

Directions of Central Government under Section 78C of the Indian Patents and Designs Act, 1911 (repealed).—Actions on 7402 applications for patents in the field of drug or medicine and 21 applications in the field of food were deferred pursuant to the directions given by the Central Government under sub-section (1) of Section 78C of the Indian Patents and Designs Act, 1911 before the said Act was repealed. With the coming into force of the Patents Act, 1970 these applications were taken up for consideration under the provisions of the Patents Act, 1970. Out of these applications, the complete specifications in respect of 1167 applications in the field of drug or medicine and 18 applications in the field of food were notified as accepted till 31st March, 1975. In addition to these, 709 more complete specifications in respect of the applications in the field of drug or medicine were notified as accepted during 1975-76. The remaining 5529 applications for patents under these categories have been deemed to have been abandoned.

Inventions in the field of Atomic Energy.—Patents were not granted on four applications for patents in view of the stipulations contained in Section 4 of the Patents Act, 1970 as the inventions fell within the scope of sub-section (1) of Section 20 of the Atomic Energy Act, 1962.

Working of patented inventions on a commercial scale.—Pursuant to the provisions of sub-section (2) of Section 146 of the Patents Act, 1970 statements were received from the various patentees and licensees as to the extent to which the patented inventions were worked on a commercial scale. The statements were classified and particulars of 1627 patents which were not commercially worked were notified in the Official Gazette.

LEGAL PROCEEDINGS

Appeals under Section 116 to High Courts from decision, etc., of the Controller.—(i) During the year two appeals, one over the decision of the Joint Controller of Patents & Designs and the other over the decision of the Information Officer in opposition proceedings under Section 25 of the Patents Act, 1970 were filed at the High Court at Calcutta. These appeals were pending before the said High Court.

(ii) Two appeals were also filed at the Gujarat High Court—one appeal over the decision of Scientific Officer and the other over the decision of Assistant Controller of Patents and Designs. The latter appeal was dismissed by consent agreement.

In the other appeal case, Gujarat High Court granted an injunction staying sealing of a patent on an application; the injunction was subsequently vacated. The appeal, however, awaited final consideration of the Gujarat High Court.

(iii) During the year one appeal was also filed at the Madras High Court over the decision of the Assistant Controller of Patents & Designs in an opposition proceeding under Section 25. This appeal was pending.

(iv) The appeal from an order of the Deputy Controller of Patents & Designs under Section 15 of the Patents Act, 1970 filed last year at the Calcutta High Court was still pending.

(v) One appeal from an order of the Joint Controller of Patents & Designs refusing leave to file further evidence in a proceeding for Compulsory licence under Section 84 of the Patents Act, 1970 shown pending before the Calcutta High Court was dismissed by the said High Court.

(vi) One writ application under Article 226 of the Constitution was filed at the Bombay High Court for not admitting the filing of a complete specification in an application for a patent. The writ application was pending before the said High Court.

2. **Rectification of Register of Patents by High Court.—**One application for rectification of the Register of Patents by deleting one entry therein regarding restoration of a patent made previously to the High Court at Calcutta was dismissed by the said High Court last year. Against the order dismissing the application an appeal was made at the Division Bench of the same High Court. This appeal was pending.

3. **Miscellaneous.—**One application for issue of Rule Nisi against the Controller of Patents for not entertaining oppositions to the grant of patents on five applications filed beyond the period stipulated in the Patents Act, 1970 shown pending before the High Court at Calcutta last year was still pending.

REVENUE AND EXPENDITURE

The income of the Patent Office during the year ending 31st March, 1976 from fees in respect of patent applications and other proceedings under the Patents Act, 1970, amounted to Rs. 30,34,901.00 (Appendix 'E'). The total expenditure incurred during the same period was Rs. 60,03,998.00. It may be noted

that The Patent Office is a public utility Department and not a revenue earning one. Major heads of expenditure with details are given below :—

Salaries :	
Pay	12,27,709-00
Allowances	12,76,693-00
Travel Expenses	25,04,402-00
Office Expenses :	11,770-00
Books (including Journals) for Technical Libraries	2,42,334-00
Publications	26,30,052-00
Rent, Taxes, etc.	3,12,453-00
Payment of professional and special services	319-000
Miscellaneous	3,02,668-00
	60,03,998-00

GENERAL

During the year Dr. S. Vedaraman, Controller-General of Patents, Designs and Trade Marks attended the following meetings abroad — (1) Meeting of the Group of Governmental Experts on 'The Role of the Patent System in the Transfer of Technology' held in Geneva from 1-9-1975 to 12-9-1975 and (2) Meeting of *Ad Hoc* Group of Governmental Experts for Revision of the Paris Convention held in Geneva from 15-12-1975 to 22-12-1975.

