

## CHAPTER II

(1)

**PATENTS AND DESIGNS RULES, 1933.<sup>1</sup>***(As amended up to the 15<sup>th</sup> June 1946.)*

*Notification No. A197, dated the 2<sup>nd</sup> February 1933.* - In exercise of the powers conferred by sub-section (1) of section 57 and sub-section (1) of section 77 of the Patents and Designs Act, 1911 (II of 1911), the Central Government is pleased to make the following rules, the same having been previously published as <sup>2</sup> required by sub-section (2) of the last named section, namely:-

## CHAPTER I

## PRELIMINARY

1. - (1) These rules may be called the 4\* Patents and Designs Rules, 1933.

Short title extent<sup>2</sup>  
and  
commencement

<sup>5</sup>(2) They extend to <sup>6</sup>all the Provinces and the Capital of the Federation.

<sup>7</sup>(3) They shall come into force on the 1<sup>st</sup> April 1933.

2. - In these rules, unless there is anything repugnant in the subject or context,-

Definitions.

(a) “Act” means the Patents and Designs Act, 1911;

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<sup>1</sup>These Rules were published in Part II of the *Gazette of India*, dated the 11<sup>th</sup> February 1933, under the late Department of Industries and Labour Notification No A197, dated the 2<sup>nd</sup> February 1933. For subsequent amendments, see the late Department of Industries and Labour notifications, No. A197, dated the 16<sup>th</sup> January 1935, published in Part II of the *Gazette of India*, dated the 26<sup>th</sup> January 1935, No A197, dated the 11<sup>th</sup> December 1935, published in Part II of the *Gazette of India*, dated the 14<sup>th</sup> December 1935, and No. A75, dated the 26<sup>th</sup> May 1937, published in Part I of the *Gazette of India*, dated the 29<sup>th</sup> May 1937; Department of Commerce Notifications, No 209-S. & I. (2)/38, dated the 31<sup>st</sup> March 1939, published in Part I of the *Gazette of India*, dated the 1<sup>st</sup> April 1939, and No 223-Ind.-(9)/41-A, dated the 6<sup>th</sup> September 1941; published in Part I of the *Gazette of India*, dated the 6<sup>th</sup> September 1941; the late Department of Industries and Civil Supplies Notifications, No 205-I.R. (1)/A-44, dated the 15<sup>th</sup> April 1944, published in Part I, Section 1 of the *Gazette of India*, dated the 15<sup>th</sup> April 1944, No. 218-I. R. (1)/44, dated the 31<sup>st</sup> August 1944, published in Part I, section 1 of the *Gazette of India*, dated the 2nd September 1944, No. 22-I.R. (7)/45, dated the 6<sup>th</sup> October 1945, published in Part I, section 1 of the *Gazette of India*, dated the 6<sup>th</sup> October 1945; and Department of Industries and supplies Notification No 223-I. R. (34)/45, dated the 15 the June 1946, publish in art I, section 1 of the *Gazette of India*, dated the 15<sup>th</sup> June 1946.

<sup>2</sup>In the *Gazette of India*, Part II, dated the 2<sup>nd</sup> April 1932.

<sup>3</sup>The word “extent” was inserted by Department of Commerce Notification 223-Ind. (9) 41-A, dated the 6<sup>th</sup> September 1941, see *Gazette of India*, Part I, dated the 6<sup>th</sup> September 1941.

<sup>4</sup>The word ‘Indian’ has been deleted from the title ‘Indian Patents and Designs Rules, 1933, by the adaptation of Central Acts and Ordinances Order, 1949.

<sup>5</sup>The sub-rule (2) was inserted by Department of Commerce Notification No.223-Ind. (9)/41-A, dated the 6<sup>th</sup> September 1941, see *Gazette of India*, Part I, dated the 6<sup>th</sup> September 1941.

<sup>5</sup>The words “all the Provinces and the Capital of the Federation” were substituted for “the whole of British India including Berar and every reference therein to British India shall be constituted as including a reference to Berar” by Section 3 (2) of the adaptation of Central Acts and Ordinances Order, 1949.

<sup>7</sup>The figure and brackets “(3)” were substituted for the original figure and brackets “(2)” by, *ibid*.

(b) “British Application” means an application by any person for the protection, in any part of Her Majesty’s dominions other than the provinces and the Capital of the Federation or any acceding or non-acceding state, of an invention or<sup>3</sup> a design, as the case may be, for the protection of which in the provinces and the Capital of the Federation the provisions of section 78A of the Act are for the time being applicable;

(c) “Controller” means the Controller of patents and Designs appointed under section 56 of the Act, and includes any officer appointed to act for him;

(d) “Office” means the Patent Office provided under section 55 of the Act;

(e) “Reciprocity Application” means an application in the provinces and the Capital of the Federation under section 78A of the Act;

(f) “Set ” means a number of articles of the same general character ordinarily in sale together, or intended to be used together, all bearing the same design, with or without modifications not sufficient to alter the character or substantially to affect the identify thereof.

Leaving and  
serving  
documents.

3.- (1)<sup>5</sup> Any application, notice or other document authorised or required to be left, made or given at the Office, or to the Controller <sup>6</sup>or to any other person under the Act or these rules, may be sent by hand, or by a prepaid letter through the post, and, if sent by a prepaid letter shall be deemed to have been left, made or given at the time when the letter containing the same would be delivered in the ordinary course of post . In proving such sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

(2)<sup>7</sup> Any written communication addressed to a patentee or to a registered proprietor of a design at his address as it appears on the register of patents<sup>8</sup> or register of designs,<sup>9</sup> as the case may be, or at his address for service,<sup>1</sup> or to any applicant or opponent in any proceeding under the Act or these rules, at the address appearing on the application or notice of opposition, or given for service as hereinafter provided, shall be deemed to be properly addressed.

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<sup>1</sup>The words “other than British India” were inserted by the late Department of Industries and Civil Supplies Notification No. 223/I. R (7)/45, dated the 6<sup>th</sup> October 1945

The words “the Province and the Capital of the Federation” were substitute for “British India” by the adaptation of Central Acts and Ordinances Order 1949.

<sup>2</sup>The words any acceding or non-acceding State were substituted for ‘any state in India’ by the adaptation of Central Acts and Ordinances Order

<sup>3</sup>The words and comma “or a design, as the case may be” were inserted b. ibid

<sup>4</sup>The marginal heading “ Leaving and serving documents” was substituted for the original marginal heading “Communications to the Office” by the late Department of Industries and Civil Supplies Notification No 223-I. R. (7)/45, dated the 6<sup>th</sup> October 1945.

<sup>5</sup>Rule 3 was renumbered as sub-rule (1) of that rule, and sub-rule (2) was inserted by, ibid.

<sup>6</sup>The words “or to any other person under the Act or these rules” were inserted by, ibid.

<sup>7</sup>See footnote 5 above.

<sup>8</sup>See section 20, page 32.

<sup>9</sup>See section 46, page, 36.

4. -Every applicant or opponent in any proceeding under the Act or these rules, and every person who shall hereafter become a patentee or a registered proprietor of a design ,shall give an address for service in the Provinces and the Capital of the Federation and such address may be treated, for all purposes connected with the patent or the design as the actual address of such applicant, opponent , patentee or registered proprietor. Unless such an address is given, the controller shall be under no obligation either to proceed with the application or the opposition, or to send any notice that may be required by the Act or these rules.

Address for  
service

5. -(1) The fees to be paid in respect of the grant of patents and the registration of designs, and applications there for, and in respect of other matters with relation to patents and designs under the Act, shall be those specified in the First Schedule to these rules, hereinafter referred to as the prescribed fees:

Fees.

Provided that no fees shall be payable in respect of any secret patent,<sup>3</sup> and every such patent notwithstanding the non-payment of such fees shall remain in force for the full period of 16 years from its date.

