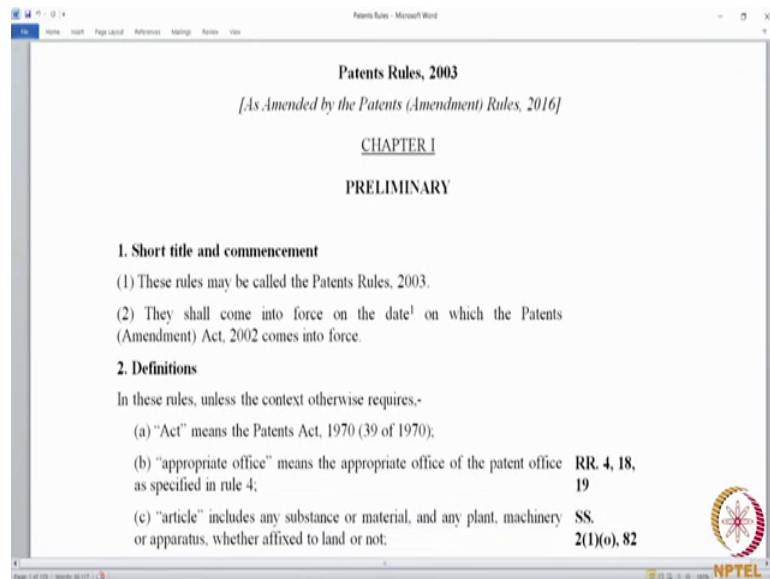


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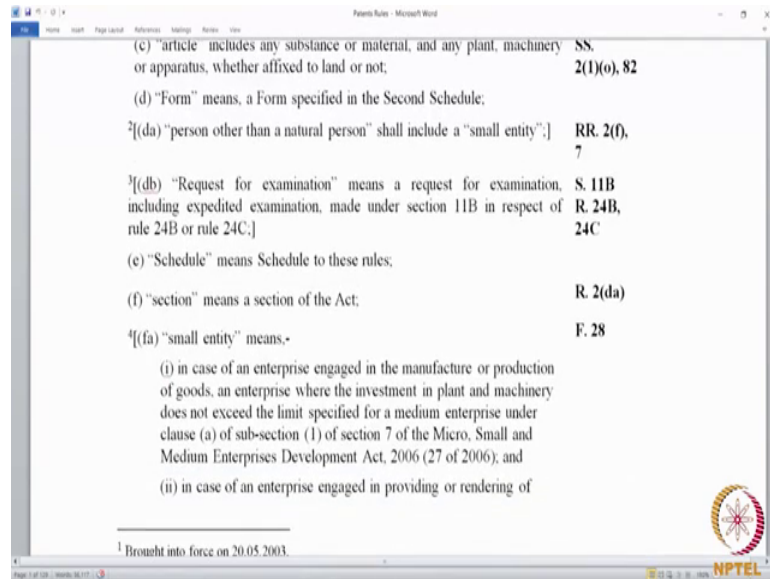
Lecture – 04
Introduction to the Indian Patent System
Preliminary Rules

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Just as we had seen that the patents act does have a definitional clause, section 2 of the patents act deals with definition and interpretation, likewise act and rules too has a clause that pertains to definition. The 3 things which we had discussed about the kinds of definition that the definition 1 - it may define the word or the phrase within the clause itself, the second kind of definition is where it gives the cross reference to another part of the act and the third type of reference definition is where the definition refers to an other act and we saw instances in the patent act 1970.

