²[(b) "British Application" means an application by any person for the protection, in any part of Her Majesty's Dominions of a design, for the protection of which in India the provisions of Sec. 78-A of the Act are for the time being applicable;]

³[(c) "Controller" means the Controller General of Patents, Designs and Trade Marks, appointed under sub-section (1) of S.4 of the Trade and Merchandise Marks Act, 1958];

³ [(d) "Office" means the Patent Office referred to in Sec. 74 of the Patents Act. 1970 (39 of 1970);]

(e) "Reciprocity Application" means an application in India under Sec. 78-A of the Act.

(f) "Set" means a number of articles of the same general character ordinarily on sale together, or intended to be used together, all bearing the same design, with or without modification not sufficient to alter the character or substantially to affect the identity thereof.

1. The words "Indian Patents and" omitted by the Patents Rules. 1972, rule 126 and the Fifth Schedule.

2. As corrected by The words "Indian Patents and" omitted by the Patents Rules. 1972, rule 126 and the Fifth Schedule.

3. Subs. by The words "Indian Patents and" omitted by the Patents Rules. 1972, rule 126 and the Fifth

Schedule.

3. Leaving and serving documents :-

(1) Any application, notice or other document authorised or required to be left, made or given at the Office, or to the Controller or to any other person under the Act or these rules, may be sent by hand, or by a prepaid letter through the post, and, if sent by a prepaid letter, shall be deemed to have been left, made or given at the time when the letter containing the same would be delivered in the ordinary course of post. In proving such sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

¹ [(2) Any written communication addressed to a registered proprietor of a design at his address as it appears on the register of designs, or at his address for service, or to any applicant or opponent in any proceedings

1. As corrected by The words "Indian Patents and" omitted by the Patents Rules. 1972, rule 126 and the Fifth Schedule.

4. Address for service :-

Every applicant or opponent in any proceeding under the Act or these rules, and every person who shall hereafter become a registered proprietor of a design, shall give an address for service in India and such address may be treated, for all purposes connected with the design as the actual address of such applicant, opponent or registered proprietor. Unless such an address is given, the Controller shall be under no obligation either to proceed with the application or the opposition, or to send any notice that may be required by the Act or these rules.]

5. Fees :-

(1) The fees to be paid in respect of the registration of designs, and application therefor, and in respect of other matters, with relation .to designs under the Act, shall be those specified in the First Schedule to these rules hereinafter referred to as the prescribed fees.

(2)

(a) Fees may be paid in cash at the office, or may be sent by money order or postal order or cheque on a scheduled bank as defined in the Reserve Bank of India Act 1934 (11 of 1934), payable to the Controller at Calcutta and if sent through the post shall be deemed to have been paid at the time when the money order, or the properly addressed and prepaid letter containing the cheque or the postal order, would be delivered in the ordinary course of post.

(b) Cheques not carrying the correct addition for commission, and other cheques on which the full value cannot be collected In cash within the time allowed for payment of the fee, shall be accepted only at the discretion of the Controller.

(c) Stamps shall not be received in payment of fees.] ¹ [* * *]

1. Proviso omitted by the Patents Rules. 1972... rule 126. the Fifth Schedule.

6. Forms :-

The forms set forth in the Second Schedule, with such variations, as the circumstances of each case require, shall be used for the respective purposes therein mentioned, and if used, shall be sufficient. ¹ [* * *]

1. Proviso omitted by the Patents Rules. 1972... rule 126. the Fifth Schedule.

7. Size, etc., of documents :-

(1) All documents and copies of documents, except drawings, sent to or left at the Office or otherwise furnished to the Controller shall be written, typewritten, lithographed, or printed in the English language (unless otherwise directed), in large and legible characters with deep permanent ink upon one side only of strong white paper of a size of approximately 13 inches by 8 inches or 33.00 centimetres by 20.50 centimetres with a margin of at least one inch and a half or four centimetres on the left-hand part thereof. Signatures thereto shall be written in a large and legible hand, and any signature which is not legible or which is written in a script other than English

(2) Duplicate documents shall be filed at the Office, if at any time required by the Controller.

(3) Names and addresses of applicants and other persons shall be given in full together with their nationality and such other particulars, if any, of caste or calling as are necessary for identification.

