

Department for Promo- 1  
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Rules

Department for Promo- 4  
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Internal Trade– Patent  
Rules

## DEPARTMENT FOR PROMOTION OF INDUSTRY AND INTERNAL TRADE

### DESIGN RULES, 2000

G.S.R. 798(E).—The following draft rules to further amend the Designs Rules, 2001, which the Central Government proposes to make in exercise of the powers conferred by sub-section (2) of section 47 of the Designs Act, 2000 (16 of 2000), are hereby published, as required by sub-section (3) of the said section, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft rules will be taken into consideration after the expiry of a period of thirty days from the date on which copies of the Gazette of India in which this notification is published, are made available to the public.

1. These rules may be called the Design (Amendment) Rules, 2019.
2. In Rule 2 of the Design Rules, 2001 (hereinafter referred to as said rules), after clause (ea), the following clause:-  
(eb) startup means-
  - (a) an entity in India recognized as a startup by the competent authority under Start Up India Initiative ;
  - (b) In case if a foreign entity, an entity fulfilling the criteria of turnover and period of incorporation/registration as per Start Up India Initiative and submitting declaration to that

effect.

Explanation: In calculating the turnover, reference rates of foreign currency of the Reserve Bank of India shall prevail.

3. In Rule 5 of the said rules, in sub-rule (2),

(i) Clause (e) shall be substituted by the following clause, namely:

(e) In case an application processed by a natural person and/or startup and/or small entity is fully or partly transferred to a person other than a natural person, startup or small entity, the difference, if any, in the case of fees charged from the natural person, startup or small entity and the fees chargeable from the person other than a natural person, startup or entity in the same matter, shall be paid by the new applicant with the request for transfer.

(ii) Clause (f) shall be deleted.

(iii) an explanation shall be inserted after sub-rule (e) namely:-

Explanation: Where a startup/small entity, having filed an application for design, ceases to be a startup/small entity due to the lapse of the period during which it is recognized by the competent authority, or its turnover subsequently crosses the financial threshold limit as notified by the competent authority, no such difference in the scale of fees shall be payable.

4. In rule 10 of the said rules, cause (1) shall be substituted by the following, namely;

“For the purpose of the registration of designs and of those rules, articles shall be classified as per current edition of ‘International Classification for Industrial Designs (Locarno Classification)’ published by World Intellectual Property Organization (WIPO)”.

5. In the said rules, the FIRST SCHEDULE shall be amended as stated. (See Rule 5 of the Design (Amendment) Rules, 2001 as mentioned above).
  
6. In the said rules, the SECOND SCHEDULE the following amendments shall be made namely;
  - (a) Form 1 will be substituted
  - (b) Form 24 shall be substituted
  
7. In the THIRD SCHEDULE to the said rules, following shall be substituted, namely:

“[Omitted]”
  
8. In the FOURTH SCHEDULE to the said rules shall be amended as stated. (See Rule 43 of the Design (Amendment) Rules, 2001 as mentioned above).

## PATENT RULES

G.S.R 799(E) - The following draft rules to further amend the Patents Rules, 2003 which the Central Government proposes to make in exercise of the powers conferred by Section 159 of the Patents Act, 1970, are hereby published as required by sub-section (3) of the said section for the information of all persons likely affected thereby, and notice is hereby given that the draft rules will be taken into consideration after the expiry of a period of thirty days from the date on which copies of the Gazette of India, in which this notification is published, are made available to the public.

### **Draft Rules**

1. These rules may be called the Patents (2nd Amendment) Rules, 2019.
2. In the Patents Rules, 2003 (hereinafter referred to as said rules), in rule 7, for sub-rule (3), the following sub-rule shall be substituted, namely:-  
“(3) In case an application processed by a natural person and/ or startup and/ or small entity is fully or partly transferred to a person other than a natural person, startup or small entity, the difference, if any, in the scale of fees between the fees charged from the natural person, startup or small entity and the fees chargeable from the person other than a natural person, startup or small entity in the same matter, shall be paid by the new applicant with the request for transfer.”.
3. In the said rules, sub-rule (3A) will be deleted.
4. In the said rules, sub-rule (3B) will be deleted.
5. In the said rules, the Explanation to sub-rule (3B) shall be inserted after sub-rule (3) and shall be

substituted, namely:-

**“Explanation—**Where a startup/ small entity, having filed an application for a patent, ceases to be a startup/ small entity due to the lapse of the period during which it is recognised by the competent authority, or its turnover subsequently crosses the financial threshold limit as notified by the competent authority, no such difference in the scale of fees shall be payable.

6. In the said rules, in the FIRST SCHEDULE, the following amendments shall be carried out, namely:-

(i) columns 5 and 8 will be deleted;

(ii) the present column 6 will be renumbered as 5;

(iii) the present column 7 will be renumbered as 6;

(iv) the present column 9 will be renumbered as 7; and

(v) the title row of the table will be substituted as stated in the said Amendment mentioned above.

7. In the said rules, the proviso in sub-rule 5 of Rule 24C, will be replaced with the following, namely:

“Provided that a request for expedited examination under this rule filed by a startup or small entity shall not be questioned merely on the ground that the startup/ small entity, having filed an application for a patent, ceases to be a startup/ small entity due to the lapse of the period during which it is recognised by the competent authority, or its turnover subsequently crosses the financial threshold limit as notified by the competent authority”.”

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Warm Regards,

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