



ERGO

Analysing developments impacting business

PATENT (2ND AMENDMENT) RULES 2020 NOTIFIED

9 November 2020

Last month on 20 October 2020, the Patent (Amendment) Rules 2020 (Revised Rules 2020) came into force whereby the provisions pertaining to filing of priority document and filing of statement of commercial working were amended. Our Ergo on the Revised Rules 2020 can be accessed [here](#). Now, the Patent (2nd Amendment) Rules, 2020 (2nd Revised Rules 2020) have been issued on 4 November 2020 with immediate effect. The key highlights of the 2nd Revised Rules 2020 are broadly set out below:

- The fees applicable to small entities for filing and prosecuting Indian patent applications have been reduced and made at par with those of natural persons / start-ups.
- No difference in the scale of fees shall be payable in case the small entity ceases to be a small entity after filing a patent application (a similar provision already exists for start-up entities).
- Request for expedited examination filed by a small entity shall not be questioned merely on the ground that it ceases to be a small entity due to crossing of the financial threshold limit as notified by the competent authority (a similar provision already exists for start-up entities).

Comments:

Even before the amendment, the fees applicable to a small entity were 50% less than the fees applicable to a large entity. With the 2nd Revised Rules 2020, the fees applicable to a small entity will significantly reduce (almost 1/4th when compared to a large entity). This reduction will hopefully encourage small entities to innovate and also seek patent protection for their innovations.

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