(2) (a)<sup>4</sup> Fees may be paid in cash<sup>5</sup> at the Office, or may be sent by money order or postal order or cheque<sup>6</sup> on a scheduled bank payable to the Controller at Karachi, <sup>7</sup>and if sent through the post shall be deemed to have been paid at the time when the money order, or the properly addressed and prepaid letter containing the cheque or the postal order, would be delivered in the ordinary course of post.

(b)<sup>4</sup> Cheques not carrying the correct addition for commission, and other cheques on which on the full value cannot be collected in cash within the time allowed for payment of the fee, shall be accepted only at the discretion of the Controller.

(c)<sup>4</sup> Stamps shall not be received in payment of fees.

6. -The forms set forth in the Second Schedule<sup>8</sup> with such Forms variations as the circumstances of each case require, shall be used for the respective purposes therein mentioned, and if used, shall be sufficient;

Forms.

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<sup>1</sup>See Rule 4 of the Patents and Designs Rules, 1933,

<sup>2</sup>See page 76-81.

<sup>3</sup>See section 21 A of the Act (pages 25-26) and the Secret Patent Rules, 1933 (pages 132-133)

<sup>4</sup>This sub-rule was split up into paragraphs, numbered (a), (b) and (c) by the late Department of Industries and Civil Supplies Notification No 223-I. R. (7)/45, dated the 6<sup>th</sup> October 1945.

<sup>5</sup>Fees should be paid in Bangladesh currency.

<sup>6</sup>The words and figures "on a scheduled bank ..... (II of 1934)" were inserted by the late Department of Industries and Civil Supplies Notification No 218-I. R. (1)/44, dated the 31<sup>st</sup> August 1944.

<sup>7</sup>The words "and if sent through the post..... in the ordinary course of post" were inserted by the late Department of Industries and Civil Supplies Notification No 223-I. R. (7)/45, dated the 6<sup>th</sup> October 1945.

<sup>8</sup>See pages 82-129.

Provided that the Controller may, if he thinks fit, dispense with the use of Form 4<sup>1</sup> in the case of an application for extension of time under sub-section (2) of section 14 of the Act.

Size, etc., of documents.

7.-(1) All documents and copies of documents, except drawings,<sup>2</sup> sent to or left at the Office or otherwise furnished to the Controller, shall be written, typewritten, lithographed, or printed in the English language (unless otherwise directed), in large and legible characters with deep permanent ink upon one side only of strong white paper of a size of approximately 13 inches by 8 inches, with a margin of at least one inch and a half on the left-hand part thereof. Signatures thereto shall be written in a large and legible hand,<sup>3</sup> and any signature which is not legible or which is written in a script other than English shall be accompanied by a transcription of the name in English block letters.

(2) Duplicate documents shall be filed at the Office, if at any time required by the Controller.

(3) Names and addresses of applicants and other persons shall be given in full, together with their nationality<sup>4</sup> and other persons shall be given in full, together with their nationality and such other particulars, if any, of caste or calling as are necessary for identification.

Signature and verification of documents specified in section 75 of the Act.

8. -The documents specified in section 75 of the Act shall be dated and signed at the foot, and shall contain a statement that the facts and matters stated therein are true to the best of the knowledge, information and belief of the person signing them.

Agency.

9. -For all matters falling under the provisions of section 76 of the Act, any person may, otherwise directed by the Controller, authorise, under his personal signature, any other person to act as his agent and to receive all notices, requisitions and communications. The authority may be given on Form 31.<sup>5</sup>

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## CHAPTER II

### PATENTS

#### *Applications<sup>6</sup> for Grant of Patents*

Applications.

10. -(1) If the true and first inventor or any applicant for patent is in the service of the Crown,<sup>7</sup> he shall disclose that fact in the application and shall state the office which he holds.

<sup>1</sup>See page 101.

<sup>2</sup>See Rules 15-18 of the Patents and Designs Rules, 1933, pages 59-60.

<sup>3</sup>The words "and any signature..... in the English block letters" were substituted for the words "and a vernacular signature shall be accompanied by a transliteration in English", by Department of Industries and Supplies Notification No. 223-I.R. (34)/45, dated the 15<sup>th</sup> June 1946

<sup>4</sup>For Instructions, see paragraph 30 (c), Part II.

<sup>5</sup>This form is liable to stamp duty See footnote (\*) on Form 31, page 129.

<sup>6</sup>Forms 1, 1A, 1B, 1C, 1AC, 1BC, 1CC, 2, 2A, 2C, 2AC.; Fee-see footnote 1 on page 9. Application for Secret patent, Form 1D; see section 21A, pages 25-26 and the Secret Patent Rules, 1933, pages 132-133.

<sup>7</sup>For regulations regarding Government servants employed in the Defence Services, or in the Royal Bangladesh Navy, or in the Royal Bangladesh Air Force, or on scientific or technical research or in the Railway Services, see pages 145-154.

(2) If the true and first inventor is not a party to an application for a patent, the applicant shall, except in the case of reciprocity applications,<sup>1</sup> produce the original deed of assignment<sup>2</sup> or other document from such true and first inventor, under which he is enabled to apply for a patent, unless the application<sup>3</sup> itself is endorsed<sup>3</sup> by the true and first inventor in the presence of two witnesses with a statement that the said inventor agrees that the application shall be made without his name as an applicant for a patent.

(3) If an application for a patent is made by the legal representative of a deceased inventor, the legal representative shall produce for inspection the probate of the will or the letters of administration of the estate of the inventor or a certified copy of such probate or letters, or such other evidence of title as the Controller may require.

Reciprocity application.

11. -(1) Every reciprocity application<sup>4</sup> <sup>5</sup>for a patent shall contain Reciprocity a declaration that a British application<sup>6</sup> has been made for protection application, of the invention to which such reciprocity application relates, and shall specify every part of Her majesty's dominions and every <sup>8</sup>Acceding or non-Acceding State in which any such British application has been made and the official date or dates thereof respectively. The application shall be made within twelve months from the date of the first British application, \* \* \*<sup>9</sup> by the person by whom such first British applications was made or by his legal representative or assignee \* \* \*<sup>10</sup> <sup>11</sup>either alone or jointly with any other person.

(2) If a reciprocity application is made by an assignee of the person who made the British application the applicant shall produce the original deed of assignment<sup>12</sup> or other document from such person, under which he is enabled to apply for a patent, unless the application itself is endorsed<sup>13</sup> in the presence of two witnesses by the person who made the British application with a statement to the effect that the applicant is his assignee.

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<sup>1</sup>For reciprocity applications, see Rule 11 (pages 57-58).

<sup>2</sup>No form is prescribed under the Patents and Designs Rules, 1933, for drawing up needs of assignment.

<sup>3</sup>Forms 1A (pages 85-86) and 1AC (pages 89-90). See the prescribed form of "endorsement" embodied in these Forms.

<sup>4</sup>Forms 2, 2A, 2C and 2AC (pages 93-98).

<sup>5</sup>The words "for a patent" were inserted by the late Department of Industries and Civil Supplies Notification No 223-I. R. (7) 45, dated the 6<sup>th</sup> October 1945.

<sup>6</sup>For definition of the expression "British application", see Rule 2 (b) of the Patents and Designs Rules, 1933 (page 54).

<sup>7</sup>See page 135.

<sup>8</sup>The words 'every Acceding or non-Acceding State' have been substituted for 'every State in India' by the adaptation of Central Acts and Ordinances Order, 1949.

<sup>9</sup>The words "and shall be signed" were deleted by the late Department of Industries and Civil Supplies Notification No 223-I.R. (7)/45, dated the 6<sup>th</sup> October 1945

<sup>10</sup>The words "or by an agent resident in British India authorised in that behalf" were inserted by, *ibid*.

<sup>11</sup>The words "either alone or jointly with any other person" were inserted by, *ibid*.

<sup>12</sup>See footnote 2 above.

<sup>13</sup>Forms 2A (pages 94-95) and 2AC (pages 97-98). See the prescribed form of "endorsement" embodied in these Forms. M 2 P & D

(3) If a reciprocity application is made by the legal representative of a deceased person who made the British application, the legal representative shall produce for inspection the probate of the will or the letters of administration of the estate of the deceased person or a certified copy of such probate or letters, or such other evidence of his title as the Controller may require.

