

Patents (Amendment) Act, 2002

Section 3 - Amendment of Section 2

In section 2 of the principal Act, in sub-section (1),--

(a) for clause (a), the following clauses shall be substituted, namely :--

'(a) "Appellate Board" means the Appellate Board referred to in section 116;

(ab) "assignee" includes an assignee of the assignee and the legal representative of a deceased assignee and references to the assignee of any person include references to the assignee of the legal representative or assignee of that person;

(ac) "capable of industrial application", in relation to an invention, means that the invention is capable of being made or used in an industry;';

(b) for clause (d), the following clause shall be substituted, namely :--

'(d) "convention country" means a country or a country which is member of a group of countries or a union of countries or an Inter-Governmental organization notified as such under sub-section (1) of section 133;';

(c) for clause (g), the following clause shall be substituted, namely :--

'(g) "food" means any article of nourishment for human consumption and also includes any substance intended for the use of infants, invalids or convalescents as an article of food or drink;';

(d) in clause (i),--

(i) in sub-clause (i), for the words "Union territory of Delhi", the words "National Capital Territory of Delhi" shall be substituted;

(ii) for sub-clause (ii), the following sub-clause shall be substituted, namely :--

"(ii) in relation to the State of Arunachal Pradesh and the State of Mizoram, the Gauhati High Court (the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh);";

(iii) in sub-clause (v), for the words "Union territory of Goa, Daman and Diu", the words "State of Goa, the Union territory of Daman and Diu" shall be substituted;

(e) after clause (i), the following clause shall be inserted, namely :--

'(ia) "international application" means an application for patent made in accordance with the Patent Co-operation Treaty;';

(f) for clause (j), the following clauses shall be substituted, namely :--

'(j) 'invention' means a new product or process involving an inventive step and capable of industrial application;

(ja) 'inventive step' means a feature that makes the invention not obvious to a person skilled in the art;';

(g) for clause (m), the following clauses shall be substituted, namely :--

'(m) "patent" means a patent granted under this Act;';

(h) after clause (o), the following clause shall be inserted, namely :--

'(oa) "Patent Co-operation Treaty" means the Patent Co-operation Treaty done at Washington on the 19th day of June, 1970 as amended and modified from time to time;';

(i) for clause (u), the following clause shall be substituted, namely :--

'(u) "prescribed" means,--

(A) in relation to proceedings before a High Court, prescribed by rules made by the High Court;

(B) in relation to proceedings before the Appellate Board, prescribed by rules made by the Appellate Board; and

(C) in other cases, prescribed by rules made under this Act.'.