The Technical Library of the Patent Office at Calcutta continued to provide facilities to the public in the matter of consultation and reference work. The reference facilities in the Library are being increasingly availed of by various research institutions, individual inventors and the interested members of the public. Similar facilities for reference and inspection are also being extended by the Technical Libraries which have been set up at the Patent Office Branches at Bombay and Madras. The Technical Library at Calcutta received 40550 British Patent Specifications, 11136 Australian Patent Specifications and 6986 Patent Specifications of German Democratic Republic. 11675 Australian Patent Specifications and 15220 U.S.S.R. Patent Specifications were also received by the Technical Library in the Bombay Branch. 874

copies of books on various topics in Science and Technology were added to the Libraries and 7247 issues of various journals, both Indian and Foreign were received by the libraries.

The library at Calcutta continued to receive other official publications of the Patent Offices of U.K., Australia, U.S.S.R., Netherland, German Democratic Republic, Official Gazette of U.S. Patent Office, the Canadian Patent Office Record and Register of Copyright, New Zealand Patent Office Journal, Patent Journal (including Trade Marks and Designs) of the Republic of South Africa and some Official publications of Patent Offices of other countries, viz., Brazil, Cuba, Czechoslovakia, Federal Republic of Germany, Netherlands, Sweden and Yugoslavia.

During the year 1975-76, quite a good number of communications were received at the Patent Office, Calcutta, and its Branches at Bombay and Madras, from industrial undertakings, educational and research institutions, individual inventors and entrepreneurs enquiring about procedure for making applications for patents and other allied matters. Documents which were open to inspection, were inspected by members of the public in the cases of 6003 patents and copies of 5579 patent specifications and other documents were supplied to various industrial houses, foreign bodies and individuals. Copies of "Procedure for filing an application for a Patent" under the Patents Act, 1970, were given, free of cost, for assisting and guiding inventors.

During the period under report, three new Authorities under Section 152 of the Patents Act, 1970 were appointed at Faridabad, Srinagar and Varanasi.

A complete list of the Authorities receiving the publications of this office as on the 31st March, 1976 is given in Appendix 'F'. During the period under report 212903 letters, applications, etc., were received in the Patent Office, Calcutta, and the Branch Offices at Bombay and Madras and 121674 letters, packets, etc., were despatched.

Tables showing statistics under various heads are appended to the report.

Sd/-

S. VEDARAMAN,

Controller-General of Patents,

Designs & Trade Marks.

BOMBAY,

18th June, 1976.

APPENDIX A

Applications for Patents filed in the year 1975-76 as against 1974-75 classified according to Country or State of Origin

Country or State	No. of applications filed in		No. of Applications convention- tions of patents filed in 1975-76 under Section 135 of the Act	Applica- tions for addition filed in 1975-76
	1974-75	1975-76		
India :	2	3	4	5
Maharashtra	327	302	..	3
Delhi	333	287	..	..
West Bengal	144	132	..	..
Gujarat	61	78	..	..
Tamil Nadu	85	74	..	..
Karnataka	35	70	..	..
Uttar Pradesh	63	55	..	..
Kerala	35	38	..	..
Andhra Pradesh	29	36	..	..
Bihar	22	21	..	1
Haryana	27	15	..	..
Madhya Pradesh	10	15	..	..
Punjab	7	15	..	..
Rajasthan	10	12	..	..
Pondicherry	1	5	..	..
Orissa	11	3	..	..
Assam	5	3	..	..
Goa	3	1	..	..
Jammu & Kashmir	..	1	..	..
Chandigarh	4	..	..	..
Meghalaya	1	..	..	..
Himachal Pradesh	1	..	..	..
TOTAL	1214	1163	..	5

APPENDIX A—Contd.