(4) In addition to the specification left with every reciprocity application a copy or copies of the specification or specifications, and drawings or documents filed or deposited by the applicant or his predecessor in title, as the case may be, in respect of the first British application, duly certified by the official chief or head of the Patent Office in which they were filed or deposited, or otherwise verified to the satisfaction of the Controller, shall be left at the Office at the same time as the reciprocity application or within such further time, not exceeding three months,<sup>2</sup> as the Controller may allow.

(5) If any specification or other document relating to the application is in a foreign language, a translation thereof shall be annexed thereto and shall be verified to the satisfaction of the Controller.

(6) Save as aforesaid and as provided by rule 50, all proceedings in connection with a reciprocity application shall be taken within the time and in the manner required by the Act or prescribed by these rules for ordinary applications.

12.- Applications shall, on receipt by the Controller, be numbered in the order of their receipt.

## SPECIFICATIONS<sup>2</sup>

13.-(1)<sup>3</sup> Every specification, whether provisional or complete,<sup>5</sup> shall commence with the title<sup>6</sup> of the invention and the name of the applicant as in the application, and shall be signed and dated at the end by the applicant or his agent. Every complete specification<sup>5</sup> shall end with a clear and succinct statement of the invention claimed, distinct from the body of the specification.

(2)<sup>8</sup> A Specification in respect of a patent of addition<sup>9</sup> shall contain a specific reference to the number<sup>10</sup> of the main patent, and a definite statement that the invention comprises an improvement in, or a modification of, the invention claimed in the specification of the main patent.

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<sup>1</sup>Form 4 (page 101); Fee, Rs 10 for one month, Rs. 20 for 2 months, Rs. 30 for 3 months.

<sup>2</sup>Form 3 (page 99) for Provisional Specification; and Form 3A (page 100) for Complete Specification. For guidance in drafting the specification, see Chapter XIV, Part II.

<sup>3</sup>This sub-rule (1) was substituted for the original sub-rule (1), by Department of Industries and Supplies Notification No. 223-I.R. (34)/45, dated the 15<sup>th</sup> June 1946.

<sup>4</sup>See footnote 9 on page 9.

<sup>5</sup>See footnote 10 on page 9.

<sup>6</sup>See Instructions in paragraph 33-(A) Part II.

<sup>7</sup>See Instructions in paragraphs 39-40, Part II.

<sup>8</sup>The words "A specification" were substituted for the words "The specification" by Department of Industries and Supplies Notification No. 223-I.R (34)/45 dated the 15<sup>th</sup> June 1946.

<sup>9</sup> See section 15A of the Act, page 20.

<sup>10</sup>See Rule 24, page 62.

(3) Where the invention is capable of representation by drawings, such drawings shall be prepared<sup>1</sup> in accordance with rules 15 to 18 and shall be supplied with, and referred to in, the specification:

<sup>2</sup>Provided that in the case of a complete specification if the applicant desires to adopt the drawings lodged with his provisional specification as the drawings or part of the complete specification, it shall be sufficient to refer to them in the complete specification as those left with the provisional specification.

(4) Irrelevant or other matter, not necessary, in the opinion of the Controller, for elucidation of the invention, shall be excluded from the title, description,<sup>3</sup> claims and drawings.

14. -(1) When <sup>4</sup>a specification, or drawings accompanying it, is defective and requires amendment,<sup>5</sup> one copy shall be returned to the applicant or his agent and all alternations shall be made thereon as far as possible. Additional matter may be interpolated, if necessary, by rewriting such pages as are required to form a continuous document. Amendments shall not be made by slips pasted on, or as footnotes, or by writing in the margin.

Amendments how to be made.

(2) The amended documents shall be returned to the controller together with the superseded pages or drawings, if any, duly marked, cancelled and initialed by the applicant or his agent, and with a duplicate of any pages that have been retyped or added and or any drawings that have been added or substantially amended. Amendments, alterations or additions shall be initialled in the margin by the applicant or his agent.

(3) No amendments, alterations or additions shall be made in a document returned for amendment, beyond those necessary to comply with the requirements or the Controller.

15. -(1) Drawings,<sup>6</sup> when furnished shall accompany<sup>7</sup> the specification to which they refer. No drawing or sketch, such as would require the preparation for the printer or a special illustration for use in the letter press of the specification when printed, shall appear in the specification itself.

General.

(2) Drawings shall be delivered flat or so rolled as to be free from creases.

(3) At least one copy of the drawings shall be suitable for reproduction,<sup>8</sup> and for that purposes, shall be prepared on tracing cloth or on smooth white paper which is not opaque.

<sup>1</sup>See also special instructions in paragraph 38, Part II.

<sup>2</sup>This proviso was added by Department of Industries and Supplies Notification NO. 223-I.R. (34)/45, dated the 15<sup>th</sup> June 1946.

<sup>3</sup>See special instruction in paragraphs 33 (C) and 34-(B), Part II.

<sup>4</sup>The words "a specification" were substituted for the words "the specification" by Department of Industries and Supplies Notification No. 223-I. R. (34)/45, dated the 15<sup>th</sup> June 1946.

<sup>5</sup>Unless the requirements are satisfactorily met as to allow of acceptance of the applications within 18 months of the date of the application (or 21 months with an extra fee of Rs. 20 and a request on Form 4, page 101), the application will be deemed to have been refused, see section 5(4) of the Act, page 13.

<sup>6</sup>For sample drawings and instructions, see paragraph 38, Part II.

<sup>7</sup>See Proviso to Rule 13(3), above.

<sup>8</sup>See instruction in paragraph 38, Part II.

Size of drawings  
and arrangement  
of figures.

16. - (1) Drawings shall be on sheets which measure 13 inches from top to bottom and are either from 8 inches to  $8\frac{1}{4}$  inches or from 16 inches to  $16\frac{1}{2}$  inches wide, the narrower sheets being preferable. A clear margin shall be left half an inch the edges of the sheet.

Drawings to be  
suitable for  
reproduction.

(2) If there are more figures than can be shown on one of the smaller sized sheets, two or more of these sheets shall be used in preference to employing the larger size. When an exceptionally large figure is required, it shall be continued on subsequent sheets, of which any number that are required but not more than are required, may be employed. The figures shall be numbered consecutively throughout and without regard to the number sheets. They shall be separated by a sufficient space to keep their distinct.

17. - Drawing shall be prepared in accordance with the following requirements:-

- (a) They shall be executed with absolutely black ink.
- (b) Each ink shall be firmly and evenly drawn, sharply defined and of the same strength throughout.
- (c) Section lines for effect, and shading lines shall be as few as possible, and shall not be closely drawn.
- (d) Shading lines shall not contrast too much in thickness with the general lines of the drawings.
- (e) Sections and shading shall not be represented by solid black or washes.
- (f) They shall be on a scale sufficiently large to show the inventions clearly, and only so much of the apparatus, machine, etc., shall appear as effects this purpose. If the scale is given, it shall be drawn and not denoted by words. No dimensions shall be marked on the drawings.
- (g) The figures shall be drawn in an upright position in regard to the top and bottom of the sheet.
- (h) Reference letters and numerals, and index letters and numerals used in conjugation therewith, shall be bold, distinct and not less than one eighth of an inch in height. The same letters or numerals shall be used to indicate the same parts in different views. Where the reference letters or numerals are shown outside the figure, they shall be connected by fine lines with the parts to which they refer.

Drawings to bear  
name of applicant,  
etc, but no descriptive  
matter

18.- (1) Drawings shall bear:-

- (i) in the left hand top corner, the name of the applicant;
- (ii) in the right hand top corner, the number of the sheets of drawings sent and the consecutive of each sheets;
- (iii) in the right hand bottom corner, the signature or the applicant or his agent.

(2) Neither the title of the invention nor any descriptive matter shall appear on drawings.

