

Cabinet releases Draft Patents (Amendment) Rules, 2024

In a notable move, the Ministry of Commerce and Industry (Department for Promotion of Industry and Internal Trade) vide notification dated January 02, 2024, has proposed amendments to the Patents Rules, 2003, which shall be taken into consideration by the Central Government after the expiry of a period of thirty days i.e. after February 01, 2024.

The Department for Promotion of Industry and Internal Trade (DPIIT) has invited objections or suggestions from all persons likely to be affected and any such objections or suggestions. You can address any such objections or suggestions to the Secretary, Department for Promotion of Industry and Internal Trade, Ministry of Commerce and Industry, Government of India, Vanijya Bhawan, New Delhi- 110001 or by e-mail at ipr4-dipp@nic.in before February 01, 2024.

Some of the notable proposed amendments are as under:

DEFINITIONS

1. The Draft Rules 2024 propose following amendments in principle Rule 1 (Short title and commencement) of the Act:

- (1) The rules may be now called the draft Patent (2nd Amendment) Rules, 2024.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. The Draft Rules 2024 propose to insert the following in principle Rule 2 (Definitions) of the Act:

- (1) An “Adjudicating Officer” (as “aa”), an officer appointed for holding an inquiry and imposing penalty under the provision of the Act, after giving the person concerned a reasonably opportunity of being heard.
- (2) An “appellant” (as “aab”), an aggrieved person who prefers an appeal before the Appellate Authority against the order of the Adjudicating Officer.
- (3) An “Appellate Authority” (as “aac”), an officer who shall be at least one rank above the Adjudicating Officer appointed to hear an appeal against the order of Adjudicating Officer.
- (4) All types of communication made in the Chapter XIV will be considered to be communicated electronically via text message or email (as “aad”).

(5) A “Complainant”, an aggrieved person who makes a complaint before the Adjudicating Officer.

3. **The Draft Rules 2024 propose to insert a new chapter XIVA after rule 107 comprising of Rules 107A to 107H as provided herein below:**

Rule 107A: ADJUDICATION OF CERTAIN PENALTIES

1. The Draft Rules 2024 propose that any person may file a complaint under newly introduced Form 32 to the Adjudicating Officer regarding any contravention or default committed by any person such as unauthorized claim of patent rights, refusal or failure to supply information, or practice by non-registered patent agents.
2. The complaint shall be accompanied with facts and evidence upon which the Applicant relies.

Rule 107B: APPOINTMENT OF ADJUDICATING OFFICER

1. The Draft Rules 2024 propose that the Controller may appoint and authorize an Adjudicating Officer for holding inquiries and imposing penalty on any person who has committed contravention or default as mentioned above.
2. If more than one Adjudicating Officer are appointed, the complaint filed by the Complainant(s) will be automatically and randomly allocated by computer resource system to the Adjudicating Officer.
3. Every Adjudicating Officer will have power of a civil court such as enforcing the attendance of witnesses and compelling the production of documents and material objects. The Adjudicating Officer will be considered to be a public servant under section twenty-one of the Indian Penal Code, 1860.

Rule 107C: SUMMARY PROCEEDINGS WHEN CASE IS NOT MADE OUT

1. The Draft Rules 2024 propose that in case a prima facie case for the maintainability of complaint is not made out, the Adjudicating Officer, if satisfied, may dismiss the complaint and pass speaking order within one month.