8.8 :-
* * *]

9. Agency :-

For all matters falling under the provisions of Sec.76 of the Act, any person may, unless otherwise directed by the Controller, authorise, under his personal signature, any other person to act as his agent and to receive all notices, requisitions and communications. The authority may be given on Form 31.

10. . :-
* * *]

11. . :-
* * *]

12. . :-
* * *]

13. . :-
* * *]

14. . :-
* * *]

15. . :-
* * *]

16. . :-
* * *]

17. . :-
* * *]

18. . :-
* * *]

19. . :-
* * *]

20. . :-
* * *]

21. . :-
* * *]

22. . :-
* * *]

23. . :-
* * *]

24. . :-
* * *]

25. . :-
* * *]

26. . :-
* * *]

27. . :-
* * *]

28. . :-
* * *]

29. . :-
* * *]

30. . :-
* * *]

31. . :-
* * *]

32. . :-
* * *]

33. . :-
* * *]

34. Classification of goods :-

(1) For the purposes of the registration of designs and of these rules, goods shall be classified in the manner specified in the Fourth Schedule hereto.

(2) If any doubt arises as to the class to which any particular description of goods belongs, it shall be determined by the Controller.

35. Application for Registration :-

Application.-

(1) An application under Sec. 43 of the Act for the registration of a design shall be accompanied by four copies of the design and the application and each of the copies of the design shall be dated and signed by the applicant or his agent,

(2) The application shall state the class in which the design is to be registered, and the article or articles to which the design is to be applied.

(3) If it is desired to register the same design in more than one class a separate application shall be made in each class, and the application shall contain the number or numbers of the registration or registrations already effected.

(4) If so required by the Controller, the applicant shall state the purpose for which the article is used and the material or predominating material of which the article is made.

36. Statement of novelty :-

The applicant may, and shall, if required by the Controller in any case so to do, endorse on the application and each of the representations a brief statement of the novelty he claims for his design.

37. Additional copies of representations or specimens :-

If the Controller in any case so requires, he shall be supplied with one or more representations or specimens of the design in addition to those supplied with the application.

38. Representation :-

(1) The four copies of the design required by rule 35 shall be exactly similar drawings photographs, tracings, or other representations of the design or shall be specimens of the design.

(2) When a design is to be applied to a set, each of the representations accompanying the application shall show all the various arrangements in which It is proposed to apply the design to the articles included In the set.

(3) Each representation of the design whether to be applied to a single article or to a set. shall be on paper of a size 13 by 8 inches or 33.00 centimetres by 20.50 centimetres (and not on cardboard) and shall appear on one side only of the paper. The figure or figures shall be placed in an upright position on the sheet. When more figures than one are shown, these shall, where possible, be on one and the same sheet, and each shall be designated (e.g. perspective view, front view. side view).

(4) When a design is to be applied to a set any doubt whether the given articles do or do not constitute a set shall be determined by the Controller.

(5) If the specimens are not, in the opinion of the Controller, suitable for record in the Office they shall be replaced by representations.

(6) Where words, letters or numerals are not of the essence of the design, they shall be removed from the representations or specimens; where they are of the essence of the design, the Controller may require the insertion of a disclaimer of any right to their exclusive use.

(7) Each representation of a design which consists of a repeating. surface pattern shall show the complete pattern and a sufficient portion of the repeat in length and width, and shall not be of size less than 5 by 4 inches or 13.00 centimetres by 10.00 centimetres.

(8) If the names or representations of living persons appear on a design the Controller shall, if he so requires, be furnished with consents from such persons before proceeding to register the design. In the case of persons recently dead, the Controller may call for consents from their legal representative before proceeding with registration of a design on which their names or representations appear.

38A. Reciprocity application for the registration of a design :-

(1) Every reciprocity application for the registration of a design shall contain a declaration that a British application has been made for the protection of the design to which such reciprocity application relates and shall specify- every part of His Majesty's dominions in which any such British application has been made and the official date or dates thereof respectively. The application shall be made within six months from the date of the first British application by the person by whom such first British application was made, or by legal representative or assignee either alone or jointly with any other person.

