

Patents (Amendment) Act, 2002

Section 31 - Amendment of Section 64

In section 64 of the principal Act,--

(a) in sub-section (1),--

(i) the proviso to clause (b) shall be omitted;

(ii) the proviso to clause (e) shall be omitted;

(iii) the proviso to clause (f) shall be omitted;

(iv) in clause (n), after the words and figures "under section 35", the words and figures "or made or caused to be made an application for the grant of a patent outside India in contravention of section 39" shall be inserted;

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

"(p) that the complete specification does not disclose or wrongly mentions the source or geographical origin of biological material used for the invention;

(q) that the invention so far as claimed in any claim of the complete specification was anticipated having regard to the knowledge, oral or otherwise, available within any local or indigenous community in India or elsewhere.";

(b) in sub-section (2), in clause (a), for the words "secret use", the words "personal document or secret trial or secret use" shall be substituted.