Rule 107D: SUMMARY PROCEEDINGS WHEN CASE IS MADE OUT

1. The Draft Rules 2024 propose that in case a prima facie case for the maintainability of complaint is made out within one month, the Adjudicating Officer, if satisfied, initiate the proceedings by serving a copy of the notice (made at expense of complainant) to alleged violator within one month from the date of the commission of the contravention. A copy of the complaint shall be served to the person who allegedly committed violation defined under rule 107A (1) within a period of one week (by post in exceptional and extraordinary circumstances).
2. As per the proposed Draft Rules 2024, a statement under Form-14 shall be filed by the alleged violator within 15 days from the issuance of the notice, with facts and evidence upon which the violator relies, from the date of service of the complaint by the complainant.
3. The Draft Rules 2024 propose that a notice shall be issued by the Adjudicating Officer to the alleged violator to show cause, upon the maintainability of the complaint setting forth the decision thereon. The final order shall be passed by the Adjudicating officer within a time period of three months.
4. As per the proposed Draft Rules 2024, the Adjudicating Officer shall consider the following factors while adjudging the quantum of compensation under this Act:
 - the amount of gain of unfair advantage made as a result of the default;
 - the amount of loss caused to any person as a result of the default;
 - the repetitive nature of the default; and
 - extension of time period
5. The Adjudicating Officer may provide an extension of 15 days to the alleged violator for responding to the notice only upon the payment of costs under Section 35B of Code of Civil Procedure, 1908, if the Adjudicating Officer is satisfied that the alleged violator had sufficient cause for not responding to the notice within the prescribed time period. After hearing the parties, the Adjudicating Officer shall pass a speaking order. If the alleged violator fails, neglects or refuses to appear as required before the Adjudicating officer, then he/she may proceed with the inquiry in the absence of such person.
6. In case, the Adjudicating Officer after considering the cause of the alleged violator, is of the opinion that an inquiry should be held, the Adjudicating officer shall issue a notice fixing a date for the appearance of the alleged violator. The alleged violator may appear

either in person or may take the assistance of a legal practitioner for presenting his case before the Adjudicating Authority.

7. As per the Draft Rules 2024, Adjudicating Officer may pass an order as he/she may think on date of the hearing and after giving a reasonable opportunity of being heard to the alleged violator. The Adjudicating officer may also pass an order for adjournment of the hearing to a future date on the payment of prescribed fee by the alleged violator. In case, the Adjudicating officer is satisfied after giving the alleged violator an opportunity of being heard or on inquiry, that the alleged violator has committed the contravention, then the Adjudicating officer may impose penalty or award such compensation as the he/she may think fit within a time period of three months.
8. As per the Draft Rules 2024, the Adjudicating officer, while holding an inquiry, will have the powers, including: summoning and enforcing the attendance of any person acquainted with the facts and circumstances of the case; ordering for evidence or to produce any document useful for or relevant to the subject matter of the inquiry.
9. As per the proposed amendments, a copy of the order shall be passed by the Adjudicating Officer to the alleged violator and the Controller.
10. All sums realized by way of penalties under the Act will be credited to the Consolidated Fund of India.

RULE 107E: FORM AND MANNER OF APPEAL

1. The Draft Rules 2024 propose that an appeal under Form 33 shall be filed to Appellate Authority by any person aggrieved by an order passed by the Adjudicating officer within a period of sixty days from the date of receipt of the order. If the Appellant was prevented by sufficient cause from presenting the appeal within the aforesaid period of sixty days, The Appellant Authority, if satisfied, may condone the delay and allow it to be presented within a period not exceeding thirty days with prescribed fee.
2. As per the proposed amendments, the Appeal made to the Appellate authority shall be in the prescribed form setting forth the grounds of appeal and shall be accompanied by a certified copy of the order against which the appeal is sought. The grounds of appeal and the form of verification shall be signed by the Appellant.

3. The Draft Rules 2024 propose that when an appeal is made by an authorized representative on the behalf of the party, a copy of such authorization in favor of the representative and the written consent thereto shall also be appended to the appeal. The appeal shall not seek relief(s) against more than one order unless the reliefs prayed for are consequential.
4. As per the proposed amendments, every appeal shall be accompanied by a payment of INR 5,000 through online portal in favor of the Appellate Authority.