(2) In addition to the four copies of the design left with every reciprocity application for the registration of a design, a copy of the design filed or deposited by the applicant or his predecessor in title, as the case may be, in respect of the first British application, duly certified by the Official Chief or Head of the Patent Office in which it was filed, or deposited or otherwise verified to the satisfaction of the Controller, shall be left at the Office at the same time as the reciprocity applications are within such further time not exceeding three months as the Controller may allow.

(3) Save as aforesaid and as provided by rule 52 all proceedings in connection with a reciprocity application shall be taken within the time and in the manner required by the Act or prescribed by these rules for ordinary application.

39. Acceptance :-

Upon receipt of an application for registration, the Controller shall consider it and may accept it if he considers that there is no objection to the design being registered.

40. Objections :-

If on consideration of the application any objections appear to the Controller, a statement of these objections shall be sent to the applicant or his agent in writing, and unless within one month the applicant or his agent removes the objection or applies for a hearing, the applicant shall be deemed to have withdrawn his application.

41. Decision of Controller :-

The decision of the Controller at such hearing as aforesaid shall be communicated in writing to the applicant or his agent who may within one month apply to the Controller requiring him to state in writing the grounds of his decision and the materials used by him in arriving at the same.

42. Date for appeal :-

Upon receipt of such application, the Controller shall send to the applicant or his agent such statement, as aforesaid in writing and the date when such statement is sent shall be deemed to be the date of the Controller's decision for the purpose of appeal.

43. Non-completion within six months :-

An application which owing to any neglect or default of an applicant, has not been completed so as to enable registration to be effected within six months of the date of application, shall be deemed to be abandoned.

44. Omitted :-

45. Marketing of articles before delivery on sale :-

Before delivery on sale of any articles to which a registered design has been applied, the proprietor of such design shall cause each such article to be marked with the word REGISTERED, or with the abbreviation REGD., or with abbreviation RD, as he may choose, and also (except in the case of articles to which have been applied designs registered in classes 9,13 or 14) with the number appearing on the certificate of registration: Provided that the requirements of this rule and Cl. (b) of sub-section (1) of Sec. 48 of the Act shall be dispensed with as regards-

- (i) textile goods in which the design is printed or woven, other than handkerchiefs, and
- (ii) articles made of charcoal dust, which are brittle and which are not sold in single pieces.

46. Inspection of designs :-

Registered designs shall not except as provided in Sec. 50 of the Act, be open to inspection until two years after the date of application for registration.

47. Search under Sec. 51 :-

(1) If any person desires to obtain the information which he is entitled to obtain under Sec. 51 of the Act. and can furnish the registration number of the design, he shall lodge with the Controller in Form 20 and the Controller shall thereupon furnish him with the information aforesaid.

(2) If the applicant is unable to furnish the registration number of the design, he shall lodge with the Controller in Form 21 together with such information as is in his possession, and the Controller shall thereupon cause such search to be made in the class indicated as may be possible on the information supplied, and shall furnish such information as may be obtainable. Where Form 21 is accompanied by a representation or specimen of the design, such representation or specimen shall be furnished in duplicate.

48. Cancellation of registration of designs under Sec. 51-A :-

(1) An application to the Controller for the cancellation of the registration of the design shall be made in duplicate, and shall be accompanied by a statement in duplicate setting out the nature of the applicant's interest and the facts upon which he bases his application.

(2) If the application for the cancellation of the registration of a design is made by a person who is not the registered proprietor, a copy of the application along with the statement shall be transmitted by the Controller to the registered proprietor.

(3) If the registered proprietor intends to oppose the application he shall within the time to be specified by the Controller, leave at the Office a counter-statement setting out the grounds on which he intends to oppose the application and shall, within the same time, deliver to the applicant a copy of the counter-statement.

1 [1(4) The applicant may, after delivery to him of the copy of the registered proprietor's counter-statement, leave at the office, evidence by way of affidavits in support of his case and shall also deliver to the registered proprietor a copy thereof.

(5) The registered proprietor may, after delivery to him of the applicant's evidence, leave at the office evidence by way of affidavits in support of his case and shall also deliver to the applicant a copy thereof.

(6) The applicant may, after delivery to him of a copy of the registered proprietor's evidence, leave at the office evidence in reply by way of affidavits and shall also deliver to the registered proprietor a copy of such evidence.

