

Patents (Amendment) Act, 2002

Section 21 - Insertion of New Section 39

After section 38 of the principal Act, the following section shall be inserted, namely :--

"39. Prohibition to apply, under certain circumstances, for patents relevant for defence purposes, etc.--

(1) No person shall, except under the authority of a written permit granted by or on behalf the Controller, make or cause to be made any application outside India for the grant of a patent for an invention relevant for defence purposes or related to atomic energy unless--

(a) an application for a patent for the same invention has been made in India, not less than six weeks before the application outside India; and

(b) either no direction has been given under sub-section (1) of section 35 in relation to the application in India, or all such directions have been revoked.

(2) The Controller shall not grant written permission to any person to make any application outside India without the prior consent of the Central Government.

(3) This section shall not apply in relation to an invention for which an application for protection has first been filed in a country outside India by a person resident outside India."