RULE 107F: REGISTRATION OF APPEAL

1. The Draft Rules 2024 propose that the Appellate Authority, on receiving the receipt of an appeal, shall endorse the date on such appeal and sign the endorsement.
2. As per the proposed amendments, if the appeal is found to be in order, it shall be duly registered and provided with a serial number.
3. On the contrary, if the appeal is found to be defective, the Appellate Authority may allow the Appellant to rectify the defects within fourteen days from the date of receipt of intimation by the Appellant from the Appellate Authority about the nature of the defects
4. However, if the Appellant fails to do so within the aforementioned time period, the Appellate Authority may decline to register such appeal and communicate the refusal to the Appellant within a time period of seven days.
5. As per proposed amendments, the Appellate Authority may extend the aforementioned period by further 14 days, if the Appellant satisfies the Appellate Authority that he/she had sufficient cause for not being able to rectify the defects within the above-said period of fourteen days.

RULE 107G: DISPOSAL OF APPEAL BY APPELLATE AUTHORITY

1. The Draft Rules 2024 propose that the Appellate Authority shall serve a copy of appeal to the Adjudicating officer against whose order the appeal is sought along-with a notice requiring such Adjudicating Officer to file his reply thereto within the stipulated time period of twenty-one days.
2. As per the proposed amendments, the Appellate Authority may extend the aforementioned period for a further period of twenty-one days, if the Adjudicating Officer satisfies the Appellate Authority that he had sufficient cause for not being able to file his reply to the appeal within the above-said period of twenty-one days.

3. As per the proposed amendments, a copy of every reply, application or written representation filed by the Adjudicating Officer before the Appellate Authority shall be served to the opposite party through electronic modes of communication.
4. The Draft Rules 2024 propose that the date of hearing of the appeal shall be notified by the Appellate Authority to the parties, which shall not be a date earlier than thirty days from the date of such notification for hearing the appeal.
5. The Appellate Authority may pass an order as he/she may think on date of the hearing including an order for adjournment of the hearing to a future date with the payment of prescribed fees.

RULE 107H: PROCEDURE IN APPEAL

1. The Draft Rules 2024 propose that the Appellate Authority shall give an opportunity to the Appellant to be heard.
2. As per the proposed amendments, the Appellate Authority may allow the Appellant to go into any ground of appeal that was not specified in the earlier grounds of appeal if the Appellate Authority is satisfied that the omission of that ground from the earlier ground of appeal was not willful or unreasonable.
3. As per the proposed amendments, after making a further inquiry, the Appellate Authority may pass the order as he thinks fit including confirming, modifying or annulling the decision or order appealed against, or referring the matter back to the Adjudicating Officer with directions for fresh adjudication or decision. No enhancement of any penalty or fine shall be passed by the Appellant Authority unless the Appellant has been given a reasonable opportunity of showing cause against the proposed order.
4. The Draft Rules 2024 propose that the order of the Appellate Authority to dispose the appeal shall be in writing, stating the points for determination, the decision thereon and the reasons for the decision.
5. As per the proposed amendments, the Appellate Authority shall hear and decide every appeal, wherever possible, within a period of six months from the date on which it is filed.

6. The Appellate Authority may grant time to the parties if the sufficient cause is shown at any stage of hearing of an appeal from time to time, and adjourn the hearing of the appeal for reasons. No such adjournment shall be granted not more than one time, with prescribed fee, to a party during hearing of the appeal. Further, not more than two additional adjournments shall be granted more than one time to a party during hearing of the appeal with prescribed fee.
7. As per the proposed amendments, if the Appellant or the opposite party fails to appear on the hearing date, then the Appellate Authority may dispose of the appeal ex-parte. However, if the Appellant appears afterwards and satisfies the Appellate Authority that there was a sufficient cause for his non-appearance, then the Appellate Authority may make an order setting aside the ex-parte order and restore the appeal not beyond 1 year.
8. As per the proposed amendments, on the disposal of the appeal, the Appellate Authority shall communicate the reasoned order (signed by the Appellate Authority hearing the appeal) passed by him to the Appellant and to the opposite party in writing and shall state briefly the grounds for the decision. A certified copy of every order passed by the Appellate Authority shall be communicated to the Adjudicating officer, Appellant, opposite party forthwith and to the Central Government.