19.- The Controller shall advertise the acceptance of every application in the *Gazette of Bangladesh*.



20. – Notice<sup>1</sup> of opposition to grant, or to the amendment, etc., of a patent shall be given in duplicate. One copy of the notice shall be sent by the Controller to the applicant or his agent.

Notice of  
Opposition.

<sup>2</sup>21. -(1) Within 14 days of giving notice of opposition, the opponent shall leave at the office a full written statement in duplicate, setting out fully the nature of the opponent's interest the facts upon which he bases his case and the relief which he seeks.

Filing of  
statements and  
evidence.

(2) The Controller shall furnish the applicant with a copy of the statement filed by the opponent, and the applicant may leave at the office a reply statement dealing in full with the statement of the opponent and on so leaving shall deliver to the opponent a copy thereof.

(3) The opponent may, after delivery to him of the copy of the applicant's reply, leave at the Office evidence by way of affidavits<sup>3</sup> in support of his case and on so leaving shall deliver to the applicant a copy thereof.

(4) The applicant may, after delivery to him of the opponent's evidence, leave at the Office evidence by way of affidavits<sup>3</sup>; in support of his case and on so leaving shall deliver to the opponent a copy thereof. The opponent may, after delivery to him of such copy, leave at the office affidavits<sup>3</sup> in reply and so leaving shall deliver to the applicant a copy thereof. Such last mentioned affidavits shall be confined to matters strictly in reply.

(5) No further evidence shall be delivered by either party except by leave, or on requisition, of the Controller.

(6) Where a document in language other than English is referred to in any statement or affidavit filed in connection with an opposition, an attested translation in duplicate shall be furnished.

(7) The time allowed for filing a reply statement or for producing evidence by way of affidavits shall ordinarily be one month.

22. -(1) On completion of these proceedings or at such other time as he may see fit, the Controller shall appoint a time for the hearing of the case, and shall give the parties not less than ten days notice of such hearing.

Hearing.

(2) If either party desires to be heard, he shall leave Form 7<sup>4</sup> at The Office.

(3) The Controller may refuse to hear any party who has not left Form 7 prior to the date of hearing.

<sup>1</sup>Notice of opposition (Form 6, page 13 fee, Rs. 5) may be given under section 9, 15, 16 or 17 of the Act or Rule 33 or 61 or the Patents and Designs Rules, 1933. preferably the full statement which is required under Rule 21 (1) should accompany the notice. Statements and replies should be drawn up in clear and temperate language, avoiding personalities and side issues which have no bearing on the matter. See also instructions under the heading "Opposition to the grant of patent" in Chapter XVI, Part II.

<sup>2</sup>This rule and the marginal heading thereto were substituted for Rule 21 of the Patents and Designs Rules, 1933 by the late Department of Industries and Civil Supplies Notification No. 223-I. R. (7)/45, dated the 6<sup>th</sup> October 1945.

<sup>3</sup>See Rule 63B, page 74.

<sup>4</sup>Form 7, page 104; fee, Rs. 10 for each party.

(4) If either party intends to refer at the hearing to any publication other than a specification already mentioned in the proceedings, he shall give to the other party and to the Controller not less than five day's notice of his intention, together with details of publication to which he intends to refer.

(5) After hearing the party or parties desirous of being heard, or if neither party desires to be heard, then without a hearing, the Controller shall decide the case and notify his decision to the parties.

### Sealing<sup>1</sup>

Sealing. 23.- (1) If an applicant desires to have a patent sealed on his application, he shall, within the period allowed by sub-section (2) of section 10 of the Act, leave at the Office an application on Form 8<sup>2</sup>.

(2) Where for any reason a patent cannot be sealed within the period allowed, the applicant may apply<sup>3</sup> to the Controller for an extension of the period not exceeding three months. An application for such an extension shall be accompanied by a fee Rs. 10, Rs. 20, or Rs. 30 for an extension of one, two or three months, respectively.<sup>3</sup>

Form of patent. 24. - The patent shall be in the form given in the Third Schedule<sup>4</sup> to these rules, with such modifications as the circumstances of ea each case may require <sup>5</sup>and shall bear the number accorded to the application after acceptance.

Extension of terms of patent. 25. -(1) A petition for the extension of the term of a patent shall set forth clearly the nature and merits of the invention in relation to the public,<sup>8</sup> the profits made on the patent and all the circumstances of the case.

(2) The Controller shall advertise every such petition in the *Gazette of Bangladesh*.

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<sup>1</sup>A patent cannot be sealed before four months after the dated of the advertisement in the Gazette of Bangladesh on the acceptance of the application. If notice of opposition to the grant has been given, there may be a further delay. When the time for sealing is due, a notice with a copy of Form 8 is sent to the applicant or his agent. This form should then be filled in and returned to the Patent Office accompanied by the fee of Rs. 30. Attempts to obtain sealing prematurely are useless. United the patent is sealed, the invention is not "a patent" and the inventor cannot bring a suit under section 29 of the Act. The application should also note that the time, within which sealing can be effected, is limited with certain exceptions to 24 months from the dated of application under section 10 (pages 15-16).

<sup>2</sup>Fee, Rs. 30

<sup>3</sup>Form 4 (page 101); Fee, Rs. 10 for an extension of one month; Rs 20 for two months; Rs. 30 for three months.

<sup>4</sup>See page 130.

<sup>5</sup>The words "and shall bear.....to the earliest of such applications." were added by Department of Industries and Supplies Notification No. 223-I.R. (34)/45, dated the 15<sup>th</sup> June 1946.

<sup>6</sup>The words "after acceptance" were substituted for the words "or if the patent is granted under section 13A of the Act on more than one application, the number accorded to the earliest of such applications" by the Ministry of Industry; see Gazette of Bangladesh, dated the 27<sup>th</sup> April, 1951, Part II, Section I, page 157.

<sup>7</sup>Form 9 (page 106); Fee, Rs. 5.

<sup>8</sup>The words "the profits made on the patent" were substituted for the words" the profits made by the patentee as such" by the late Department of Industries and Civil Supplies Notification No 223-I.R. (7)/45, dated the 6<sup>th</sup> October 1945.

(3) Every such advertisement shall state the object of the petition and the address within the Provinces and the Capital of the Federation for service on the patentee of any document requiring service under this rule. It shall also specify that notices of objections shall be lodged on Form 6<sup>1</sup> within two months from the date of the notification.

(4) Every such petition shall also be advertised by the patentee,<sup>2</sup> in not less than two newspapers namely by the Controller, within 14 days from the date of the notification in the Gazette and in the manner described in sub-rule (3). Copies of the newspapers containing these advertisements shall be supplied to the Controller.

(5) The petitioner shall, within three weeks of filing the petition, lodge a duplicate of the petition with two copies of the balance sheet of expenditure and receipts relating to the patent in question, which accounts shall be proved on oath. He shall also upon receiving two days' notice, give the Controller or any person deputed by him for the purpose, reasonable facilities for inspecting and taking extracts from the books of accounts, by reference to which he proposes to verify the said balance sheet or from which the materials for making up the said balance sheet have been derived.

(6) Any person desirous of opposing the prayer of the petition shall lodge with the Controller a notice on Form 6<sup>1</sup> Accompanied by a fee of Rs. 5. Such person shall at the same time serve a copy of such notice upon the petitioner. Such notices shall be lodged and served within two months from the date of the notification of the petition in the *Gazette of Bangladesh*.

(7) The petitioner shall, within one week of the receipt of such notice, serve a copy of his petition upon each person giving such notice.

(8) Every person giving such notice as aforesaid shall, within 14 days from the service of the petition upon him, serve upon the petitioner one copy and lodge with the Controller two copies of particulars of the objections upon which he intends to rely against the granting of the prayer of the petition.

(9) Any person who shall not, within the said 14 days, lodge and serve such particulars of objections as aforesaid shall be deemed to have abandoned his opposition.

(10) No person who has delivered such particulars of objections shall be entitled to oppose the granting of the prayer of the petition on any grounds not stated in such particulars.