Country or State	1	2	3	4	5
United Kingdom	..	387	244	189	11
or Commonwealth Countries :					
*Canada	..	31	32	16	2
*Australia	..	23	15	11	..
Malaysia	..	2	2	2	..
*New Zealand	..	1	2	2	..
*Sri Lanka	..	4	1	..	..
U.S.A. :					
U.S.A.	..	671	561	14	6
Bahamas	..	8	14	5	1
Panama	..	6	10	..	2
Mexico	..	10	2	..	..
Porto Rico	2	..	..
West Indies	..	1	1	..	..
Cuba	1	..	..
Argentina	..	4	..	..	..
Bermuda	..	1	..	..	..
Other Countries :					
Federal Republic of Germany	..	342	309	21	2
France	..	113	107	7	3
Switzerland	..	105	85	18	2
Italy	..	94	80	5	1
Netherlands	..	53	50	2	..
U.S.S.R.	..	52	57	..	..
TOTAL	759	688	53	8	..

The countries marked with () have been declared as convention countries in Section 133(1) of the Patents Act, 1970.

APPENDIX A—Conc'd.

	1	2	3	4	5
Europe—conc'd.					
Hungary	759	688	53	2	8
Sweden	28	50	2	2	1
Denmark	41	23	2	2	2
Belgium	14	17	8	8	2
Spain	11	12	6	6	..
Norway	8	10	..	..	..
Bulgaria	13	9	..	..	..
Austria	9	9	..	..	..
Finland	16	8	..	..	..
German Democratic Republic	2	8	..	..	..
Poland	6	7	..	..	..
Czechoslovakia	5	6	..	..	..
Luxembourg	15	5	..	..	..
Liechtenstein	9	5	..	..	..
Ireland	6	3	..	..	..
Greece	..	3	..	..	..
Gibraltar	3	2	..	..	..
Yugoslavia	..	1	..	..	..
Monaco	1	1	..	..	..
	947	866	71	1	1
Africa:					
Republic of South Africa	10	4	..	..	..
Nigeria	..	4	1	..	..
Lebanon	1	1	..	..	..
	11	9	1	..	..
Asia:					
Japan	77	60	1	..	..
Israel	1	4	..	..	..
Republic of China	5	3	..	..	..
Hong Kong	1	2	2	..	..
Bhutan	..	1	1	..	..
Iraq	..	1	..	..	..
Iran	1	..	..	..	..
	85	71	4	..	..
GRAND TOTAL	3406	2996	316	..	..

APPENDIX—B

Table showing the number of applications for Patents from persons in India and abroad during the period 1967-76 to 1972 and during 1972-73 to 1975-76.

	1975-76	1974-75	1973-74	1972-73	1972	1971	1970	1969	1968	1967
1	2	3	4	5	6	7	8	9	10	11
Indians	1,129	1,148	976	1,143	1,180	1,231	1,116	1,120	1,110	1,026
Foreigners resident in India	34	66	174	136	142	185	162	168	107	199
Foreigners resident abroad	1,833	2,192	2,341	2,360	2,373	2,929	3,864	4,158	4,141	4,065
TOTAL	2,996	3,406	3,491	3,639	3,695	4,345	5,142	5,446	5,358	5,190

APPENDIX-C

Statement giving Miscellaneous information relating to Patent applications filed during the period 1967 to 1972 and during 1972-73 to 1975-76.

Year	No. of applications made	No. of applications brought forward from preceding year	Total No. of applications to be examined	No. of applications examined	No. of complete specifications found in order for acceptance on 1st examination	No. of applications deemed to have been abandoned due to non-filing of complete specifications	Total No. of complete specifications notified as accepted during the year	No. of applications deemed to have been abandoned due to non-acceptance of complete specifications	No. of applications carried forward to next year	No. of Patents sealed		No. of Patents in force	
										Indian	Foreign	Indian	Foreign
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1967	5,190	5,665	10,855	6,819	140	322	4,800	574	3,714	395	3,425	3,274	35,120
1968	5,358	3,714	9,072	4,686	193	234	3,988	562	4,152	426	3,704	3,547	37,816
1969	5,446	4,152	9,598	4,814	225	550	3,537	464	4,234	643	4,308	2,231	25,483
1970	5,142	4,234	9,376	4,614	289	738	3,867	514	4,024	596	2,936	2,568	25,753
1971	4,345	4,024	8,369	4,714	302	882	3,576	857	2,773	629	3,294	3,063	27,663
1972	3,695	2,773	6,468	3,085	95	111	1,973	172	3,272	265	1,245	3,673	28,650
1972-73	3,639	2,728	6,367	2,834	81	122	1,820	172	3,411	278	1,064	3,718	28,718
1973-74	3,491	3,411	6,902	1,520	Nil	327	2,545	394	5,055	358	1,058	3,948	28,270
1974-75	3,406	5,055	8,461	2,908	6	152	2,505	398	5,401	737	3,207	3,039	24,758
1975-76	2,996	5,401	8,397	3,898	4	623	2,487	5,842	3,876	426	1,894	2,991	23,453

