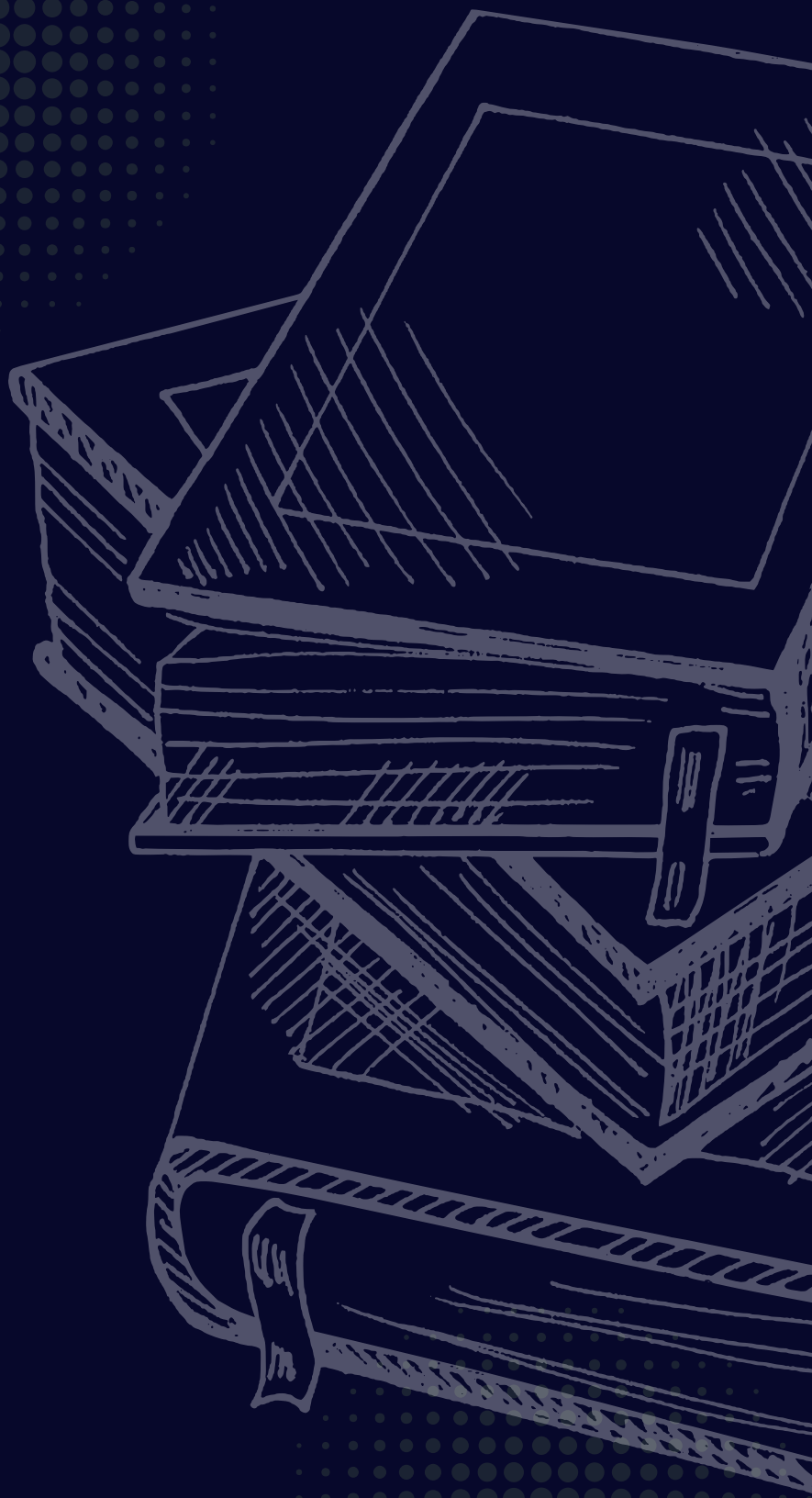
EDITION ONE

RASPREP

Module 6
Design Acts

(16 of 2000)
Section-wise Analysis of the Design Act, 2000

Module 7
Design Rules



PREFACE

This book has been prepared with the objective of providing a clear and comprehensive understanding of the various provisions contained in the Designs Act, 2000. Each section of the Act has been reproduced verbatim to ensure accuracy and authenticity, followed by simplified explanations written in original language to facilitate better understanding of the intent and practical application of the law. The explanations have been presented in a manner that connects the legislative text with its practical interpretation, enabling readers to comprehend the provisions with greater ease.

The book is intended to serve as a useful reference for students, researchers, legal practitioners, and professionals engaged in the field of intellectual property, particularly those preparing for examinations or seeking to understand the framework of design protection in India. Efforts have been made to maintain clarity, precision, and relevance throughout, so as to make the content informative and accessible.

