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[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRADORDINARY, PART II,  
SECTION 3 SUB-SECTION (i)]

Government of India  
Ministry of Commerce and Industry  
(Department of Industrial Policy and Promotion)

Notification

New Delhi, the 31<sup>st</sup> Oct, 2013

G.S.R. No.....(E).--- The following draft of certain rules further to amend the Designs Rules, 2001 which the Central Government proposes to make in exercise of the powers conferred by sub-section (3) of section 47 of the Designs Act, 2000 (16 of 2000) is hereby published, as required by sub-section (3) of the said section, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft rules will be taken into consideration after the expiry of a period of thirty days from the date on which copies of the Gazette of India in which this notification is published, are made available to the public;

objection or suggestions, if any, to the said draft rules may be addressed to the Secretary to the Government of India, Ministry of Commerce and Industry (Department of Industrial Policy and Promotion), Udyog Bhavan, New Delhi-110011 or by e-mail at [chandni.raina@nic.in](mailto:chandni.raina@nic.in);

the objections and suggestions, which may be received from any person with respect to the said draft rules before the expiry of the period so specified, will be considered by the Central Government.

DRAFT RULES

1. Short title and commencement.-

- (1) These rules may be called the Designs (Amendment) Rules, 2013.
- (2) They shall come into force on the date of their final publication in the Official Gazette.

2. In rule 5 of the Designs Rules, 2001 ((hereinafter referred to as the principal rules), in sub- rule (2), after clause (d), the following clause shall be inserted, namely:-

“(e) In case an application processed by a natural person is fully or partly transferred to a person other than a natural person, the difference, if any, in the scale of fee(s) between the fee(s) charged from a natural person and the fee(s) chargeable from the person other than natural person in the same matter shall be paid by the new applicant with the request made for such transfer.”

3. In the principal rules, for the FIRST SCHEDULE, the following SCHEDULE shall be substituted, namely:-

**“THE FIRST SCHEDULE**  
*(See rule 5)*  
**FEES**

| No. of Entry | On what payable  | No. of Form | Fees (in rupees)       |   |
|--------------|--|-------------|------------------------|---|
|              |  |             | For Natural Person (s) | For other than natural person(s) either alone or jointly with natural person(s) |
| 1.           | On application for registration of design under sections 5 and 44.                             | 1           | 1000.00                | 4000.00   |
| 2.           | On claim under section 8, under sub-section (i) to proceed as an applicant or joint applicant. | 2           | 500.00                 | 2000.00   |
| 3.           | On application for extension of copy right under sub-section (2) of section 11.                | 3           | 2000.00                | 8000.00   |
| 4.           | On application for restoration of lapsed design under sub-section (2) of section 12.           | 4           | 1000.00                | 4000.00   |
| 5.           | Additional fee for restoration.  | -           | 1000.00                | 4000.00   |
| 6.           | Inspection of registered design under sub-section (1) of section 17.                           | 5           | 500.00                 | 2000.00   |
| 7.           | On request for information of design when registration no. given under Section 18.             | 6           | 500.00                 | 2000.00   |
| 8.           | On request for information of design when registration no. not given.                          | 7           | 1000.00                | 4000.00   |
| 9.           | On petition for cancellation of design under section 19.                                       | 8           | 1500.00                | 6000.00   |

|     |  |    |                                 |                    |
|-----|--|----|---------------------------------|--------------------|
| 10. | Notice of intended exhibition or publication of an unregistered design under section 21.   | 9  | 500.00                          | 2000.00            |
| 11. | Application for registration of a document in register of design under sub-section (3) of section 30, -<br>in respect of one design.<br>for each additional design.      | 10 | 500.00<br>200.00                | 2000.00<br>800.00  |
| 12. | On application for entry of name of proprietor or part proprietor in register of design under section 30-<br>in respect of one design.<br>for each additional design.    | 11 | 500.00<br>200.00                | 2000.00<br>800.00  |
| 13. | On application for entry of mortgage or license in register of design under section 30-<br>in respect of one design.<br>for each additional design.                      | 12 | 500.00<br>200.00                | 2000.00<br>800.00  |
| 14. | Application for entry of notification of a document in the register of design under section 30 and rule 37,-<br>in respect of one design.<br>for each additional design. | 13 | 500.00<br>200.00                | 2000.00<br>1000.00 |
| 15. | On request for correction of clerical error under section 29.  | 14 | 500.00                          | 2000.00            |
| 16. | On request for certificate under section 26 and rule 41.   | 15 | 500.00                          | 2000.00            |
| 17. | On application for certified copy of registered design under sub-section (2) of section 17   | 16 | 500.00                          | 2000.00            |
| 18. | On application for rectification of register of design under section 31.   | 17 | 500.00                          | 2000.00            |
| 19. | On application for extension of time for filing priority document under rule 15.   | 18 | 200.00<br>( <i>per. month</i> ) | 800.00             |
| 20. | On notice of opposition under rule 40.   | 19 | 100.00                          | 400.00             |
| 21. | Notice of intention to attend hearing under rules 29 and 40.   | 20 | 500.00                          | 2000.00            |
| 22. | Form for authorisation of agent or other person.   | 21 | -                               | -                  |
| 23. | On request to alter name or address or address for service in the register of design under rule 31.  | 22 | 200.00                          | 800.00             |
| 24. | On request for entries of two  | 23 | 200.00                          | 800.00             |

