

Patent Law for Engineers and Scientists
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Lecture - 45
Patent Prosecution: Opposition
Opposition in General

Opposition in general we had just seen that opposition proceedings to the grant of a patent falls into two broad categories opposition to the patent before the grant, what we call pre grant opposition and opposition to a patent after the grant that is post grant opposition.

Apart from these proceedings, there are also various other proceedings under the act where opposition can happen what we call opposition in general opposition proceedings in general.

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Opposition in General

- Application for amendment [S.57(4)]
- Restoration Lapsed Patents [S.61(1)]
- Surrender of a patent [S.63(3)]
- Correction of clerical errors [S.78(5)]



Now, there could be an opposition to an application for amendment under section 57, this is you will find a mention in section 57 4, there could an opposition to an applications for restoration of a lapsed patent under section 60 there could be an opposition to the surrender of a patent under section 63.

There could be an opposition to a correction of clerical error under section 78; there could be an opposition to an application for the grant of a compulsory license under section 84.

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Opposition in General

- Grant of Compulsory Licence under S.84 [S. 87(2)]
- Revocation for non-working under S.85 [S. 87(2)]
- Revision of compulsory Licence under S.88(4) [R.101(3)].



There could be an opposition to an application for the revocation of a patent for a non working under section 85, and there could be an opposition to an application for revision of terms and conditions of a compulsory license under section 88 4.

Now, all these opposition proceedings will follow the same procedure, as we had already seen for post grant opposition proceedings. In fact, wherever the rules stipulate the proceedings the rules will mention that the same rules as applicable for post grant opposition will apply for these opposition proceedings.