

Designs Act, 2000

Section 47 - Power of Central Government to Make Rules

(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -

the form of application for registration of design, the manner of filing it at the patent office and the fee which shall accompany it, under sub-section (2) of section 5;

(b) the time within which the registration is to be effected under sub-section (5) of section 5;

(c) the classification of articles for registration under sub-section (1) of section 6;

(d) the particulars of design to be published and the manner of their publication under section 7;

(e) the manner of making claim under sub-section (1) of section 8;

(f) the manner of making applications to the Controller under sub-section (5) of section 8;

(g) the additional matters required to be entered in the register of designs and the safeguards to be made in maintaining such register in computer floppies or diskettes under sub-section (1) of section 10;

(h) the manner of making application and fee to be paid for extension of the period of copyright and the fee payable thereto, under sub-section (2) of section 11;

(i) the manner of making application for restoration of design and the fee to be paid with it under sub-section (1) of section 12;

(j) the manner of verification of statement contained in an application under sub-section (2) of section 12;

(k) the additional fee to be paid for restoration of the registration of design under sub-section (1) of section 13;

(l) the provisions subject to which the right of the registered proprietor shall be under sub-section (1) of section 14.

(m) the number of exact representation or specimen of the design to be furnished to the Controller under clause (a) of sub-section (1) of section 15;

(n) the mark, words or figures with which the article is to be marked denoting that the design is registered under clause (b) of sub-section (1) of section 15;

(o) the rules to dispense with or modify as regards any class or description of articles any of the requirements of section 15 as to marking under sub-section (2) of that section;

- (p) the fee to be paid for and the manner of inspection under sub-section (1) of section 17;
- (q) the fee to be paid to obtain a certified copy of any design under sub-section (2) of section 17;
- (r) the fee on payment of which the Controller shall inform under section 18;
- (s) the form for giving notice to the Controller under clause (a) of the proviso to section 21;
- (t) the fee to be paid in respect of the registration of designs and application therefor, and in respect of other matters relating to designs under sub-section (1) of section 24;
- (u) the fee to be paid for giving certified copy of any entry in the register under section 26;
- (v) the fee to be accompanied with the requests in writing for correcting any clerical error under section 29;
- (w) the form in which an application for registration as proprietor shall be made and the manner in which the Controller shall cause an entry to be made in the register of the assignment, transmission or other instrument effecting the title under sub-section (1) of section 30;
- (x) the form in which an application for title shall be made and the manner in which the Controller shall cause notice of the interest to be entered in the register of designs with particulars of the instrument, if any, creating such interest under sub-section (2) of section 30;
- (y) the manner of filing an application for registration and for making application for extension of time as referred to in sub-section (3) of section 39;
- (z) the manner of making application to the Controller for rectification of register under sub-section (1) of section 31;
- (za) the manner in which the notice of rectification shall be served on the Controller under sub-section (4) of section 31;
- (zb) the rules regulating the proceedings before the Controller under section 32;
- (zc) the time which shall be granted to the applicants for being heard by the Controller under section 33;
- (zd) the fee to be accompanied with an appeal under sub-section (1) of section 36;
- (ze) any other matter which is required to be, or may be, prescribed.

(3) The power to make rules under this section shall be subject to the conditions of the rules being made after previous publication.

(4) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Act.
