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PATENTS (AMENDMENT) RULES, 2021 COMES INTO FORCE

22 September 2021 The Patents (Amendment) Rules, 2021 have been notified and has come into force from the date of Publication in the Official Gazette i.e. 21 September 2021. The key highlight of the Patents (Amendment) Rules, 2021 are broadly set out below:

The category of applicants for patent has been amended to specifically include "educational institution" along with natural person, startup and small entity.

Rule 2, has been amended to insert the following after sub-rule (c): -

"(ca) "educational institution" means a university established or incorporated by or under Central Act, a Provincial Act, or a State Act, and includes any other educational institution as recognized by an authority designated by the Central Government or the State Government or the Union territories in this regard;"

The "educational institution" category can be claimed by filing supporting documentary evidence to this effect. However, the nature of documentary evidence has not been specified.

The fee applicable for an educational institution has been made same as that for a natural person, startup or small entity.

Comments

The Patents (Amendment) Rules 2021 are in line with the Government's vision of incentivising patent filings for educational institutions. The reduced fee should encourage the educational institutions to increase their patent filings.

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