

10	प्रत्येक अनावश्यक या असंगत शपथ पत्र या उद्धरण के लिए	100	400
11	नियंत्रक के समक्ष सुनवाई के प्रत्येक दिन या दिन के भाग के लिए		

[फा.सं. पी-24024/81/2019-आईपीआर-V]

राजीव अग्रवाल, संयुक्त सचिव

**MINISTRY OF COMMERCE AND INDUSTRY****(Department for Promotion of Industry and Internal Trade)****NOTIFICATION**

New Delhi, the 18th October, 2019

**G.S.R. 798(E).**—The following draft rules to further amend the Designs Rules, 2001, which the Central Government proposes to make in exercise of the powers conferred by sub-section (2) of section 47 of the Designs Act, 2000 (16 of 2000), are 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;

Objections or suggestions, if any, may be addressed to Dr. Ashish Kumar, Senior Development Officer, Department for Promotion of Industry and Internal Trade, Ministry of Commerce and Industry, Government of India, Udyog Bhawan, New Delhi-110011 or by e-mail at [krashish@nic.in](mailto:krashish@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, shall be considered by the Central Government.

**DRAFT RULES**

1. These rules may be called the Designs (Amendment) Rules, 2019.
2. In rule 2 of the Designs Rules, 2001 (hereinafter referred to as the said rules), after clause (ea), the following clause shall be inserted, namely:-

(eb) “startup” means-

- (a) an entity in India recognised as a startup by the competent authority under Startup India initiative; and
- (b) in case of a foreign entity, an entity fulfilling the criteria for turnover and period of incorporation/ registration as per Startup India Initiative and submitting declaration to that effect.

**Explanation:** In calculating the turnover, reference rates of foreign currency of the Reserve Bank of India shall prevail.”

3. In Rule 5 of the said rules, in sub-rule (2),
  - (i) clause (e) shall be substituted by the following clause, namely:-  
“(e) In case an application processed by a natural person and/ or startup and/ or small entity is fully or partly transferred to a person other than a natural person, startup or small entity, the difference, if any, in the scale of fees between the fees charged from the natural person, startup or small entity and the

fees chargeable from the person other than a natural person, startup or small entity in the same matter, shall be paid by the new applicant with the request for transfer.”;

- (ii) clause (f) shall be deleted.  
 (iii) an explanation shall be inserted after sub-rule (e), namely:-

“**Explanation**— Where a startup/ small entity, having filed an application for a design, ceases to be a startup/ small entity due to the lapse of the period during which it is recognised by the competent authority, or its turnover subsequently crosses the financial threshold limit as notified by the competent authority, no such difference in the scale of fees shall be payable.”

4. In Rule 10 of the said rules, clause (1) shall be substituted, namely:-  
 “For the purposes of the registration of designs and of these rules, articles shall be classified as per current edition of “International Classification for Industrial Designs (Locarno Classification)” published by World Intellectual Property Organization (WIPO).”
5. In the said rules, the FIRST SCHEDULE shall be substituted by the following, namely:-

**FIRST SCHEDULE**

(See Rule 5)

**FEES**

Number of entry	On what payable	Number of the relevant Form	Fees (in Rupees)	
			For natural person(s) and/ or Startup(s) and/ or Small entit(y)/(ies)	Other(s), alone or with natural person(s) and/ or Startup(s) and/ or Small entit(y)/(ies)
(1)	(2)	(3)	(4)	(5)
1	On application for registration of design under sections 5 and 44.	1	1000	4000
2	On claim under section 8 (1) and (5) to proceed as an applicant or joint applicant.	2	500	2000
3	On application for extension of copyright under section 11(2).	3	2000	8000
4	On application for restoration of lapsed design under section 12(2).	4	1000	4000
5	Additional fee for restoration.	-	1000	4000
6	Inspection of registered design under section 17(1).	5	500	2000
7	On request for information of design when registration No. given under section 18.	6	500	2000
8	On request for information of design when registration No. not given.	7	1000	4000
9	On petition for cancellation of design under section 19.	8	1500	6000

10	Notice of intended exhibition or publication of an unregistered design under section 21.	9	500	2000
11	Application for registration of a document in Register of Design under section 30(3),-	10		
	In respect of one design		500	2000
	For each additional design		200	800
12	On application for entry of name of proprietor or part proprietor in Register of Design under section 30,-	11		
	In respect of one design		500	2000
	For each additional design		200	800
13	On application for entry of mortgage or license	12		
	In respect of one design		500	2000
	For each additional design		200	800
14	Application for entry of notification of a document in the Register of Design under section 30 and rule 37,-	13		
	In respect of one design		500	2000
	For each additional design		200	800
15	On request for correction of clerical error under section 29.	14	500	2000.
16	On request for certification under section 26 and rule 41.	15	500	2000
17	On application for certified copy of registered design under section 17(2).	16	500	2000
18	On application for rectification of Register of Design under section 31.	17	500	2000
19	On application for extension of time for filing priority document under rule 15 & rule 18.	18	200 (per month)	800 (per month)
20	On notice of opposition under rule 40.	19	100	400
21	Notice of intention to attend hearing under rule 29 and 40.	20	500	2000