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APPENDIX-D

Assignments

Title of Patent	Nationality		Consideration Value
	Grantee	Present Proprietor	
1	2	3	4
(i) Continuous casting machines for articles	Foreign	Foreign	Rs. 1,500
(ii) A method of producing bars or sections by continuous castings			
(i) An improvement in or relating to gear units	Foreign	Foreign	£ 100= Rs. 1,800
(ii) An improvement in or relating to gear units			
(i) Cross slide operating mechanism for multiple spindle lathes	Foreign	Foreign	\$ 500= Rs. 3,750
(ii) Machine tool			
(i) Transparent ornamental stone particularly a finished diamond	Foreign	Foreign	DM 2,000= Rs. 2,300
(ii) Brilliant			
(iii) Brilliant cut stone			

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APPENDIX—E

Patent fees received during 1975-76 in respect of the proceedings under the patents Act, 1970 and Patents Rules, 1972

Description of documents, etc.	No.	Feed	Amount received
1	2	3	4
		Rs.	Rs.
Applications for Patents :			
(a) Provisional	686	20	13,720.00
(b) Complete	2310	50	1,15,500.00
Additional fee for filing convention applications under proviso to Section 135(2)	61	50	3,050.00
Petition for extension of time for filing foreign documents	6	25	150.00
Filing of complete specifications	329	30	9,870.00
Extension of time for filing complete specification	177	25, 50 or 75	9,625.00
Extension of time for submitting declaration of inventorship	47	25, 50 or 75	2,320.00
Post-dating of applications	3	30	90.00
To proceed as an applicant or joint applicant under Section 20(1)	36	25	900.00
Extension of time for acceptance	1016	25, 50 or 75	77,450.00
Application for postponement of acceptance	32	30	960.00
Opposition to the grant of patents	29	50	1,450.00
Extension of time for filing opposition	38	25	950.00
Petition for extension of time for filing reply statement, correcting irregularity of procedure, etc.	2085	25	52,125.00
Hearing before Controller	38	50	1,900.00
Permission for applying for patent outside India . . . . .	..	5	-
Sealing fee	2,444	60	1,46,640.00
Extension of time for making request for sealing	5	25, 50 or 75	125.00
Renewal fees paid on Indian patents granted under the Indian Patents & Designs Act, 1911 (since repealed) [No fees required for 1st to 4th years]			
For 5th Year	8	50	400.00
For 6th Year	507	50	25,350.00
For 7th Year	1712	50	85,600.00
For 8th Year	1937	50	96,850.00
For 9th Year	1989	100	1,98,900.00
For 10th Year	1389	100	1,38,900.00
For 11th Year	1231	100	1,23,100.00
For 12th Year	909	100	90,900.00
For 13th Year	884	150	1,32,600.00
For 14th Year	802	150	1,20,300.00
For 15th Year	701	150	1,05,150.00
For 16th Year	591	150	88,650.00
Renewal fees paid on Indian Patents granted under the Patents Act, 1970. [No fees required for 1st and 2nd years]			
For 3rd Year	2455	50	1,22,750.00
For 4th Year	2970	100	2,97,000.00
For 5th Year	2427	200	4,85,400.00
For 6th Year	1059	250	2,64,750.00
			28,12,525.00
			G/O

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APPENDIX E—contd.

