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Patents (Amendment) Act, 2005

Section 11 - Amendment of Section 11b

In section 11B of the principal Act,- (a) for sub-section (1), the following sub-section shall be substituted, namely:- "(1) No application for a patent shall be examined unless the applicant or any other interested person makes a request in the prescribed manner for such examination within the prescribed period."; (b) sub-section (2) shall be omitted; (c) for sub-section (3), the following sub-section shall be substituted, namely:- "(3) In case of an application in respect of a claim for a patent filed under sub-section (2) of section 5 before the 1st day of January, 2005 a request for its examination shall be made in the prescribed manner and within the prescribed period by the applicant or any other interested person."; (d) in sub-section (4),- (i) the words, brackets and figure "or sub-section (2)" shall be omitted; (ii) for the proviso, the following proviso shall be substituted, namely:- "Provided that- (i) the applicant may, at any time after filing the application but before the grant of a patent, withdraw the application by making a request in the prescribed manner; and (ii) in a case where secrecy direction has been issued under section 35, the request for examination may be made within the prescribed period from the date of revocation of the secrecy direction.";