(7) No further statement or evidence shall be left by either party except by leave of or on requisition by the Controller.

(8) Where a document in a language other than English is referred to in any statement or affidavit filed in connection with an application under Sec. 51-A or opposition thereto, an attested translation of that document shall be furnished in duplicate.

(9) The time allowed for filing the counter-statement or for leaving evidence by way of affidavits shall ordinarily be one month which may be extended only by a special order of the Controller given on a petition made by the party seeking extension of time: Provided that the extension so granted shall in no case exceed three months in the aggregate.

(10) On completion of the filing of the statement and the evidence referred to in sub-rules (3) to (8) or at such other time as he may decide, the Controller shall appoint a time for the hearing of the application and shall give the parties not less than ten days' notice of such hearing.

(11) If either party desires to be heard, he shall give to the Controller a notice in Form 7 of his intention to attend the hearing,

(12) If, at the hearing, either party intends to refer to any publication, he shall give to the Controller and to the other party not less than five days' notice of such intention, together with the details of the publication to which he intends to refer.

(13) After hearing the party or parties desirous of being heard or without a hearing, if neither party desires to be heard or attends the hearing, the Controller shall decide on the application and the opposition, if any, and notify his decision to the parties.]

1. Subs. by Patents Rules, 1972, rule 126, the Fifth Schedule.

49. 49 :-
* * *]

50. 50 :-
* *]

51. 51 :-
* *]

52. Registering designs :-

(1) When a design is accepted there shall be entered in the Register of Designs, in addition to the particulars required by the Act, the number of the design, the class in which it is registered, the date of filing the application for registration in this country, the reciprocity date, if any, claimed for the registration, and such other matters as would affect the validity or proprietorship of the design.

(2) Where the accepted design is one in respect of which a reciprocity date has been allowed, the registration, the extension or the expiration of the copyright in the said design shall be reckoned from such reciprocity date.

53. Alteration of Address :-

If a proprietor of a registered design sends to the Controller notice in respect of an alteration in his name, or address or addresses for service, the Controller shall cause the register to be altered accordingly.]

54. Applications for entry of subsequent proprietorship :-

Where a person becomes entitled, by assignment, transmission or other operation of law to a copyright in a registered design, or to any interest therein, as mortgagee or licensee, application shall be made to the Controller for the entry in the register, of his name as proprietor or part proprietor of the design, or of a notice of such interest.]

55. Particulars in applications :-

An application under rule 54 shall contain the name, address and nationality of the person claiming to be entitled, together with full particulars of the instrument, if any under which he claims.

56. Production of documents of title and other proof :-

(Every assignment, and every other document containing, giving effect to or being evidence of the transmission of copyright in a registered design or affecting the proprietorship thereof as claimed by such application, shall unless the Controller otherwise directs, be presented to him together with the application, and he may call for such other proof of title or written consent as he may require for his satisfaction: Provided that in the case of a document which is a public document, an official or certified copy thereof may be presented.)

57. Form of entry :-

The entry to be made in the register on request under rule 54 shall be in the following form:- "In pursuance of an application received on the..... registered as Proprietors/licensees/mortgagees etc. by virtue of assignment/licence/mortgage deed etc. dated and made between.....of the one part and..... of the other part."

58. Entry of notification of documents :-

An application for entry in the ¹[register of designs] of notification of any document (not already provided for), purporting to affect the proprietorship of a ² [registered design] shall be accompanied by an attested copy of the document, the accuracy of such copy being certified as the Controller may direct, and the original document shall at the same time be produced and left at the office if required for further verification.,

1. Subs. by .the Patents Rules, 1972, rule 126 and the fifth Schedule
2. Subs. by the Patents Rules, 1972, rule 126 and the fifth Schedule for "registers".

59. Hours of Inspection of registers :-

The ¹ [Register of Designs] shall be open to the inspection of the public at all times on which the office is open to the public, except at times when they are required for actual official use.

1. Subs. by .the Patents Rules, 1972, rule 126 and the fifth Schedule

60. Rectification of register :-

If an application is made for the rectification of the ¹ [Register of Designs] under Sec. 64 of the Act, the Controller shall notify all persons whose names, at the time of the application are entered on the register as claiming an interest in the design, and shall advertise the application in the Official Gazette.