|     |   |   |        |         |
|-----|---|---|--------|---------|
|     | addresses in the register of design.  |   |        |         |
| 25. | On petition under rule 46 for amendment of any document.                    | - | 500.00 | 2000.00 |
| 26. | On petition under rule 47 for enlargement of time.                          | - | 500.00 | 2000.00 |
| 27. | Inspection of register of design under rule 38 (in respect of each design). | - | 250.00 | 1000.00 |
| 28. | On petition not otherwise provided for                                      |   | 1000   | 4000".  |

4. In the principal rules, in the SECOND SCHEDULE,-

- (i) in FORMS 1, 4 and 7 for the word, letters and figures "FEE Rs.1000", the words "For fee see First Schedule" shall be substituted;
- (ii) in FORMS 2, 5, 6, 9, 14, 15, 16, 17 and 20 for the word, letters and figures "FEE Rs.500", the words "For fee see First Schedule" shall be substituted;
- (iii) in FORM 3 for the word, letters and figures "FEE Rs.2000", the words "For fee see First Schedule" shall be substituted;
- (iv) in FORM 8 for the word, letters and figures "FEE Rs.1500", the words "For fee see First Schedule" shall be substituted;
- (v) in FORM 19 for the word, letters and figures "FEE Rs.100", the words "For fee see First Schedule" shall be substituted;
- (vi) in FORMS 22 and 23 for the word, letters and figures "FEE Rs.200", the words "For fee see First Schedule" shall be substituted;
- (vii) in FORMS 10, 11, 12 and 13 for the word and asterisks "FEE \*\*", the words "For fee see First Schedule" shall be substituted;
- (viii) in FORM 18, for the word and asterisks "FEE \*\*", the words "For fee see First Schedule" shall be substituted.

5. In the principal rules, for the FOURTH SCHEDULE, the following SCHEDULE shall be substituted, namely:-

"THE FOURTH SCHEDULE

(See Rule 43)


Scale of costs allowable in proceedings before the Controller

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| Entry No. | Matter in respect of which cost is to be awarded.                                    | Amounts (in Rupees)       |  |
|-----------|--|---------------------------|--|
|           |  | For natural person(s)     | For other than natural person(s) either alone or jointly with others |
| 1         | For notice of opposition under rule 40   | 100                       | 400  |
| 2         | For petition for cancellation of the registration for design under section 19.       | 1000                      | 4000   |
| 3         | For notice of information to attend hearing  | 200                       | 800  |
| 4         | Stamps for power of attorney, where a professional has been appointed.               | The amount actually paid. | The amount actually paid.  |
| 5         | Stamps fee in respect of relevant affidavit.   | The amount actually paid. | The amount actually paid.  |
| 6         | For statement and evidence under sub-rule (1) of rule 29 and sub-rule (2) of rule 40 | 200                       | 800  |
| 7         | Counter statement under sub-rule (3) of rule 29 and sub-rule (4) of rule 40.         | 200                       | 800  |
| 8         | For each affidavit, if relevant  | 100                       | 400  |
| 9         | For each citation, if relevant.  | 100                       | 400  |
| 10        | For each unnecessary or irrelevant affidavit or citation                             | 100                       | 400  |
| 11        | For every day or part of a day hearing before the Controller.                        | 500                       | 2000".   |

Note. – The principal rules were published in the Gazette of India, Extraordinary, *vide* notification number S.O. 414 (E), dated the 11<sup>th</sup> May, 2001 and subsequently amended *vide* notification number S.O. 1460 (E), dated the 17<sup>th</sup> June, 2008

(F. No. 5/6/2013-IPR-V)

  
(D.V. Prasad)

Joint Secretary to the Government of India