REFERENCE

The statutory text reproduced in this book has been sourced from the Designs Act, 2000 (Act No. 16 of 2000), as amended and currently in force in India. The reproduction of the legislative material is solely for educational and reference purposes, with due acknowledgment to the Government of India as the original publisher of the enactment.

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About Us

At RAS Intellect, we specialize in patents, trademarks, copyrights, and everything that protects your brainchild. From solo inventors to growing startups and global enterprises, we empower creators to secure, protect, and profit from their innovation. Our team of skilled professionals is dedicated to guiding organizations through the complexities of IP processes, ensuring that valuable assets are effectively protected and leveraged for maximum benefit. We operate across multiple verticals to cater to the unique challenges faced by organizations in promoting innovation while ensuring effective protection and management of intellectual assets. We also offer end-to-end support for research paper writing and publication, enabling impactful dissemination of innovative ideas in reputed journals.

Vision

Our vision is to become a leading innovation and intellectual property enabler across India by empowering startups, universities, researchers, and enterprises with technology-driven IP, research, and commercialization solutions that transform ideas into impactful innovations.

Mission

To empower innovators and creators by protecting and maximizing the value of their intellectual property through strategic, tailored solutions, while advancing research excellence by enabling high-quality publications in globally recognized and reputed journals.

Charting the Course to Success

Our services are focused on strengthening measurable research, innovation, IPR, publication, and documentation outcomes for NIRF, NAAC and IIC.

1. IPR and Patent Filing Support

- Patentability assessment of faculty/student research
- Prior art searching and patent landscape reports
- Provisional and complete patent specification drafting
- Patent filing
- Early publication request support
- Request for examination filing support
- FER response drafting and prosecution assistance
- Patent grant tracking and reporting
- Design registration filing
- Copyright filing for software, manuals, literary works, lab content and academic material
- Trademark support for university innovation cells, incubation centres and institutional brands

2.NIRF Research Parameter Support

- Annual NIRF research data audit
- Patent published/granted tracking
- Research publication tracking
- Scopus publication mapping
- Citation and H-index monitoring
- Faculty-wise research output mapping
- Department-wise research performance reports

3. NAAC Criterion III Support

- Criterion III gap analysis
- Research policy drafting
- IPR policy drafting or revision
- Innovation and startup policy drafting
- Seed money policy documentation
- Research promotion mechanism documentation
- Faculty research incentive policy support
- Patent and publication evidence compilation
- MoU and collaboration evidence structuring
- Extension activity documentation
- Innovation ecosystem documentation

4. IIC and Innovation Cell Support

- IIC annual activity calendar planning
- Innovation and IP awareness sessions
- Patent search workshops
- Idea-to-IP mentoring
- Student innovation screening
- Hackathon planning and execution
- Prototype documentation support
- Startup mentoring sessions
- Entrepreneurship and commercialization workshops.

5. Research Paper and Publication Support

- Research topic selection support
- Literature review guidance
- Research paper structuring
- Journal selection guidance
- Scopus-indexed journal identification
- Plagiarism and AI-similarity reduction guidance
- Manuscript formatting as per journal guidelines
- Citation and referencing support
- Response to reviewer comments

6. Faculty Development and Student Training Programs

- Patent drafting workshop
- Patent search workshop
- Research methodology workshop
- Scopus publication workshop
- Copyright and design registration workshop
- Innovation-to-commercialization workshop
- Technology transfer and licensing session
- Startup and entrepreneurship bootcamp
- Patent Agent career awareness session
- IP for faculty research advancement
- IP for Ph.D. scholars and research supervisors

7. University IP Cell Setup and Management

- IP Cell formation support
- IP Cell SOP drafting
- Invention disclosure form preparation
- Patent review committee formation support
- IP ownership and revenue-sharing policy
- Faculty/student disclosure workflow
- Patent filing calendar
- IP awareness schedule
- Department-wise IP coordinators' training

8. Incubation and Commercialization Support

- Technology readiness assessment
- Commercial potential assessment
- Startup idea screening
- IP-based startup mentoring
- Licensing strategy
- Technology transfer documentation
- MoU drafting support
- Pitch deck preparation
- Innovation portfolio preparation

RASPREP University Training Programs

RAS Intellect offers structured IP training and internship programs for universities through 1-week, 6-week, and 6-month formats. These programs cover IP fundamentals, patent searching, patent drafting, legal understanding, innovation awareness, and career readiness in the intellectual property domain. The modules can be delivered in virtual, hybrid, or offline mode and may also be customized as credit-based, vocational, or skill-development programs for students and faculty. This initiative supports universities in strengthening innovation culture, student employability, academic enrichment, and evidence-based contribution towards NAAC, NIRF and IIC-related research and innovation parameters.

How this supports Universities

- NAAC Criterion III: research, innovation, extension, skill development, and institutional innovation ecosystem.
- IIC activities: IP awareness, innovation training, patent search workshops, idea-to-IP mentoring, and entrepreneurship-linked activities.
- NIRF support areas: research culture, professional practice, IPR awareness, patent filing pipeline, and student/faculty innovation outcomes.
- Employability and academic enrichment: by creating technically trained students for IP, patent drafting, research analysis, and innovation-based career roles.