(11) Any person who has delivered particulars of objections shall be entitled, at his own expense, to obtain copies of the accounts which have been lodged by the petitioner.

(12) The Controller may excuse petitioners and opponents from compliance with any of the requirements of sub-rules (5), (7), (8) and (10) and may give such directions in matters of procedure and practice as he shall consider to be just and expedient.

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<sup>1</sup>Form 6 (page 103); Fee, Rs. 5.

<sup>2</sup>See section 2(12), page 8.

(13) Service of any document requiring service under this rule may be made by enclosing such document in a prepaid registered letter and posting such letter to the person required to be served at his address for service.

(14) On completion of these proceedings, if any, or at such other time as he may see fit, the Controller shall forward one copy of the documents left by the party or parties to the Central Government.

### Restoration<sup>3</sup>

Restoration of  
lapsed patent.

26.- If the Controller entertains an application<sup>3</sup> under section 16 of the Act for the restoration of a lapsed patent, he shall advertise it in the *Gazette of Bangladesh*.

Opposition.

27.- Notice of opposition<sup>4</sup> to the restoration may be given within six weeks of the advertisement, and the procedure for the disposal of such opposition shall be regulated by the provisions of rules 20, 21 and 22.

Conditions on  
restoration.

<sup>5</sup>28.-(1) In every order of the Controller restoring a patent, provisions shall be inserted for restraining the patentee from commencing or prosecuting any action or other proceeding, and from recovering any damage-

- (a) in respect of making, selling or using the invention, or
- (b) in respect of selling or using at any time thereafter any article made.

in infringement of the patent between the date of the lapsing of the patent and the date of the order of restoration.

(2) The order shall further provide that if any person within one year after the date thereof makes an application to the Controller for compensation in respect of money, time, or labour expended by the applicant upon the subject matter of the patent, in the *bona fide* belief that such patent had become and continued to be void, it shall be lawful for the Controller after hearing the parties concerned, and subject to an appeal to the<sup>6</sup> Central Government to assess the amount of such compensation, if in his opinion the application ought to be granted, and to specify the party by whom and the day on which such compensation shall be paid; and if default shall be made in payment of the sum awarded, then the said patent shall become void, but the sum awarded shall not in that case be recoverable as a debt or damages.

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<sup>1</sup>See Rule 3, pages 54-55.

<sup>2</sup>The words "the Central Government" were substituted for the words "the Governor-General in Council through the Secretary in the Department of Industries and Labour", by the late Department of Industries and Civil Supplies Notification No. 223-I.R. (7)/45, dated the 6<sup>th</sup> October, 1945.

<sup>3</sup>Form 10 (page 101); Fee, Rs. 100.

<sup>4</sup>Form 6 (page 103); Fee, Rs. 5.

<sup>5</sup>This rule was substituted for Rule 28 of the Patents and Designs Rules, 1933, by the late Department of Industries and Labour, Notification No. A197, Dated the 16<sup>th</sup> January 1935.

<sup>6</sup>The words "Central Government" were substituted for the words "Governor General in Council" by the late Department of Industries and Civil Supplies, Notification No. 223-I. R. (7)/45, dated the 6<sup>th</sup> October 1945.

29.- A request<sup>1</sup> under section 17 of the Act for the amendment of an application, or a specification including drawings shall be accompanied by a copy of the application, specification or drawings showing in red ink the proposed amendment in such a manner as to indicate clearly the alteration desired. Amendment.

30.- If the request relates to an application for a patent which has been accepted, the request and the nature of the proposed amendment shall be advertised by notification in the Gazette of Bangladesh and in such other manner, if any, as the Controller may in each case direct. The Controller shall also notify all persons whose names, at the time of the request, are entered on the register as claiming an interest in the patent. Procedure when application for a patent has been accepted.

31.- Rules 20, 21 and 22 shall be applicable to the disposal of any opposition to the amendment, of which notice may be given in accordance with sub-section (3) of section 17 of the Act. Opposition.

32.-(1) Where leave to amend is given, the applicant shall, if the Controller so requires, and within a time to be specified by him, leave at the Office a new specification and amended drawings which shall be prepared in the manner prescribed in rules 15 to 18. Requirements on amendment.

(2) Amendments allowed by the Controller, after an application for a patent has been accepted,<sup>4</sup> shall be advertised by him in the *Gazette of Bangladesh*.

### Surrender<sup>5</sup>

33.- (1) If an offer<sup>5</sup> is made for the surrender of a patent under section 24 of the Act, the Controller shall advertise it in the Gazette of Bangladesh and shall notify all persons whose names, at time of the offer, are entered on the register<sup>6</sup> as claiming an interest in the patent. Surrender of patents.

(2) Notice of opposition to the revocation of a patent offered for surrender shall be given within six weeks of the advertisement, and the procedure for the disposal of such opposition shall be regulated by the provisions of rules 20, 21 and 22.

## CHAPTER III

### DESIGNS<sup>6</sup>

34.- (1) For the purposes of the registration of designs and of these rules, goods shall be classified in the manner specified in the Fourth Schedule<sup>7</sup> hereto. Classification of goods

<sup>1</sup>Form 11 (page 108); Fee, Rs. 10 before acceptance, or Rs 20 after acceptance.

<sup>2</sup>See section 20, page 23.

<sup>3</sup>Form 6 (page 103); Fee, Rs. 5.

<sup>4</sup>See section 5 (4), page 13.

<sup>5</sup>Form 12 (page 109); Fee, Rs. 10.

<sup>6</sup>For instructions regarding designs, see Chapter XIX, Part II.

<sup>7</sup>See page 131.

(2) If any doubt arises as to the class to which any particular description of goods belongs, it shall be determined by the Controller.

*Application for Registration<sup>1</sup>*

Application.

35.-(1) An application<sup>1</sup> under section 43 of the Act for the registration of a design shall be accompanied by four copies<sup>2</sup> of the design and <sup>3</sup>the application and each of the copies of the design shall be dated and signed by the applicant or his agent.

(2) The application shall state the class<sup>4</sup> in which the design is to be registered, and the article or articles to which the design is to be applied.

(3) If it is desired to register the same design in more than one class, a separate application<sup>1</sup> shall be made in each class, and the application shall contain the numbers of the registration or registrations already effected.

(4) If so required by the Controller, the applicant shall state the purpose for which the article is used and the material or predominating material of which the article is made.

Statement of novelty.

36.- The applicant may, and shall, if required by the Controller in any case so to do, endorse on the application and each of the representations<sup>2</sup> a brief statement of the novelty he claims for his design.

Additional copies or representations or specimens Representations.

37.- If the Controller in any case so requires, he shall be supplied with one or more representations or specimens of the design in addition to those supplied with the application.

38.-(1) The four copies<sup>2</sup> of the design required by rule 35 shall be exactly similar drawings, photographs, tracings, or other representations<sup>2</sup> of the design or shall be specimens of the design.

(2) When a design is to be applied to a set, each of the representations accompanying the application shall show all the various arrangements in which it is proposed to apply the design to the articles included in the set.

(3) Each representation<sup>2</sup> of the design whether to be applied to a single article or to a set, shall be on paper of a size 13 by 8 inches (and not on cardboard) and shall appear on one side only of the paper. The figure or figures shall be placed in an upright position on the sheet. When more figures than one are shown, these shall, where possible, be one and the same sheet, and each shall be designated (e.g. perspective view, front view side view).

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<sup>1</sup>Form 15, 16 or 17 (pages 112-114) : Fee, Rs. 3 for classes 1-12, and Annas 8 for classes 13 and 14. When the design is to be applied to a set in a class, the fee is Rs. 3.

<sup>2</sup>See instructions in paragraph 89, Part II.

<sup>3</sup>The words "the application and each of the copies of the design" were inserted by the late Department of Industries and Civil Supplies Notification No. 223-I R. (7)/45, dated the 6<sup>th</sup> October 1945.

<sup>4</sup>See Fourth Schedule, page 131.

<sup>5</sup>See instruction in paragraph 90, Part II.

