

**Date: November 9, 2012**

## **Notification regarding the change of patent rules pertaining to Patent Agent Examination**

The Department of Industrial Policy and Promotion has notified the amendment of Rule 110 of the Patents Act by the Central Government. The said rule pertains to particulars of the qualifying examination for patent agents.

While the qualifying examination earlier required the candidate to score a minimum of fifty marks (out of 100) in each of the two papers on Patent Act and Rules and Drafting and interpretation of patents specification and Viva Voce and an aggregate of sixty per cent of the total marks to pass the examination, as per the amended rule the marks for Viva Voce has been reduced to 50 from 100.

The amended rules read as below:

1. (1) These rules may be called the Patents (Amendment) Rules, 2012  
(2) They shall come into force on the date of their publication in the Official Gazette.
  
2. In the Patents Rules, 2003, in rule 110,-
  - (a) In sub-rule (2), against the paper relating to Viva voce, for the figures "100", the figures "50" shall be substituted;
  - (b) For sub-rule (3), the following sub rule shall be substituted, namely:-
    - (3) A candidate shall be required to secure a minimum of fifty marks in paper I and Paper II and shall be declared to have passed the examination only, if he obtains an aggregate of sixty percent of the total marks."

The amendments are made as per the direction of the Delhi High Court in response to petition filed by a candidate who had secured at least 60% in the patent agent examination 2011 paper but had secured less than 50% marks in viva-voce.

The notification can also be accessed from Patent Office's website at:

[http://www.ipindia.nic.in/iponew/patent\\_Amendment\\_Rules\\_2012.pdf](http://www.ipindia.nic.in/iponew/patent_Amendment_Rules_2012.pdf)