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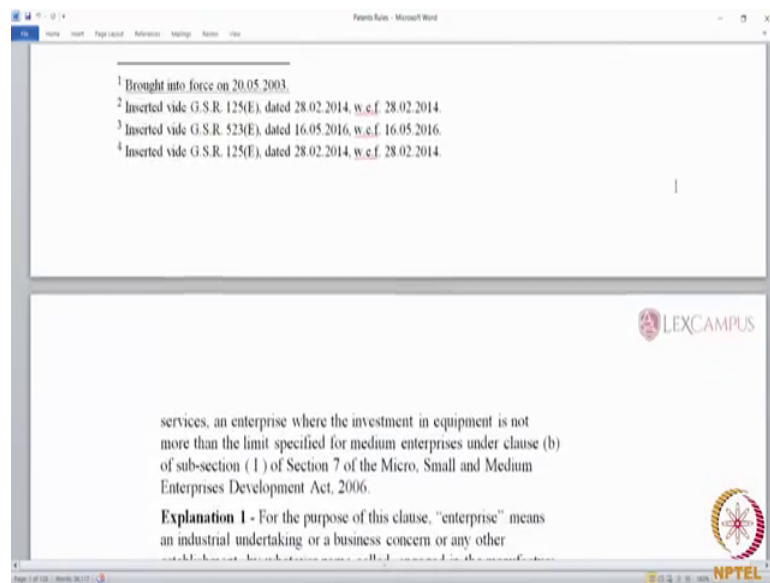
Now the patent rules have certain definitions but most of these definitions will relate back to what is already been said in the act for instance rule 2 a act means the patent act. So, where ever the act is used we know that it refers to the patents act. Appropriate office; b defines a appropriate office which means the patent office as specified in rule four again we see reference to another part of the rule. So, if you need to understand what an appropriate office is you would look into rule 4.

Then you have form means a form specified in the second schedule and the second schedule is the schedule that deals with the forms that have to be useful for the party office. Then you have other definitions. Now you will note here that there is a after d you have d a and d b and then it continuous with e f n, so then you have f a now this sequence tells us that d a and d b were introduced by way of an amendment. So, the footnote will tell you by which amendment this was introduced. So, as we mentioned the amendments to the rules are much more frequent and are easier. So, you find that wherever detail needs to be added it is usually done in the rules.

Then you have other definitions like schedule what is the schedule mean a section means a section of the act then small entity now small entity was a definition that was introduced recently it was introduced in 2014. You have the definition of small entity

which has a cross reference to the micro small and medium enterprises development act of 2006. Again the third type of definition where there is an reference to an other act an external act of the parliament.

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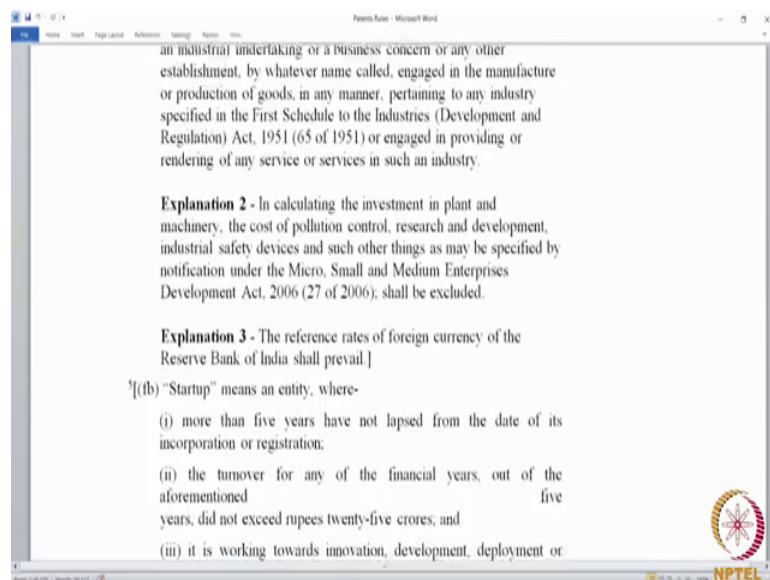
¹ Brought into force on 20.05.2003.
² Inserted vide G.S.R. 125(E), dated 28.02.2014, w.e.f. 28.02.2014.
³ Inserted vide G.S.R. 523(E), dated 16.05.2016, w.e.f. 16.05.2016.
⁴ Inserted vide G.S.R. 125(F), dated 28.02.2014, w.e.f. 28.02.2014.

services, an enterprise where the investment in equipment is not more than the limit specified for medium enterprises under clause (b) of sub-section (1) of Section 7 of the Micro, Small and Medium Enterprises Development Act, 2006.

Explanation 1 - For the purpose of this clause, "enterprise" means an industrial undertaking or a business concern or any other

The document also features a LEXCAMPUS logo in the top right and an NPTEL logo in the bottom right.