FIRST SCHEDULE

- a) The Draft Rules 2024 propose new entries 59 and 60 in the First Schedule of the Act.
- b) The proposed entry 59 is for complaint for contravention or default of sections 120, 122, or 123, which shall be made in Form-32 along with the fee of: INR 10,000 applicable for e-filing by Natural person(s) or Startup(s) or Small entit(y)/(ies) or educational institution(s); and INR 50,000 applicable for e-filing by other(s), alone or with natural person(s) or Startup(s) or Small entit(y)/(ies) or educational institution(s).
- c) The proposed entry 60 is for an appeal against an order passed by the adjudicating officer, which shall be made in Form-33 along with the fee of: INR 10,000 applicable for e-filing by Natural person(s) or Startup(s) or Small entit(y)/(ies) or educational institution(s) ; and INR 50,000 applicable for e-filing by other(s), alone or with natural person(s) or Startup(s) or Small entit(y)/(ies) or educational institution(s).

SECOND SCHEDULE

- d) The Draft Rules 2024 propose new Forms 32 and 33 in the “list of forms” in Second Schedule of the Act after existing “Form-31.”
- e) The proposed Form-32 is for filing a complaint for contravention or default of sections 120, 122, or 123 under Section 124A, rule 107A of the Act.
- f) The proposed Form-33 is for an filing an appeal against an order passed by the adjudicating officer under Section 124B, rule 107E of the Act.

The existing Sections/Forms and the proposed new additions as per the Draft Rules 2024 have been tabulated below:

S.NO	PARTICULARS	EXISTING SECTIONS/ FORMS	PROPOSED NEW RULES
1.	Rule 2 - Definitions	Section 124A and 124B	<p>Sub-rule (aa): "Adjudicating Officer" means an officer appointed in accordance with Section 124A of the Act;</p> <p>Sub-rule (aab): “appellant” means an aggrieved person who prefers an appeal before the Appellate Authority in accordance with Section 124B of the Act against the order of an Adjudicating Officer;</p> <p>Sub-rule (aac): "Appellate Authority " means an officer appointed in accordance with Section 124B of the Act;</p> <p>Sub-rule (aad): All types of communication made in the Chapter XIV</p>

			<p>will be deemed to be communicated electronically. Provided that the means of communication will be text message or email;</p> <p>Sub-rule (aae): “Complainant” means an aggrieved person who makes a complaint before the Adjudicating Officer;</p>
	Chapter XIVA – ADJUDICATION OF CERTAIN PENALTIES		Rules 107A to 107H
2.	Rule 107A - Adjudication of certain penalties	The proposed Draft Rule 107A inserted after rule 107 read with sections 120, 122, or 123 of the act.	<p>Clause (1): Any person may file a complaint under Form 32 to the Adjudicating officer regarding any contravention or default committed by any person of the provisions contained in sections 120, 122, or 123 of the Act.</p> <p>Clause (2): The complaint shall be accompanied with a statement setting out the facts upon which the Applicant relies and evidence in support of the statement, as prescribed.</p>
3.	Rule 107B - Appointment of Adjudicating officer	The proposed Draft Rule 107B read with section 73	Clause (1): The Controller, by an order, authorize an officer referred to in section 73, to be an Adjudicating officer for holding an inquiry and imposing penalty on any person who has committed the

			<p>contravention or default under the provisions contained in sections 120, 122, or 123 of the Act.</p> <p>Clause (2): Where more than one Adjudicating officer are appointed, the complaint filed by the Complainant(s) will be automatically and randomly allocated by computer resource system to the Adjudicating Officer.</p> <p>Clause (3): Every Adjudicating officer shall have the powers of a civil court, namely:</p> <p>Sub-clause (3a): enforcing the attendance of witnesses and compelling the production of documents and material objects; and</p> <p>Sub-clause (3b): Adjudicating Officer shall be deemed to be a public servant under section twenty-one of the Indian Penal Code, 1860.</p>
4.	<p>Rule 107C - Summary Proceedings when case is not made out</p>		<p>Clause (1): Where the Adjudicating officer is satisfied that a prima facie case for the maintainability of the Complaint has not been made out under rule 107C, the Adjudicating officer shall quash and dismiss the complaint summarily and pass</p>