(4) When a design is to be applied to set,<sup>1</sup> any doubt whether the given articles do or do not constitute a set shall be determined by the Controller.

(5) If the specimens are no, in the opinion of the Controller, suitable for record in the Office, they shall be replaced by representations.

(6) Where words, letters or numerals are not of the essence of the design, they shall be removed from the representations or specimens; where they are of the essence of the design, the Controller may require the insertion of a disclaimer<sup>2</sup> of any right to exclusive use.

(7) Each representation of a design which consists of a repeating surface pattern shall show the complete pattern and a sufficient portion of the repeat in length and width, and shall not be of less size than 5 by 4 inches.

(8) If the names or representations of living persons appear on a design, the Controller shall, if he so requires, be furnished with consents from such persons recently dead, the Controller may call for consents from their legal representatives before proceeding with registration of a design on which their names or representations appear.

<sup>3</sup>38A.-(1) Every reciprocity application<sup>4</sup> for the registration of a design shall contain a declaration that a British application<sup>5</sup> has been made for the protection of the design to which such reciprocity application relates and shall specify every part of Her Majesty's dominions and every Acceding or non-Acceding State in which any such <sup>5</sup>British application has been made and the official date or dates thereof respectively. The application shall be made within six months from the date of the first British application by the person by whom such first British application was made, or by legal representative assignee either alone or jointly with any other person.

Reciprocity application for the registration of a design.

(2) In addition to the four copies of the design left with every reciprocity application for the registration of a design, a copy of the design filed or deposited by the applicant or his predecessor in title, as the case may be, in respect of the first British application, duly certified by the official Chief or Head of the Patent Office in which it was filed, or deposited or otherwise verified to the satisfaction of the Controller, shall be left at the Office at the same time as the reciprocity application or within such further time not exceeding three months,<sup>7</sup> as the Controller may allow.

(3) Save as aforesaid and as provided by Rule 52 all proceedings in connection with a reciprocity application shall be taken within the

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<sup>1</sup>For definition of "set", see Rule 2(f), page 54.

<sup>2</sup>For suitable forms of disclaimers, see paragraph 91, Part II.

<sup>3</sup>This rule was inserted by the late Department of Industries and Civil Supplies Notification No. 223-I.R. (7)/45, dated the 6<sup>th</sup> October 1945.

<sup>4</sup>For definition of "reciprocity application", See Rule 2 (e), page 54.

<sup>5</sup>For definition of "British application", see Rule 2(b), page 54.

<sup>6</sup>For list of the countries which have reciprocal arrangements with Bangladesh, see page 137 and also paragraph 84, Part II.

<sup>7</sup>A request on Form 4 (page 101) accompanied by a fee of res. 10 for an extension of one month, Rs. 20 for two months, or Rs. 30 for three months, as the case may be should be filed for obtaining such further time.

time and in the manner required by the Act or prescribed by these rules for ordinary applications.<sup>1</sup>

Acceptance.

39.- Upon receipt of an application for registration, the Controller shall consider it and may accept it if he considers that there is no objection to the design being registered.

Objections.

40. If on consideration of the application any objections appear to the Controller, a statement of these objections shall be sent to the applicant or his agent in writing and unless within one month the applicant or his agent removes the objection or applies for a hearing<sup>2</sup> the applicant shall be deemed to have withdrawn his application.

Decision of  
Controller.

41. The decision of the Controller at such hearing as aforesaid shall be communicated in writing to the applicant or his agent who may within one month apply to the Controller requiring him to state in writing the grounds of his decision and the materials used by him in arriving at the same.

Date for appeal.

42.- Upon receipt of such application,<sup>3</sup> the Controller shall send to the applicant or his agent such statement as aforesaid in writing, and the date when such statement is sent shall be deemed to be the date of the Controller's decision for the purpose of appeal.<sup>4</sup>

Non-completion  
within six months.

43.- An application which, owing to any neglect or default, of an applicant, has not been completed so as to enable registration to be effected within six months of the date of application, shall be deemed to be abandoned.

### *Extension of Period<sup>5</sup>*

44.- [deleted.]

### Marking of Articles

Marking of  
articles before  
delivery on sale.

45.- Before delivery on sale of any articles to which a registered design has been applied, the proprietor of such design shall cause each such article to be marked with the word REGISTERED or with the abbreviation REGD., or with the abbreviation RD., as he may choose, and also (except in the case of articles to which have been applied designs registered classes 9, 13<sup>6</sup> or 14<sup>\*</sup>) with the number appearing on the certificate of registration; +8 Provided that requirements of this rule and of clause (b) of

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<sup>1</sup>See Rule 35 and footnote 1 on page 66.

<sup>2</sup>No form fee is prescribed.

<sup>3</sup>Form 18 (page 115), Fee, Rs. 5.

<sup>4</sup>See Section 43 (4), page 35 and footnote 8 on page 35.

<sup>5</sup>Form 19 (page 116), Fee, Rs. 10.

This rule was deleted by the late Department of Industries and Civil supplies Notification No 223-I.R. (7)/45, dated the 6<sup>th</sup> October 1945.

<sup>6</sup>The word "or" was inserted by the late Department of Industries and Labour, Notification No. A-197, dated the 16<sup>th</sup> January 1935.

<sup>7</sup>The word and figures "and 15" were omitted, *ibid*.

<sup>8</sup>This proviso was substituted for the original proviso (as amended by the late Department of Industries and Civil Supplies, Notification No. 223-I. R. (7)/45, dated the 6<sup>th</sup> October 1945.



Sub-section (1) of Section 48 of the Act shall be dispensed with as regards-

- (i) textile goods in which the design is printed or woven, other than handkerchiefs; and
- (ii) articles made of charcoal dust, which are brittle and which are not sold in single pieces.

### *Inspection and Searches*

46. Registered designs shall not, except as in Section 50 of the Act, be open to inspection until two years after the date of application for registration. Inspection of designs.

47.- (1) If any person desires to obtain the information which he entitled to obtain under Section 51 of the Act, and can furnish the registration number of the design, he shall lodge with the Controller Form 20, and the Controller shall thereupon furnish him with the information aforesaid. Search under Section 51.

(2) If the applicant is unable to furnish the registration number of the design, he shall lodge with the Controller Form 21<sup>2</sup> together with such information as is in his possession, and the Controller shall thereupon cause such search to be made in the class indicated as may be possible on the information supplied, and shall furnish such information as may be obtainable. Where Form 21<sup>2</sup> is accompanied by a representation or specimen of the design, such representation or specimen shall be furnished in duplicate.

### *Cancellation<sup>3</sup>*

48.-(1) An application<sup>3</sup> to the Controller for the cancellation of the registration of a design shall be made in duplicate, and shall be accom0panied by a statement in duplicate setting out the nature of the applicant's interest and the facts upon which he bases his application cancellation of registration of designs under Section 51A.

(2) If the application for the cancellation of the registration of a design is made by a person who is not the registered proprietor, a copy of the application along with the statement shall be transmitted by the Controller to the registered proprietor.

(3) If the registered proprietor intends to oppose<sup>4</sup> the application, he shall, <sup>5</sup>within a time to be specified by the Controller, leave at the office a counter-statement setting out the grounds on which he intends to oppose the application, and shall, within same time, deliver the applicant a copy of the counter-statement.

<sup>1</sup>See Fourth Schedule, page 134.

<sup>2</sup>Form 15, 16 or 17 (pages 115-117) : Fee, Rs. 5 for classes 1-14. When the design is to be applied to a set in a class, the fee is Rs. 5.

<sup>3</sup>See instructions in paragraph 89, Part II.

<sup>4</sup>See instructions in paragraph 90, Part II.

<sup>5</sup>For definition of "set", see Rule 2(f), page 56.

<sup>1</sup>(4) Sub-rules (3) to 6) of Rule 21 and Rule 22 shall apply mutatis mutandis to subsequent proceedings on the application.

## CHAPTER IV

### GENERAL

#### <sup>2</sup>*Register of Patents and Designs*

Entry of grant.