1	2	3	4
B/F	..	Rs. ..	Rs. 28,12,255.00
For 7th Year	173	300	51,900.00
For 8th Year	11	350	3,850.00
For 9th Year	8	400	3,200.00
For 10th Year	8	450	3,600.00
For 11th Year	5	500	2,500.00
For 12th Year	2	550	1,100.00
For 13th Year	3	600	1,800.00
For 14th Year	2	700	1,400.00
Extension of time for payment of renewal fees	835	25, 50, 100, 125 or 150	29,625.00
Application for amendment under Section 44	7	50	350.00
Restoration of lapsed patents	97	50	4,850.00
Additional fee for restoration	87	150	13,050.00
Application for amendment:			
(a) Before acceptance	454	30	13,620.00
(b) After acceptance*	38	60	2,280.00
(c) After sealing	5	100	500.00
Registration of assignments, licences, etc.			
(a) applications filed	71	25	1,775.00
(b) additional patents included in the above applications	80	10	800.00
Inspection of Register of Patents	339	5	1,695.00
Certified copies of specifications and other documents	87	25	2,175.00
Balance fees	..	..	1,746.00
Application for settlement of terms of licence	1	25	25.00
Application for permission to work a patented invention	1	25	25.00
Requests for information	205	10	2,050.00
Correction of clerical errors	7	15	105.00
Alteration of names and addresses	301	5	1,505.00
Applications for duplicate patents	1	50	50.00
Duplicate copy of filing receipts, etc.	12	3	36.00
Interlocutory petition	3	25	75.00
Supply of printed specifications	4384	2	8,768.00
Charges for preparing typed and photo copies of documents	1198	4 or 7	53,469.00
Bank commission	18	..	6.00
Supply of extracts from Register of Patents	147	5	735.00
Postal charges	..	..	295.00
Miscellaneous	..	..	12,516.00
	TOTAL	..	30,34,901.00

APPENDIX F—contd.

List of authorities receiving Patent Office Publications, on the condition that they may be seen by the public, free of charge.

1. All publications including printed specifications are deposited for free inspection at the following places:—

ANDHRA PRADESH :

- Hyderabad The Director, Regional Research Laboratory Hyderabad-9.
- Hyderabad The Librarian, State Central Library, Hyderabad.
- Waltair The Registrar, Andhra University, Waltair, Andhra Pradesh.
- Warangal The Principal, Regional Engineering College, Warangal, P.O. Kazipet, Andhra Pradesh.

Assam :

- Jorhat The Principal, H.R.H., The Prince of Wales Technical School, Jorhat, Assam.
- Shillong The Deputy Director, (Commercial Intelligence), Directorate of Industries (Assam), Shillong, Assam.

BIHAR :

- Dhanbad The General Manager, Fertilizer Corporation of India Ltd., Planning & Development Division, C.I.F.T. Bldgs., P.O. Sindi, Dist. Dhanbad, Bihar.
- Dhanbad The Director, Central Fuel Research Institute, F.R.I. Post, Dist. Dhanbad, Bihar.
- Jamshedpur The Director, National Metallurgical Laboratory, Jamshedpur, Bihar.
- Patna The Director of Industries, Patna, Bihar.
- Ranchi The Joint General Manager, Heavy Machine Building Plant, Heavy Engineering Corporation Ltd., Dhurwa, Ranchi, Bihar.

DELHI :

- Delhi The Director, Shri Ram Institute for Industrial Research, 19, University Road, Civil Lines, Delhi-110 008.

APPENDIX F—contd.

- Delhi The Registrar, University of Delhi, Delhi.
- New Delhi The Director-General, Council of Scientific and Industrial Research, M-15, New Delhi South Extension, Part II, New Delhi-110 016.
- New Delhi The Director, National Physical Laboratory of India, New Delhi-110012.

- New Delhi The Director, Inventions Promotion Board, 39, Ring Road, Maulana Hospital Corner, New-Delhi-110014.

- New Delhi The Secretary, National Research Development Corporation of India, 61, Ring Road, New Delhi-110024.

GUJARAT :

- Ahmedabad The Director, Ahmedabad Textile Industry's Research Association, Polytechnic P.O. Ahmedabad-380 015.

- Baroda The Assistant Director of Industries (Chem.) Industrial Research Laboratory, Baroda Science College Compound, Baroda-2, Gujarat.

- Bhavnagar The Director, Central Salt and Marine Chemicals Research Institute, Bhavnagar, Gujarat.

HARYANA :

- Faridabad Head, Research & Development Centre, Indian Oil Corporation Ltd., 45-46 Sector 16A, Faridabad.

KARNATAKA

- Bengaluru Director, Small Industries Service Institute, Karan Nagar, Srirangar, Kasimbi.

KARNATAKA

- Bangalore The Director, Indian Institute of Science, Bangalore.

- Bangalore The Director, National Aeronautical Laboratory, Bangalore-560 017.

- Mysore The Director, Central Food Technological Research Institute, Mysore.

KERALA

- Trivandrum Professor of Applied Chemistry, University of Kerala, Trivandrum, Kerala.