1. Subs. by the Patents Rules, 1972, rule 126 and the fifth Schedule for "registers".

61. Opposition to rectification :-

¹[(1)] Notice of opposition to any rectification of the Register of Designs may be given within six months of the advertisement of the application for rectification.

² [(2) The opponent shall, within fourteen days of giving notice of opposition, leave at the office his written statement in duplicate setting

(3) The Controller shall furnish the applicant with a copy each of the notice of opposition and the written statement.

(4) The procedure specified in sub-rules (4) to (13) of rule 48 relating to leaving evidence and hearing shall, so far as may be, apply to the hearing of the application under Sec. 64 as they apply to the hearing of an application under Sec. 51-A.]

1. Ins. by the Patents Rules, 1972, rule 126 and the fifth Schedule

2. Ins. by the Patents Rules, 1972, rule 126 and the fifth Schedule

62. Appeals to the Central Government :-

(1) An appeal to the Central Government under any provision of the Act from a decision of the Controller shall be lodged with the Controller in duplicate and shall state fully the reasons for appealing.

(2) The Controller shall forward one copy of the appeal to the Central Government who shall notify- the appellant of its receipt.

(3)

¹ [(a) The appellant, shall, on lodging the appeal in the manner set forth in sub-rule (1), send a copy of the appeal to the respondent (or to each of the respondents where there are two. or more respondents appearing separately), and shall also intimate to the Controller the date of sending of the copy.)

(b) Each of the respondents shall acknowledge in writing the receipt of the copy of the appeal. Any respondent may, within one month from the date on which the copy of the appeal is sent to him by the appellant, or within such further time as may be allowed by the Central Government leave at the office a memorandum of objection and on so leaving send a copy thereof to the appellant.

(c) The memorandum of objection shall be strictly confined to matters raised in the appeal memorandum, and shall not deal with any cross-objection attacking any portion of the Controller's decisions passed against the respondent, such as could have been taken by filing a separate appeal by the respondent.

(d) The memorandum of objection shall be filed in duplicate and the Controller shall forward one copy to the Central Government who shall notify the respondent of its receipt.

(4) On completion of these proceedings, if any, or at such other time as the Central Government may see fit. it shall consider the appeal together with the memorandum of objection, if any, and pass an order determining the case finally or remanding it for further inquiry and reconsideration by the Controller, or allowing the appeal in part, as it may deem fit. The decision of the Central Government shall be communicated to the Controller and to the parties.

(5) Nothing in these rules shall be deemed to affect the discretionary powers of the Central Government to call for explanatory or

1. Corrected by the patents Rules, 1972. rule 126, the Fifth Schedule.

63. Certified copies of documents :-

Certified copies of any entry in the ¹ [register of designs] or certified copies of, or extracts from disclaimers, affidavits, declarations and other public documents in the office, or of or from registers and other books kept there, shall be furnished by the Controller on payment of the prescribed fee.

1. Subs. by the Patents Rules. 1972, rule 126. item 20 of the Fifth Schedule.

63A. 63-A :-

* * *]

63B. Form etc. of affidavits :-

(1) The affidavit required by the Act and these Rules, or used in any proceedings thereunder, shall be headed in the matter or matters to which they relate, shall be drawn up in the first person, and shall be divided into paragraphs consecutively numbered: and such paragraph shall, as far as possible, be confined to one subject. Every affidavit shall state the description and true place of abode of the person making the same, shall bear the name and address of the person leaving it and shall state on whose behalf it is left.

(2) Affidavits shall be confined to such facts as the deponent is able to prove of his own knowledge, except on interlocutory applications, on which statements of his belief may be admitted, provided that the grounds thereof are stated.

(3) The affidavits referred to in sub-rule (1) shall be made and subscribed as follows:

(a) In India, before any Court person having by law authority to receive evidence, or before any officer empowered by such Court or person as aforesaid to administer oaths, or before the commanding officer of any military, naval or air force station or ship occupied by troops;

(b) in any other part of His Majesty's dominions, before any Court, judge. Justice of the Peace or any officer authorised by law to administer an oath therefor the purpose of a legal proceeding; and

(c) if made out of His Majesty's dominions, before a British Minister or person exercising the functions of a British Minister, or a Consul, Vice-Consul, or other person exercising the functions of a British Consul, or before a notary public, or before a judge or magistrate.