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The screenshot shows a Microsoft Word document with the following content:

an industrial undertaking or a business concern or any other establishment, by whatever name called, engaged in the manufacture or production of goods, in any manner, pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951 (65 of 1951) or engaged in providing or rendering of any service or services in such an industry.

Explanation 2 - In calculating the investment in plant and machinery, the cost of pollution control, research and development, industrial safety devices and such other things as may be specified by notification under the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006), shall be excluded.

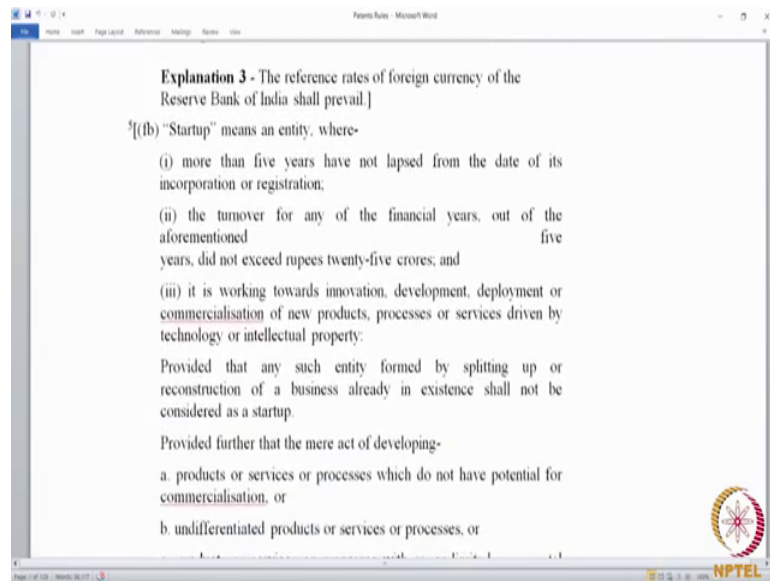
Explanation 3 - The reference rates of foreign currency of the Reserve Bank of India shall prevail]

[(b) "Startup" means an entity, where-

- (i) more than five years have not lapsed from the date of its incorporation or registration;
- (ii) the turnover for any of the financial years, out of the aforementioned five years, did not exceed rupees twenty-five crores; and
- (iii) it is working towards innovation, development, deployment or

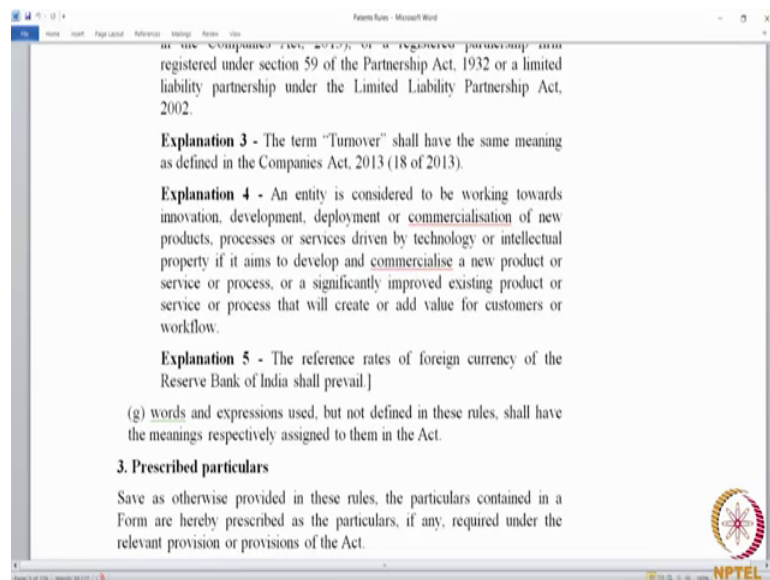
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Now, there is a definition of start-up, this was introduced by the 2016 rules.

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It is quite an elaborate definition we can look at the details later and then you have g; words and expressions used not, but not defined in these rules shall have the meaning respectively assigned to them in the act this is a blanket provision which tells us that if

the words and expressions are not specifically defined in the rules then they take the meaning as they take under the act.

So, the act is what we will prevail over the rules and the rules are subsidiary to the act and to that extent whatever definition is contained in the act can apply for the rules as well.