49. Upon the sealing of a patent, the Controller shall cause to be entered in the Register<sup>4s</sup> of Patents the name, address and nationality of the patentee as the grantee thereof, the title of the invention, the date of the patent, and the date the grant thereof, together with the address for service.

Entry in  
respect of  
application.

50. The patent granted on any reciprocity application<sup>5</sup> shall be entered in the register as dated of the official date of the first British application in respect of which the reciprocity application<sup>5</sup> was made, and the payment of renewal fees<sup>7</sup> and the expiration of the patent shall be reckoned as from that date. The date of the reciprocity application shall also be entered in the register.

Entry of  
renewal fee.  
Registering  
designs.

51. - Upon payment of the fee<sup>7</sup> prescribed for the continuance of a patent, the Controller shall cause to be entered in the Register of Patents a record of the date of payment of such fee.

<sup>8</sup>52. -(1) When a design is accepted, there shall be entered in the Register of Designs, in addition to the particulars required by the Act, the number of the design, the class in which it is registered, the date of filing the application for registration in this country, the reciprocity date, if any, claimed for the registration, and such other matters as would affect the validity or proprietorship of the design.

<sup>8</sup>(2) Where the accepted design is one in respect of which a reciprocity date has been allowed, the registration, the extension or the expiration of the copyright in the said design shall be reckoned from such reciprocity date.

53. If a patentee or a proprietor of a registered design sends to the Controller notice<sup>9</sup> in respect of an alteration in his name, or

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<sup>1</sup>For suitable forms of disclaimers, see paragraph 91, Part II.

<sup>2</sup>This rule was inserted by the late Department of Industries and Civil Supplies Notification No. 223-I. R. (7)/45, dated the 6<sup>th</sup> October, 1945.

<sup>3</sup>For definition of "reciprocity application", see Rule 2(b), page 56.

<sup>4</sup>For definition of "British application", see Rule 2(b), page 56.

<sup>5</sup>For list of the countries which have reciprocal arrangements with Bangladesh, see 139-140 and also paragraph 84, Part II.

<sup>6</sup>Vide Ministry of Industries Notification No 19(6) S. & D. 11/55, dated 26<sup>th</sup> December, 1956

<sup>7</sup>A request on Form 4 (page 104) accompanied by a fee of Rs. 15 for an extension of one month, Rs. 30 for two months, or Rs. 45 for three months, as the case may be filed for obtaining such further time.

<sup>8</sup>See Rule 35 and foot-note 7 on page 68.

address, or addresses for service, the Controller shall cause the register to be altered accordingly.

54. Where a person becomes entitled, by assignment, transmission, or other operation of law, to a patent, or to a copyright in a registered design, or to any interest therein, as mortgagee or licensee, application shall be made to the Controller for the entry in the register, of his name as proprietor or part proprietor of the patent, or design, or of a notice of such interest, as the case may be.

Application for entry of subsequent proprietorship.

55. An application<sup>1</sup> under Rule 54 shall contain the name, address and nationality of the person claiming to be entitled, together with full particulars of the instrument, if any, under which he claims.

Production of documents of title and other proof.

56. Every assignment, and every other document containing, giving effect to or being evidence of the transmission of a patent or of copyright in a registered design or affecting the proprietorship thereof as claimed by such application, shall, unless the Controller otherwise directs, be presented to him together with the application, and he may call for such other proof of title or written consent as he may require for his satisfaction:

Provided that in the case of a document which is a public document, an official or certified copy thereof may be presented.

57. The entry to be made in the registers on a request<sup>2</sup> under rule 54 shall be in the following form:-

Form of entry.

“In pursuance of an application received on the-----  
-----  
registered as proprietors assignment  
licensees license  
by virtue of  
mortgagees mortgage deed  
etc. etc.  
dated----- and made between-----of  
the one part and ----- of the other part.”

58. An application<sup>3</sup> for entry in the registers of notification of any document (not already provided for), purporting to affect the proprietorship of a patent, or of a registered design, shall be accompanied by an attested copy of the document, the accuracy of such copy being certified as the Controller may direct, and the original document shall at the same time be produced and left at the Office if required for further verification.

Entry of notification of documents.

69. The Registers of Patents and Designs shall be open to the inspection<sup>4</sup> of the public at all times on which the Office is open<sup>5</sup> to public, except at times when they are required for actual official use.

<sup>1</sup>No form or fee is prescribed.

<sup>2</sup>Form 18 (page 118), Fee, Rs. 10.

<sup>3</sup>See Section 43 (4), page 37 and foot note 8 on page 37.

<sup>4</sup>Form 19 (page 119), Fee, Rs. 15.

This rule was deleted by the late Department of Industries and Civil Supplies Notification No 223-I. R. (7)/45, dated the 6<sup>th</sup> October 1945.

<sup>5</sup>The word “or” was inserted by the late Department of Industries and Labour, Notification No. A-197, dated the 16<sup>th</sup> January 1935.

<sup>6</sup>The word and figures “and 15” were omitted, *ibid*.

<sup>7</sup>This proviso was substituted for the original proviso (as amended by the late Department of Industries and Labour, Notification No. A-197, dated the 16<sup>th</sup> January 1935), by the late Department of Industries and Civil Supplies, Notification No. 223-I.R. (7)/45, dated the 6<sup>th</sup> October 1945.

Rectification  
of registers.

60. If an application is made for the rectification of the Register of Patents or Designs under Section 64 of the Act, the Controller shall notify all persons whose names, at the time of the application, are entered on the register as claiming an interest in the patent or design, and shall advertise the application in the *Gazette Bangladesh*.

Opposition to  
rectification.

61. Notice of opposition<sup>2</sup> to any rectification of the Register of Patents or the Register of Designs may be given within six weeks of the advertisement of the application for rectification and the procedure for the disposal of such opposition shall be regulated by the provisions of rules 20, 21 and 22.

Appeals to the  
Government.

62.- (1) An appeal<sup>3</sup> to the Government under any provision of the Act from a decision of the Controller shall be lodged with the Controller in duplicate and shall state fully the reasons for appealing.

(2) The Controller shall forward one copy of the appeal to the Government \* <sup>5</sup> \* \*  
Who shall notify the appellant of its receipt.

(3) (a) In appeals under Sections 9, 10 (1A), 16 and 17 of the Act, the appellant shall, on lodging the appeal in the manner set forth in sub-rule (1), send a copy of the appeal to the respondent (or to each of the respondents when there are two or more respondents appearing separately), and shall also intimate to the Controller the date of sending of the copy.

(b) Each of the respondents shall acknowledge in writing the receipt of the copy of the appeal. Any respondent may, within one month from the date on which the copy of the appeal is sent to him by the appellant, or within such further time as may be allowed by the Government, leave at the office a memorandum of objection and on so leaving send a copy thereof to the appellant.

(c) The memorandum of objection shall be strictly confined to matters raised in the appeal memorandum, and shall not deal with any cross objection attacking any portion of the Controller's decision passed against the respondent, such as could have been taken by filing a separate appeal by the respondent.

(d) The memorandum of objection shall be filed in duplicate and Controller shall forward one copy to the Government, who shall notify the respondent of its receipt.

<sup>1</sup>Fee, Rs. 5.

<sup>2</sup>Fee, Rs. 15.

<sup>3</sup>Form 22 (page 122); Fee, Rs. 10. See instructions under the heading "Cancellation of the Registration" in paragraph 103, Part II.

<sup>4</sup>No form is prescribed and no fee is necessary.

<sup>5</sup>The words "within a time to be specified by the Controller" were substituted for the words "within 14 days of his receiving the application or within such further time as the Controller may allow" by the late Department of Industries and Civil Supplies Notification No. 223-I. R. (7)/45 dated the 6<sup>th</sup> October 1945,

<sup>6</sup>This sub-rule was substituted for original sub-rules (4) to (7) of this rule by, *ibid*.