			speaking order within a period of one month.
5.	Rule 107D - Summary Proceedings when case is made out		<p>Clause (1): Where the Adjudicating officer is satisfied that a prima facie case for the maintainability of the Complaint has been made out within a period of one month; commence the proceedings via:</p> <p>Sub-clause (1a): Service of Notice to alleged Violator Adjudicating officer shall serve a copy of the notice to the alleged violator within a period of one month from the date of the commission of alleged contravention. A copy of the complaint shall be served to the person who has allegedly committed violation defined under rule 107A(1) within a period of one week. Where it is not practicable so to do on the ground of exceptional and extraordinary circumstances, the complaint shall be sent by registered post.</p> <p>Provided that the service of Notice under this sub-rule shall be made at the expenses of the Complainant</p> <p>Sub-clause (1b): Written Submissions by the Opposite Party On receiving a copy of the Complaint, the person who has</p>

			<p>allegedly committed violation, shall file his statement under Form No 14 within a period of fifteen days from the date of issuance of notice, setting out the facts upon which he relies and evidence in support of the statement, from the date of service of the complaint by the complainant.</p> <p>Sub-clause (1c): Manner of Holding Inquiry (1) The Adjudicating officer shall issue a notice to the person who has allegedly committed violation under the Act, requiring that person to show cause, upon the maintainability of the complaint setting forth the decision thereon. No Adjudicating officer shall hold an enquiry except upon a complaint in writing made by any officer authorized by a general or special order. The final order shall be passed by the Adjudicating officer, within a period of three months for reasons to be recorded in writing.</p> <p>Provided that every notice issued under this sub-rule, shall clearly indicate the nature of breach or noncompliance alleged to have been committed by that person, as the case may be.</p>
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			<p>Clause (2): While adjudging the quantum of compensation under this Act, the adjudicating officer shall have due regard to the following factors, namely:</p> <p>Sub-clause (2a): the amount of gain of unfair advantage, wherever quantifiable, made as a result of the default;</p> <p>Sub-clause (2b): the amount of loss caused to any person as a result of the default;</p> <p>Sub-clause (2c): the repetitive nature of the default.</p> <p>Sub-clause (2d): Extension of time period</p> <p>Sub-clause 2(1): The Adjudicating officer may, for reasons to be recorded in writing, extend the further period not exceeding fifteen days, if the said person satisfies the Adjudicating officer that it has sufficient cause for not responding to the notice within the stipulated period, only upon the payment of costs under Section 35B of Code of Civil Procedure, 1908. The Adjudicating Officer shall hear the parties and pass a speaking order thereon.</p>
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			<p>Sub-clause 2(2): If, after considering the cause, if any, shown by such person, the Adjudicating officer is of the opinion that an inquiry should be held, the Adjudicating officer shall issue a notice fixing a date for the appearance of such person. The said person may appear either in person or take the assistance of a legal practitioner for presenting his case before the Adjudicating Authority.</p> <p>Sub-clause 2(3): On the date fixed for hearing and after giving a reasonable opportunity of being heard to the person(s) concerned, the Adjudicating officer may, subject to reasons to be recorded in writing, pass any order as he/she thinks fit including an order for adjournment of the hearing to a future date by payment of prescribed fee by such person.</p> <p>Sub-clause 2(4): The Adjudicating officer shall, after giving the person referred to in sub-rule (1) above, a reasonable opportunity for hearing in the matter and if, on such inquiry, the Adjudicating officer is satisfied that the person has committed the contravention, the Adjudicating officer may impose such</p>
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			<p>penalty or award such compensation as the Adjudicating officer thinks fit within three months.</p> <p>Sub-clause 2(5): While holding an inquiry, the Adjudicating officer shall have the following powers, namely: -</p> <p>(a) to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case;</p> <p>(b) to order for evidence or to produce any document, which in the opinion of the Adjudicating officer, may be useful for or relevant to the subject matter of the inquiry.</p> <p>Sub-clause 2(6): If any person fails, neglects or refuses to appear as required under sub-rule (1) before the Adjudicating officer, the Adjudicating officer may proceed with the inquiry in the absence of such person after recording the reasons for doing</p> <p>Sub-clause 2(7): Every order passed under sub-rule (4), shall be dated and signed by the Adjudicating officer.</p>
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			<p>Sub-clause 2(8): The Adjudicating officer shall send a copy of the order passed by it to the concerned person who is in default and to the Controller.</p> <p>Sub-clause 2(9): All sums realized by way of penalties under the Act shall be credited to the Consolidated Fund of India.</p>
6.	Rule 107E - Form and Manner of preferring Appeal.	The proposed Draft Rule 107E read with section 124A	<p>Clause (1): Any person aggrieved by an order passed by the Adjudicating officer under section 124A may prefer an appeal under Form 33 to the Appellate Authority, who shall be an officer at least one rank above the Adjudicating officer, within a period of sixty days from the date of receipt of the order.</p> <p>Provided that the Appellate Authority may, if he/she is satisfied that the Appellant was prevented by sufficient cause from presenting the appeal within the aforesaid period of sixty days, the Appellate Authority may condone the delay and allow it to be presented within a further period of not more than thirty days with prescribed fee.</p> <p>Clause (2): The Appeal to the Appellate authority shall be in the prescribed form;</p>