63C. Scale of Costs :-

In all proceedings before the Controller, the Controller may, save as otherwise expressly provided by the Act or these rules, award such costs as he considers reasonable, having regard to all circumstances of the case provided that the amount of costs awarded in respect of any matters set forth in the Fifth Schedule to these rules shall not exceed the amount therein specified.

63D. 63-D :-

* * *]

64. Exercise of discretionary Power of Controller :-

The time within which a person entitled under Sec. 67 of the Act, to an opportunity of being heard shall exercise his option of requiring to be heard shall be one month from the date of a notice which the Controller shall give to such person or his agent before determining the matter with reference to which such person is entitled to be heard. If within that month such person or his agent requires to be heard, the Controller shall appoint a date for the hearing and shall give ten days' notice thereof: Provided that If the giving of ten days' notice would cause an application for the registration of design to be deemed to have been abandoned before the hearing, the Controller may curtail the period of notice.]

65. Controller may require statement :-

Whether an applicant or agent desires to be heard or not, the Controller may at any time require him to submit a statement in writing within a time to be notified by the Controller, or to attend before him and make explanations with respect to such matters as the Controller may require.

66. General powers of amendment :-

Any document for the amending of which no special provision is made by the Act may be obviated without detriment to the interest of any person, may be corrected if the Controller thinks fit. and upon such terms as he may direct.

67. General power to enlarge time :-

The time prescribed by these rules for doing any act or taking any proceeding thereunder may be enlarged by the Controller, if he thinks fit, and upon such terms as he may direct.

67A. 67-A :-

* *]

68. Repeal :-

(1) The Indian Patents and Designs Rules, 1912, are hereby superseded provided that any application or other matter pending under those rules on the date of the coming into force of these rules shall be

disposed of under those rules.

(2) The notifications of the Government of India in the Department of Industries and labour, No. A197, dated the 17th July, 1930, and the 4th November, 1932 are hereby superseded.

SCHEDULE 1

FIRST SCHEDULE

(vide Sec. 57) FEES	
No. of	On what payable No. of Proper fee entry Form Rs. P.
1 2 3 4	1. On notice of Intended exhibition or publication of an unregistered design under Sec. 52. 14 25.00 2. On request to register design under Sec.43 or 78-A. 15.16 30.00 3. On request to register design under Sec. 43 to be applied to a set in a Class. 17 30.00 4. On request for written decision under rule 41. 18 25.00 5 On request to extend copyright under Sec. 47. 19 50.00- Second period of 5 years 75.00- Third period of 5 years. NOTE-This fee may be paid in advance. For designs already registered the fee for extension of copyright shall be for second period of 5 years for third period of 5 years. 10.00 10.00 6. On request to inspect under Sec. 50. - 5.00 7. On request for information under Sec. 51 when registration number is supplied. 20 10.00 8. On request for information under Sec. 51 when registration number is not supplied. 21 50.00 9. On request for inspection of the register under Sec. 59. - 5.00 10. On request for certificate under Sec. 59. An additional fee of 2 5 p. for every 100 words or part thereof will be charged for preparing copies. Copies of representation will be charged according to the nature of the copies (Xerox or photocopy). 29 25.00 11 11. For supply of photocopies of documents. For direct negative Rs.4/- per page of full size 13" X 8" or 33.0 cm X 20.3 cm. - 4.00 For positive copy Rs.7/- per page of full size 13" X 8" or 33.0 cm X 20.3 cm. - 7.00 12 For supply of Xerox copies of documents per page - 1.00 13. For certifying office copies, MSS or printed each - 5.00 14. On request to correct under Sec.62. 28 15.00 15. On application to the Controller for cancellation of registration of design under Sec. 51-A. 22 50.00 16. On notice of intention to attend hearing under rule 48. 7 50.00 17. On application under Sec. 63 for entry of name of subsequent proprietor in the Register of Designs, if made within six months from date of acquisition of proprietorship- 25 in respect of one design. 25.00 for each additional design. 10.00 18. On application under Sec. 63 for entry of name of subsequent proprietor in the Register of Designs if made after expiration of six months from the date of acquisition of proprietorship- 25 in respect of one design; 50.00 for each additional design. 10.00 19. On application under Sec. 63 for entry of notice of mortgage or licence in the Register of Designs, if made within six months from the date of acquisition of interest- 26 in respect of one design. 25.00 for each additional design. 10.00 20. On application under Sec. 63 for entry of notice of a mortgage or licence in the Register of Designs, if made after expiration of six months from date of acquisition of interest- 26 in respect of one design. 25.00 for each additional design. 10.00 21. On application under Sec. 63 for entry of notification of a document in the Register of Designs, if made within six months from date of document the registration of the design- 27 in respect of one design. 25.00 for each additional design. 10.00 22. On application under Sec. 63 for entry of notification of a document in the Register of Designs. if made after expiration of six months from date of document the registration of the design- 27 in respect of one design. 50.00 for each additional design. 10.00 23. On request to alter name, address or service in Register under rule 53. 23 5.00 24. For entry of two addresses for service in Register under Sec.46. 24 10.00 25. On application for rectification of Register under Sec. 64. 30 50.00 26. On notice of opposition to the rectification of the Register under Rule 61. 6 50.00 27. On notice of intention to attend hearing under rule 61. by applicant and opponent respectively. 7 50.00 28. On a petition (not otherwise charged) for review of Controller's order or for obtaining Controller's orders on -an interlocutory matter in a contested proceeding, - 25.00 29. On appeal from the Controller to the Central Government under Sec. 43 or 69. 5 50.00

