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Patents (Amendment) Act, 2005

Section 58 - Amendment of Section 113

In section 113 of the principal Act,- (a) for sub-section (1), the following sub-section shall be substituted, namely:- "(1) If in any proceedings before the Appellate Board or a High Court for the revocation of a patent under section 64 and section 104, as the case may be, the validity of any claim of a specification is contested and that claim is found by the Appellate Board or the High Court to be valid, the Appellate Board or the High Court may certify that the validity of that claim was contested in those proceedings and was upheld."; (b) for sub-section (3), the following sub-section shall be substituted, namely:- "(3) Nothing contained in this section shall be construed as authorising the courts or the Appellate Board hearing appeals from decrees or orders in suits for infringement or petitions for revocation, as the case may be, to pass orders for costs on the scale referred to therein.".