			<p>setting forth the grounds of appeal and shall be accompanied by a certified copy of the order against which the appeal is sought. The appeal shall be allocated by computer resource system.</p> <p>Clause (3): The grounds of appeal and the form of verification shall be signed by the Appellant.</p> <p>Provided that where the party is represented by an authorised representative, a copy of such authorisation in favour of the representative and the written consent thereto by such authorised representative shall also be appended to the appeal:</p> <p>Provided further that the appeal shall not seek relief(s) therein, against more than one order unless the reliefs prayed for are consequential.</p> <p>Clause (4): The allocation of appeals will be in consonance with the automatic and randomly allocated software system</p> <p>Clause (5): Every appeal shall be accompanied on the payment of Rupees five thousand to be paid through the</p>
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			online portal in favour of the Appellate Authority.
7.	Rule 107F - Registration of appeal		<p>Clause (1): On the receipt of an appeal, the Appellate Authority shall endorse the date on such appeal and shall sign such endorsement.</p> <p>Clause (2): If, on scrutiny, the appeal is found to be in order, it shall be duly registered and given a serial number:</p> <p>Provided that where the appeal is found to be defective, the Appellate Authority may allow the Appellant such time, not being less than fourteen days following the date of receipt of intimation by the Appellant from the Appellate Authority about the nature of the defects, to rectify the defects and if the Appellant fails to rectify such defects within the time period allowed as above, the Appellate Authority may by order and for reasons to be recorded in writing, decline to register such appeal and communicate such refusal to the Appellant within a period of seven days thereof:</p> <p>Provided further that the Appellate Authority may, for reasons to be recorded in writing, extend the period referred to in</p>

			the first proviso above by a further period of fourteen days if an Appellant satisfies the Appellant Authority that the Appellant had sufficient cause for not rectifying the defects within the period of fourteen days referred to in the first proviso
8.	Rule 107G - Disposal of appeal by Appellate Authority		<p>Clause (1): On the admission of the appeal, the Appellate Authority shall serve a copy of appeal upon the Adjudicating officer against whose order the appeal is sought along-with a notice requiring such Adjudicating Officer to file his reply thereto within such period, not exceeding twenty-one days, as may be stipulated by the Appellate Authority in the said notice:</p> <p>Provided that the Appellate Authority may, for reasons to be recorded in writing, extend the period referred to in sub-rule (1) above for a further period of twenty-one days, if the Appellant satisfies the Appellate Authority that he had sufficient cause for not being able to file his reply to the appeal within the above-said period of twenty-one days.</p> <p>Clause (2): A copy of every reply, application or written representation filed by the Appellant before the Appellate</p>