22	Form for authorization of agent or other person.	21	-	-
23	On request to alter names or address or address for service in the Register of Design under rule 31.	22	200	800
24	On request for entries of two address in the Register of Design.	23	200	800
25	On petition under rule 46 for amendment of any document.	-	500	2000
26	On petition under rules 29, 40, 47 for enlargement of time.	-	500	2000
27	Inspection of Register of Design under rule 38 (in respect of each design).	-	250	1000
28	On petition not otherwise provided for	-	1000	4000
29	To be submitted for claiming the status of a small entity	24	No fee	No fee

6. In the said rules, in the SECOND SCHEDULE, the following amendments shall be made, namely:-

a) Form No. 1 will be substituted as follows, namely:-

**“FORM 1**

**[THE DESIGNS ACT, 2000]**

**APPLICATION FOR REGISTRATION OF DESIGNS**

**(See sections 5 and 44)**

(For Fee see First Schedule)	
<sup>A</sup> Insert number of class	You are requested to register the accompanying in Class No. <sup>A</sup> ..... in the name of <sup>B</sup> ..... who claim(s) to be the proprietor(s) thereof.
<sup>B</sup> Insert (in full) address and nationality	
<sup>B1</sup> Category of applicant [Please tick (✓) for the appropriate category]	Natural Person ( )      Start-up ( )      Small Entity ( ) Others ( ) <sup>B1</sup>
<sup>C</sup> State whether drawings, photographs, tracings or specimens.	Four exactly similar <sup>C</sup> .....of the design accompany this request.
<sup>D</sup> Insert name of article or articles to which the design is to be applied or state trade description of each of the articles contained in the set	The design is to be applied to <sup>D</sup> ..... ..... ..... .....

<p><sup>E</sup> Strike out these words if previous registration has been effected.</p>	<p><sup>E</sup> The design has been previously registered in class(es)..... under No.....          Details of first application in a convention country or group of countries or inter-governmental organisation.          i. Name of the country/inter-governmental organization....          ii. Date of filing.....          iii. Application number.....          iv. Name of the applicant.....</p>
<p><sup>F</sup> Unless an address for service in India is given, the request may not be considered.</p>	<p><sup>F</sup> Address for service in India is.....          .....</p>
<p><sup>G</sup> To be signed by the applicant or by authorised agent.</p>	<p>Declaration:          The applicant claims to be the proprietor(s) of the design and that to the best of his knowledge and belief the design is new or original.          Dated this ..... Day of .....20.....          (Signed)<sup>G</sup> .....</p>

TO  
 THE CONTROLLER OF DESIGNS,  
 THE PATENT OFFICE, .....

\* Strike out the words if no previous registration or priority claim has been effected”.”

b) Form 24 will be substituted as follows, namely:-

<p style="text-align: center;"><b>FORM-24</b>  <b>(DESIGNS ACT, 2000)</b>  <b>(See Rule 2&amp;5)</b>  <b>TO BE SUBMITTED FOR CLAIMING THE STATUS OF A SMALL ENTITY</b>  <b>OR STARTUP</b></p>		
1	Insert name, address and nationality Please tick the appropriate category	I/ We ..... applicant/ in respect of the design application no. .... hereby declare that I/we am/are a small entity or a startup and submit the following document(s) as proof:
2	Documents to be submitted as evidence of eligibility:	
i.	<b>For claiming the status of a small entity:</b> A. For an Indian applicant: Evidence of registration under the Micro, Small and Medium Enterprises Act, 2006 (27 of 2006). B. In case of a foreign entity: Any document as evidence of eligibility	
ii.	<b>For claiming the status of a startup:</b> A. For an Indian applicant: The certificate of recognition from Department for Promotion of Industrial Policy and Internal Trade B. In case of a foreign entity: Any document as evidence of eligibility	

3.	Undertaking	The information provided herein is correct to the best of my/ our knowledge and belief.  Dated this .....day of ..... 20...
4.	To be signed by the applicant(s)/ registered proprietor(s)/ authorised registered patent agent. Name of the natural person who has signed.	Signature .....

Note:

1. Availing of benefit of reduction in fee on the basis of incorrect information/ misrepresentation of facts with regard to status as a small entity/ startup would mean that the entire fee did not accompany the document, as mandated by rule 5(2)(b). In such a case, in accordance with section 24(2), the filing of the document shall be of no effect unless the fee has been fully paid.
2. A registered design entered into the Register of designs by making any false suggestion or false representation as to the status as small entity/startup may attract the provisions of section 31 of the Designs Act, 2000.”
7. In the THIRD SCHEDULE to the said rules, following shall be substituted, namely:  
“[Omitted]”
8. In the FOURTH SCHEDULE to the said rules, the following shall be substituted, namely:

“THE FOURTH SCHEDULE

(See rule 43)

Scale of costs allowable in proceedings before the Controller

Number of Entry	Matter in respect of which cost is to be awarded	Amount (in rupees)	
		For natural person(s) and/ or Startup(s) and/ or Small entit(y)/(ies)	Other, alone or with natural person (s) and/or Startup(s) and/ or Small entit(y)/(ies)
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".

[F.No. P-24024/81/2019-IPR-V]  
RAJIV AGGARWAL, Jt. Secy.