

Patents (Amendment) Act, 2002

Section 58 - Amendment of Section 138

In section 138 of the principal Act,--

- (a) in sub-section (1), after the words "shall furnish", the words "when required by the Controller," shall be inserted;
- (b) in sub-section (2), for the words "annexed to the specification or document", the words "furnished when required by the Controller" shall be substituted;
- (c) after sub-section (3), the following sub-sections shall be inserted namely:--

"(4) An international application filed under the Patent Cooperation Treaty designating India shall have effect of filing an application for patent under section 7, section 54 and section 135, as the case may be, and the title, description, claim and abstract and drawings, if any, filed in the international application shall be taken as complete specification for the purposes of this Act.

(5) The filing date of application for patent and its complete specification processed by the patent office as designated office shall be the international filing date accorded under the Patent Cooperation Treaty.

(6) Amendment, if any, proposed by the applicant for an international application designating India or designating and electing India before international searching authority or preliminary examination authority shall, if the applicant so desires, be taken as an amendment made before the patent office."