			<p>Authority shall be forthwith served to the opposite party through electronic modes of communication.</p> <p>Clause (3): The Appellate Authority shall notify the parties, the date of hearing of the appeal which shall not be a date earlier than thirty days following the date of such notification for hearing the appeal.</p> <p>Clause (4): On the date fixed for hearing, the Appellate Authority may, subject to the reasons to be recorded in writing, pass any order as he thinks fit including an order for adjournment of the hearing to a future date subject to the payment of prescribed fees.</p>
9.	Rule 107H - Procedure in appeal.		<p>Clause (1): The Appellate Authority shall give an opportunity to the Appellant to be heard as per the principles of natural justice.</p> <p>Clause (2): The Appellate Authority may, at the time of hearing of an appeal, allow the Appellant to go into any ground of appeal not specified in the grounds of appeal, if the Appellate Authority is satisfied that the omission of that ground from the grounds of appeal was not wilful or unreasonable.</p>

			<p>Clause (3): The Appellate Authority shall, after making such further inquiry as may be necessary, pass such order, as he thinks just and proper</p> <p>Sub-clause (3a): confirming, modifying or annulling the decision or order appealed against; or</p> <p>Sub-clause (3b): referring the matter back to the Adjudicating officer with directions for fresh adjudication or decision, as the case may be, where an order or decision has been passed without following the principles of natural justice;</p> <p>Provided that an order enhancing any penalty or fine shall not be passed unless the Appellant has been given a reasonable opportunity of showing cause against the proposed order.</p> <p>Clause (4): The order of the Appellate Authority disposing of the appeal shall be in writing by giving a reasoned order and shall state the points for determination, the decision thereon and the reasons for the decision.</p>
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		<p>Clause (5): The Appellate Authority shall, where it is possible to do so, hear and decide every appeal within a period of six months from the date on which it is filed.</p> <p>Clause (6): The Appellate Authority may, if sufficient cause is shown at any stage of hearing of an appeal, grant time, from time to time, to the parties or any of them and adjourn the hearing of the appeal for reasons to be recorded in writing:</p> <p>Provided that no such adjournment shall be granted not more than one time, with prescribed fee, to a party during hearing of the appeal.</p> <p>Provided further that not more than two additional adjournments shall be granted more than one time to a party during hearing of the appeal with prescribed fee.</p> <p>Clause (7): In case the Appellant or the opposite party does not appear on the date fixed for hearing, the Appellate Authority may dispose of the appeal ex-parte:</p> <p>Provided that where the Appellant appears afterwards and satisfies the Appellate Authority that there was sufficient cause</p>
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			<p>for his nonappearance, the Appellate Authority may make an order setting aside the exparte order and restore the appeal not beyond 1 year.</p> <p>Clause (8): On the disposal of the appeal, the Appellate Authority shall communicate the reasoned order passed by him to the Appellant and to the opposite party.</p> <p>Sub-clause (8a): The order of Appellate Authority shall be in writing and shall state briefly the grounds for the decision.</p> <p>Sub-clause (8b): The order referred to in sub-rule (1) shall be dated and signed by the Appellate Authority hearing the appeal.</p> <p>Clause (9): A certified copy of every order passed by the Appellate Authority shall be communicated to the Adjudicating officer, Appellant, opposite party forthwith and to the Central Government.</p>
10.	Form 14	Notice of Opposition to Amendment/Restoration / Surrender of	Notice of Opposition to Amendment/Restoration / Surrender of Patent/Grant of Compulsory Licence or Revision of Terms thereof or to

		Patent/Grant of Compulsory Licence or Revision of Terms thereof or to Correction of Clerical Errors under section 57(4), 61(1), 63(3), 78(5) and 87(2); rules 81(3)(b), 85(1), 87(2), 98(1), 101(3), and 124.	Correction of Clerical Errors/ Complaint of Contravention or Default under section 57(4), 61(1), 63(3), 78(5), 87(2), 120, 122, and 123; rules 81(3)(b), 85(1), 87(2), 98(1), 101(3), 124, and 107D.
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Ms. Rashmi and Ms. Bani Mittal have assisted in the research of this Article.