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Patents (Amendment) Act, 2005

Section 8 - Amendment of Section 10

In section 10 of the principal Act,- (a) in sub-section (3), for the words "before the acceptance of the application", the words "before the application is found in order for grant of a patent" shall be substituted; (b) in sub-section (4), in the proviso,- (i) in clause (ii), for the words "the material to an authorised depository institution as may be notified by the Central Government in the Official Gazette", the words "the material to an international depository authority under the Budapest Treaty" shall be substituted; (ii) for sub-clause (A), the following sub-clause shall be substituted, namely:- "(A) the deposit of the material shall be made not later than the date of filing the patent application in India and a reference thereof shall be made in the specification within the prescribed period;"; (c) for sub-section (4A), the following sub-section shall be substituted, namely:- "(4A) In case of an international application designating India, the title, description, drawings, abstract and claims filed with the application shall be taken as the complete specification for the purposes of this Act.".