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**\*IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5590/2015 & CM No.10090/2018**

% *Date of decision : 23<sup>rd</sup> April, 2018*

SHAMNAD BASHEER

..... Petitioner

Through : Mr. Abhimanyu Bhandari and  
Mr. N. Sai Vinod, Advs.

*versus*

UNION OF INDIA & ORS

..... Respondents

Through : Mr. Amit Mahajan, CGSC for  
R-1/IOI  
Mr. Rajiv Nayyar, Sr. Adv.with  
Mrs. Saya Chaudhary, Mr.  
Ashutosh Kumar, Mr. Prateek  
Sehrawat, Mr. A. Joyaraj and Mr.  
Devanshu Khanna, Advs. for  
Intervenor-Ericsson  
Mr. Rajiv Kr. Choudhry, Adv.  
for Intervenor-TEMA  
Ms. Pritha Srikumar Iyer and Mr.  
Nishanth Kadur, Advs. for R-4

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**JUDGMENT (ORAL)**

**GITA MITTAL, ACTING CHIEF JUSTICE**

1. This writ petition is concerned with issues relating to the working of patents under the Patents Act, 1970. It appears that concerned with

the several issues relating to Section 146 of the Patents Act, 1970 (as amended) read with Rule 131 of Patents Rules, 2003; Form 27 prescribed therein and the implementation of the provisions provided under Section 122, the office of the Controller General of Patents, Designs and Trademarks has initiated an exercise of examination of these provisions from the perspective as to whether changes/amendments thereto need to be effected.

2. In this regard, a stakeholder consultation meeting was scheduled to be held on 21<sup>st</sup> March, 2018. We are informed that pursuant thereto, a stakeholder consultation has actually been held at Delhi on 6<sup>th</sup> April, 2018.

3. By our order dated 15<sup>th</sup> March, 2018, we had directed the respondent no.1 to place before this court a reasonable timeline within which the consultation would be completed, suggestions received, examined and such amendments as may be deemed necessary, effected to the Patents Act, 1970 and Rules thereunder. Pursuant to our directions, respondent no.1 has filed an affidavit dated 20<sup>th</sup> April, 2018 by Dr. Suman Shrey Singh, Deputy Controller of Patents & Designs in the Patents Office, Delhi, who is also personally present in court.

4. We have been taken through this affidavit by Mr. Amit Mahajan, learned Standing Counsel for the Central Government. Alongwith this affidavit, the respondents have placed the following timelines for consideration of the matter and to effect such changes as may be necessary in the provisions of the Patents Act and the Rules :

“3. Accordingly, the following sequential timelines to complete all the actions to be taken by the office of CGPDTM/Ministry related to this matter are submitted.

<b>SL. No.</b>	<b>Action be the Office of CGPDTM/DIPP</b>	<b>Likely time required</b>
1.	Stakeholders' suggestions received	Before 23-3-2018
2.	Stakeholders' suggestions/comments published in the IPO website prior to the Meeting	02-04-2018
3.	Stakeholder consultation meeting held at Delhi	06-04-2018
4.	Receiving further suggestions and study of international practices regarding working of patents	1 month
5.	Preparation of Draft of Amendments to the existing Rule 31 of Patent rule/Form 27 by CGPDTM to the Ministry	1 month
6.	Approval by Competent Authority to the draft amendment to Rules/Form 27	1 month
7.	Gazette Notification of Draft amendment to Rules/Form 27	2 Months
8.	Receiving comments/suggestions from Stakeholders and consultation meeting on Draft amendment Rules/Form on Draft amendment Rules/Form 27	

9.	<i>Final Draft of the amended Rules/Form 27 to be submitted to competent Authority</i>	<i>1 Month</i>
10.	<i>Vetting of the amended Rules/Form 27 by Law Ministry and inter-ministerial consultation</i>	<i>2 Months</i>
11.	<i>Competent Authority approval and Gazette notification of a mended rules/Form 27</i>	<i>1 Month</i>
12.	<i>Unforeseen delay, if any</i>	<i>2 Months</i>

5. As noted above, the steps till serial no. 3 i.e. the stakeholder consultation meeting held on 6<sup>th</sup> April, 2018 stand completed.

6. We accept the timelines suggested by the respondent no.1 who shall remain bound by the same. Every effort shall be made to ensure that there is no deviation and the matter is treated in right earnest and given the seriousness which it deserves to be accorded to it.

7. The respondents shall place a report before this court upon completion of the aforesaid noticed exercise.

8. In view of the above, this writ petition and application which sought the strict implementation of the law need not detain this court any further and are hereby disposed of.

**ACTING CHIEF JUSTICE**

**C.HARI SHANKAR, J**

**APRIL 23, 2018/kr**