

MINISTRY OF COMMERCE AND INDUSTRY
(Department for Promotion of Industry and Internal Trade)

NOTIFICATION

New Delhi, the 25th November, 2025

G.S.R. 865(E).— WHEREAS the draft of certain rules further to amend the Patents Rules, 2003 was published as required under sub-section (3) of section 159 of the Patents Act, 1970 (39 of 1970), *vide* notification of the Government of India in the Ministry of Commerce and Industry, Department for Promotion of Industry and Internal Trade number G.S.R. 475(E), dated the 16th of July, 2025 in Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) inviting objections and suggestions from all persons likely to be affected thereby before the expiry of a period of thirty days from the date on which copies of the Gazette containing the said notification were made available to public;

AND WHEREAS copies of the said Gazette were made available to the public on the 16th of July, 2025;

AND WHEREAS the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by section 159 of the Patent Act, 1970 (39 of 1970), the Central Government hereby makes the following rules further to amend the Patent Rules, 2003, namely: -

1. Short title and commencement. - (1) These rules may be called the Patents (Amendment) Rules, 2025.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Patent Rules, 2003 (hereinafter referred to as the principal rules), for Chapter XIV A, the following chapter shall be substituted, namely: -

‘CHAPTER XIV-A

ADJUDICATION OF PENALTIES AND APPEALS

107A. Definitions. - In this chapter, unless the context otherwise requires, -

- (a) "adjudicating officer" means an officer authorised under section 124A of the Act;
- (b) "appellant" means a person aggrieved by an order of the adjudicating officer and who prefers an appeal before the appellate authority under sub-section (1) of section 124B of the Act.
- (c) "appellate authority" means an officer authorised under sub-section (1) of section 124 B of the Act;’.

107 B. Complaint. — Any person may, in respect of any contravention committed under sections 120, 122, or 123 of the Act, file a complaint in Form 32 through electronic means before the adjudicating officer.

107 C. Holding of inquiry. - (1) For adjudication under section 124A of the Act, where the adjudicating officer has reason to believe that any person has committed a contravention specified therein, shall issue a notice to such person through electronic means, requiring him to show cause, within such period as may be specified in the notice, minimum of not less than seven days from the date of service thereof, as to why an inquiry should not be held against him.

(2) Every notice under sub-rule (1) shall specify the nature of contravention alleged to have been committed.

(3) Where, after considering the cause, if any, shown by the person referred to in sub-rule (1), the adjudicating officer is of the opinion that an inquiry should be held, shall issue a notice requiring the appearance of such person, either personally or through a legal practitioner, on such date as may be specified in the notice.

(4) On the date fixed for inquiry, the adjudicating officer shall explain to the person proceeded against, the nature of the contravention alleged to have been committed by such person and the relevant provisions of the Act in respect thereof.

(5) The adjudicating officer shall after giving the person referred to in sub-rule (3), reasonable opportunity of being heard and produce such documents or evidence as may be considered relevant to the inquiry and where necessary, the hearing may be adjourned to a future date.

(6) While holding an inquiry under this rule, the adjudicating officer may require and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which, in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry.

(7) Where any person fails, neglects, or refuses to appear before the adjudicating officer as required under this rule, the adjudicating officer may proceed with the inquiry in the absence of such person, after recording the reasons for doing so.

(8) Where, upon consideration of the evidence produced before him, the adjudicating officer is satisfied that the person has committed the contravention, he may, by order in writing, impose such penalty under the Act as he considers appropriate.

(9) Every order made under this rule shall specify the provisions of the Act in respect of which contravention has been committed and shall contain the reasons for imposing the penalty.

(10) A copy of the order made under this rule, along with other copies of proceedings, shall be supplied free of cost to the person against whom the order is made.

(11) The adjudicating officer shall complete the inquiry and pass an order under this rule within a period of three months from the date of issuance of the notice under sub-rule (3).

(12) The adjudicating officer shall not be bound to observe the provisions of the Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023).

107 D. Appeal. - (1) Any person aggrieved by an order of the adjudicating officer under rule 107 C may prefer an appeal in Form 33, through electronic means to the appellate authority within sixty days from the date of the receipt of the order:

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within such period.

(2) Upon receipt of the appeal, the appellate authority shall issue a notice to the respondent requiring him to file a reply within such period as may be specified in the notice.

(3) The appellate authority shall, after giving the parties a reasonable opportunity of being heard, pass a reasoned order, which may include an order for adjournment, and shall ordinarily complete the proceedings within a period of six months from the date of receipt of the appeal.

107E. Service of communications. - All communications under this chapter shall be effected through electronic means only.

107F. Extension of time. - The adjudicating officer or the appellate authority may, for reasons to be recorded in writing, extend any period specified in this chapter to such further period as may be deemed appropriate, with or without costs.

107G. Order and penalties. - (1) Every order made under this chapter shall bear the date, be digitally signed, communicated to all parties concerned, and uploaded on the official website.

(2) All sums realised by way of penalties under this chapter shall be credited to the Consolidated Fund of India.’

3. In the principal rules, in the SECOND SCHEDULE. -

(a) under the heading LIST OF FORMS, after entry 31, the following entries shall be inserted, namely: -

“32.	Section 124A, and rule 107B	Complaint for contravention under sections 120, 122 and 123 of the Act.
33.	Section 124B, and rule 107D	Appeal against an order of the adjudicating officer.”;

(b) after FORM 31, the following FORMS shall be inserted, namely: -

<p align="center">“FORM 32 COMPLAINT FOR CONTRAVENTION OF SECTIONS 120, 122 and 123 [See section 124A; rule 107B]</p>	
1. Particulars of Complainant (mandatory): -	
a. Name:	
b. Address for service:	
c. Contact No.:	
d. Email (for service):	
2. Details of Complaint: -	
a. Date, time, and instance of commission of the alleged contravention or default:	
b. Statement of contravention or default setting out all relevant material particulars:	
c. Evidence in support of the statement:	
d. Tentative amount of damage (in Monetary terms) with cost break-up:	
I/We, the Complainant herein, declare that the facts stated herein are correct to the best of my/our knowledge, information and belief.	

3. Signature of the Complainant:	Signature.....
4. Name of the natural person who has signed:	(.....)
	To, The Adjudicating Officer, The Patent Office, at
Note. -Strike out whichever is not applicable.	

FORM 33 APPEAL AGAINST AN ORDER PASSED BY THE ADJUDICATING OFFICER [See section 124B; rule 107D]	
1. Particulars of Appellant (mandatory): - a. Name: b. Address for service: c. Contact No.: d. Email (for service):	
2. Particulars of Order passed by the adjudicating officer against which the appeal is preferred: -	
a. Case No:	
b. Date of Order:	
c. Evidence in support of the statement:	
I/We, the Appellant herein, declare that the facts stated herein are correct to the best of my/our knowledge, information and belief.	
3. Signature of the Appellant:	Signature.....
4. Name of the natural person who has signed:	(.....)
	To, The Appellate Authority, The Patent Office, at
Note. -Strike out whichever is not applicable.”.	

[F. No. P-24031/13/2020-IPR-III]

HIMANI PANDE, Addl. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii) *vide* number S.O. 493 (E), dated the 2nd May, 2003 and lastly amended *vide* number G.S.R. 215(E), dated the 16th March, 2024.