<sup>1</sup>(4) On completion of these proceedings, if any, or at such other time as the Government may see fit, it shall consider the appeal together with the memorandum of objection, if any, and pass an order determining the case finally, or reminding it for further inquiry and reconsideration by the Controller, or allowing the appeal in part, as it may deem fit. The decision of the Government shall be communicated to the Controller and to the parties.

<sup>1</sup>(5) Nothing in these rules shall be deemed to affect the discretionary powers of the Government to call for explanatory or supplementary statements from the appellant or the respondent, if any time the Government is of opinion that such statements are necessary for a fair consideration of the case.

#### Certificate

63. Certified copies<sup>2</sup> of any entry in the registers of certified copies of, or extracts from patents, specification, disclaimers, affidavits, declarations and other public documents in the Office, or of or from registers and other books kept there, shall be furnished by the Controller on payment of the prescribed fee.<sup>2</sup>

Certified copies of documents.

#### <sup>3</sup>Information

<sup>3</sup>63A. Any person on making a request to the Controller on Form 29A, shall be entitled to obtain information in respect of any one of the following matters:-

Request for information.

- <sup>5</sup>(a) When a complete specification following a provisional specification has been left.
- <sup>5</sup>(aa) When an application for a patent has been accepted, or deemed to have been abandoned, or deemed to have been refused.
- (a) When a patent has been sealed, or when the time for sealing has expired.
- (b) When a renewal fee in respect of a patent has been paid.
- (c) When a patent has ceased.
- (d) When any application has been made, or action taken, involving an entry in the Register of Patents or notification in the *Gazette of Bangladesh*.

<sup>1</sup>See Section 20, page 24 and Section 46, page 38, respectively.

<sup>2</sup>See Section 10, pages 15-17

<sup>3</sup>See Section 20, page 24.

<sup>4</sup>For definition see Rule 2(e) of the Patent and Designs Rules, 1933, page 56.

<sup>5</sup>For definition see Rule 2(b) of the Patents and Designs Rules, 1933, page 56

<sup>6</sup>See Section 14, pages 18-19 foot-note 3 on page 19, and also entry No. 9 in the First Schedule, page 80.

<sup>7</sup>The original Rule 52 was renumbered as sub rule (1) of this rule and sub rule (2) was inserted by the late Department of Industries and Civil Supplies Notification No. 223-I. R. (7)/45, dated the 6<sup>th</sup> October 1945.

<sup>8</sup>Form 23 (page 123); Fee, Rs. 2.50. No entry can be made in the Register of Patents before a patent is sealed, and in the Register of Designs before a design is accepted for registration.

<sup>9</sup>From 25 or 26 (pages 125-126). For fee, see foot-note 7 on page 45.

Form etc. of  
affidavits.

### <sup>1</sup>Affidavits

<sup>1</sup>63B.-(1) The affidavits required by the Act and these Rules, or used in any proceedings there under, shall be headed in the matter or matters to which they relate shall be drawn up in the first person, and shall be divided into paragraphs consecutively numbered; and each paragraph shall, as far as possible, be confined to one subject. Every affidavit shall the description and true place of abode of the person making the same, shall bear the name and address of the person leaving it and shall state on whose behalf it is left.

(2) Affidavits shall be confined to such facts as the deponent is able of his own knowledge to prove, except on interlocutory applications, on which statements of his belief may be admitted, provided that the grounds thereof are stated.

(3) The Affidavits referred to no sub-rule (1) shall be made and subscribed, as follows, as follows :-

- (a) in Bangladesh, before any court or person having by law authority to receive evidence, or before any officer empowered by such court or person as aforesaid to administer oaths, or before the commanding officer of any military, naval or air force station or ship occupied by troops in the service of Her Majesty;
- (b) in any other part of Her Majesty's dominions, before any court, judge, justice of the peace or any officer authorised by law to administer an oath there for the purpose of a legal proceeding; and
- (c) if made out of Her Majesty's dominions, before a British Minister, or person exercising the functions of a British Minister, or a Consul, Vice-Consul, or other person exercising the functions or a British Consul, or before a notary public, or before a judge or magistrate.

### *Miscellaneous Powers of the Controller*

Exercise of  
discretionary  
power of  
Controller.

64. -The time within which a person entitled under Section 67 of the Act to an opportunity of being heard<sup>2</sup> shall exercise his option of requiring to be heard shall be one month from the date of a notice which the Controller shall give to such person or his agent before determining the matter with reference to which such person is entitled to be heard. If within that month such person or his agent requires to be heard, the Controller shall appoint a date for the hearing and shall give ten days' notice thereof:

Provided that if the giving of ten days' notice would cause an application for a patent or for the registration of design<sup>3</sup> to be deemed to have been refused, or, as the case may be, abandoned<sup>5</sup>

<sup>1</sup>From 25 or 26 (pages 125-126). For fee, see foot-note 7 on page 45.

<sup>2</sup>Form 27 (page 127). For fee, see foot-note 7, on page 45.

<sup>3</sup>Fee for inspection of the Registers is Rs. 2 in respect of each patent or design. See Section 59 (page 44), and entry No. 33 in the First Schedule, page 82.

<sup>4</sup>See the paragraph headed "The Patent Office: Office Hours" in paragraph 9, Part II.

<sup>5</sup>Form 30 (page 131): Fee, Rs. 15.

before the hearing the Controller may curtail the period of notice

65. Whether an application or agent desires to be heard or not, the Controller may at any time require him to submit a statement in writing within a time to be notified by the Controller, or to attend before him and made explanations with respect to such matters as the Controller may require.

Controller may  
require statement

66. Any document for the amending of which no special provision is made by the Act may be amended, and any irregularity in procedure which, in the opinion of the Controller, may be obviated without detriment to the interests of any person, may be corrected if the Controller thinks fit, and upon such terms as he may direct.

General powers of  
amendment

67. The time prescribed by these rules for doing any act or taking any proceeding there under may be enlarged by the Controller, if he thinks fit, and upon such terms as he may direct.<sup>1</sup>

General power to  
enlarge time.

### *Designs excluded from protection under Copyright Act, 1914*

67A. A design shall be deemed to be used as a model or pattern to be multiplied by any industrial process within the meaning of the Copyright Act, 1914<sup>2</sup>:-

designs excluded  
from protection  
under Copyright  
Act. 1941.

- (a) When the design is reproduced or is intended to be reproduced in more than 50 single articles, unless all the articles in which the design is reproduced or is intended to be reproduced together form only a single set as defined by rule 2 of these rules.
- (b) Where the design is to be applied to (1) printed paper hangings, (2) carpets, floor-cloths or oil cloths, (3) textile goods or (4) lace not made by hand.

### **Repeal**

Repeal.

68.- (1) The Indian Patents and Designs Rules, 1912, are hereby superseded, provided that any application or other matter pending under those rules on the date of the coming into force of these rules shall be disposed of under those rules.

(2) The notifications of the Government of India in the Department of Industries and Labour, No. <sup>4</sup>A-197, dated the 17<sup>th</sup> July 1930, and the 4<sup>th</sup> November 1932, are hereby superseded.

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<sup>1</sup>Form 6 (page 106); Fee, Rs. 10.

<sup>2</sup>Form 5 (page 105), Fee, Rs. 50.

<sup>3</sup>See foot-note 3 on page 67.

<sup>4</sup>The words "Central Government" were substituted for the words "Governor-General in Council" by the late Department of Industries and Civil Supplies Notification No. 223-I.R. (7)/45, dated the 6<sup>th</sup> October 1945; and the words "through the Secretary in the Department of Industries and Labour" which occurred after the words "Governor in Council" were omitted by the late Department of Industries and Labour Notification No. A-197, dated the 11<sup>th</sup> December 1935.

<sup>5</sup>Sub-rules (3) to (5) were substituted for original sub-rules (3) to (8) as amended by the late Department of Industries and Labour Notification No. A-197, dated the 11<sup>th</sup> December 1935, by the late Department of Industries and Civil Supplies Notification No 223-I.R. (7)/45, dated the 6<sup>th</sup> October 1945.