SCHEDULE 2

SECOND SCHEDULE FORMS

SCHEDULE 3

THIRD SCHEDULE

]

SCHEDULE 4

FOURTH SCHEDULE

CLASSIFICATION OF GOODS Class 1. - Article composed wholly of metal or in which metal predominates, and Jewellery. Class 2. - Books and bookbinding of all materials. Class 3. - Articles composed wholly of Indian-rubber, wood, bone, Ivory, papier mache, celluloid, bakelite, or like substances, or materials in which such substances predominate (except articles included in Class 10). Class 4. - Articles composed wholly of glass, earthenware, or porcelain, clay (burnt or baked) or cement or in which such materials predominate, Class 5. - Articles composed wholly of paper, card-board, mill-board or straw-board (except articles included in Class 2, and paper hangings), or in which such materials predominate. Class 6. - Articles composed wholly of leather or in which leather predominates not included in other classes. Class 7. - Paper hangings. Class 8. - Carpets, rugs and floor coverings in all materials. Class 9. - Lace. Class 10. - Boots, shoes and the like foot-wear. Class 11. - Millinery and wearing apparel (except articles Included in Class 10). Class 12. - Goods not included in other classes. Class 13. - Printed or woven designs on textile goods other than checks or stripes. Class 14. - Printed or woven designs on textile goods being checks or stripes,

SCHEDULE 5

THE FIFTH SCHEDULE

SCALE OF COSTS ALLOWABLE IN PROCEEDING BEFORE THE CONTROLLER (rule 63C) Entry Matters in respect of which cost Amount No. is to be awarded Rs. P. 1. For Notice of Opposition under rule 48 and 61 50.00 2. For application for cancellation of the registration of design under Sec. 51-A 50.00 3. For Notice of intention to attend Hearing 50.00 4 Stamps for Power of Attorney, where a professional agent has been appointed The amount actually 5. Stamp fee in respect of relevant Affidavit the amount Actually paid 6. For full statement under rule 48(1) 50.00 7. For Reply Statement under rule 48(3) 50.00 8. For each Affidavit, if relevant 25.00 9. For each Citation, if relevant 25.00 10. For each unnecessary or irrelevant Affidavit or Citation 25.00 11 . For every day or part of a day of Hearing before the Controller 50.00]

SCHEDULE 6
SIXTH SCHEDULE

GOVERNMENT OF INDIA THE PATENT OFFICE (DESIGNS BRANCH) Certificate of Registration of Design DESIGN NO. DATE Certified that the design, of which a copy is annexed hereto, has been registered as of the number and date given above in class in respect of the application of such design to in the name of in pursuance of and subject to the provisions of the Designs Act, 1911 and the Designs Rules, 1933, Date of issue of Controller of Patents and Designs. Certificate.