

February 12, 2013

No. CO/Public Notice/2013/77

Notification Regarding Working Statement of the Patented Invention on Commercial Scale in India

The Office of Controller General of Patents, Designs and Trademarks (CGPDTM) has issued a notification directing all Patentees and Licensees (whether exclusive or otherwise) to furnish information and statement regarding the commercial working of patented invention in India (in compliance with Section 146 and Rule 131 of the Patent Act).

Section 146 and Rule 131 of Patents Act provides that the Controller, at any time during continuance of the patent, has the power to call for information as to the extent to which the patented invention has been commercially worked in India. It is also obligatory on the part of every patentee and every licensee to furnish such information (on Form 27) in respect of every calendar year within three months of the end of each year.

It is worth mentioning that refusal or failure to furnish the required information aforesaid information may result in penal action including fine of Rupees Ten Lakh. Further false information in this regard may lead to imprisonment which may extend to six months.

Vide the said notification; the Patent Office has also appealed to all the applicants and agent as far as possible IPO's E-filing services (as available on the Patent Office's official website www.ipindia.nic.in) be used for filing Form 27.

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

http://www.ipindia.nic.in/iponew/publicNotice_Form27_12Feb2013.pdf