

# Patents Act may be modelled on Trips

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The government plans to fix 36 months as the time for examination of all applications irrespective of whether they were filed before or after January 1, 2005.

The draft Patent (Second Amendment) Rules 2005 proposes to bring the Patents Act in India in line with the TRIPS agreement. Under these rules, the time-period for examination of patent application has been proposed as 36 months for all applications as against the existing norms which make a distinction between applications filed before and after January 1, 2005. The time for ap-

plications filed before the date was 12 months as against 36 months for applications filed later.

The rules have also proposed changes to the opposition proceedings to the grant of patent. In the earlier rules, opposition proceedings were mandatory for the applicant. The proceedings, under the new rules, will take place only if the registrar of patents finds a case for it. The opposition proceedings, however, continue to take place after the grant of the patent, a feature contrary to the concept of patenting, experts said. 'This is a unique feature of our Patent Act as unlike India, almost all countries conduct thorough research prior to the grant of the patent' said a legal expert.