Recent Milestones

Recognitions and Contributions from 2024–2025

- **National IP Outreach Mission – Viksit Bharat**

Dr. Ruchi represented RAS Intellect Solutions as a panelist in the "IPR for Women in Business" session organized by PHDCCI, contributing to the national dialogue on IP for inclusive innovation.

- **National IP Yatra 2025 – ASSOCHAM & MSME Ministry**

As co-panelist at this MSME Ministry-supported event, Dr. Ruchi addressed "Maximizing IP Value for Startups & MSMEs," underscoring the firm's expertise in IP commercialization.

- **National Intellectual Property Awards 2024 – Ministry of Commerce & CGPDTM**

Dr. Ruchi was invited to the prestigious IP Awards held at Bharat Mandapam, New Delhi, recognizing RAS Intellect's national contribution to IP literacy and strategy.

- **Leadership & Innovation Milestone – TiECON 2025**

Honoured by the Governor of Punjab, Dr. Ruchi received an award at TiECON 2025 for excellence in research and innovation leadership.

Building IP Foundations for Viksit Bharat

A visionary collaboration with Punjab School Education Board (PSEB)

In alignment with the national vision of **Viksit Bharat@2047**, RAS Intellect is collaborating with the **Punjab School Education Board (PSEB)** to introduce Intellectual Property (IP) education in schools across Punjab.

This initiative aims to embed IP awareness and foundational knowledge within the school curriculum — empowering students and educators to understand, create, and protect innovation from an early age. By nurturing IP consciousness at the grassroots level, we are shaping a generation of future-ready innovators equipped to lead India toward self-reliance and global competitiveness.

Meet the Founder

Visionary leadership driving India's IP revolution

Dr. Ruchi Singla

Director & CEO, RAS Intellect Solutions Pvt. Ltd

- Over 20 years of experience in academic research, intellectual property strategy, and innovation leadership
- Recognized among the **Top 50 Mentors in India** for contributions to national mentoring initiatives
- Serves as a **Regional Mentor of Change** under the **Atal Innovation Mission**, NITI Aayog
- Successfully guided **over 2,300 patent filings** across diverse fields, including AI, drones, and cybersecurity
- Established **three Centres of Excellence** during her academic leadership, fostering innovation ecosystems
- Licensed Indian Patent Agent (No. 5887) and Certified Canadian Patent Administrator by **the Intellectual Property Institute of Canada**
- Secured **over ₹15 crores** in funding for research, innovation, and startup incubation projects
- Empaneled as an **IP Facilitator under the Startup India Scheme (SIIP)** to support early-stage ventures
- Regular speaker and co-panelist at national forums including **TiECON, ASSOCHAM, and PHDCCI**
- Former **Director of Research & Innovation at CGC Landran** and **Director at ACIC RISE Association,** supported by NITI Aayog

At the intersection of policy, education, and intellectual property, Dr. Ruchi Singla is building a more innovation-ready India.

PRELIMINARY

Section 1: Short title, extent and Commencement
(1) This Act may be called the Design Act, 2000.
(2) It extends to the whole of India.
(3) It shall come into force on such date as the Central Government may, by notification, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Explanation: This section outlines the official name of the law, which is used in all legal documents. The year '2000' refers to the year it was enacted by Parliament, not necessarily when it became effective. The Designs Act, 2000 is territorial in nature which means it applies uniformly to all states and union territories within India. This Act does not automatically come into effect on the date it is passed or published. Instead, the Central Government has the authority to decide when the Act, or specific parts of it, will come into force by issuing an official notification.

Section 2: Definition
In this Act, unless there is anything repugnant in the subject or context.
(a) "article" means any article of manufacture and any substance, artificial, or partly artificial and partly natural and includes any part of an article capable of being made and sold separately;
(b) "Controller" means the Controller-General of Patents, Designs and Trade Marks referred to in Section 3;
(c) "copyright" means the exclusive right to apply a design to any article in any class in which the design is registered;
d) "design" means only the features of shape, configuration, pattern, ornament or composition of lines or colours applied to any article whether in two dimensional or three dimensional or in both forms, by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode or principle of construction or anything which is in substance a mere mechanical device, and does not include any trade mark as defined in clause (v) of sub-section (1) of section 2 of the Trade and Merchandise Marks Act, 1958 or property mark as defined in section 479 of the Indian Penal Code or any artistic work as defined in clause (c) of section 2 of the Copyright Act, 1957
(e) "High Court" shall have the same meaning as assigned to it in clause (i) of sub-section (I) of section 2 of the Patents Act, 1970;
(f) "legal representative" means a person who in law represents the estate of a deceased person;
(g) "original", in relation to a design, means originating from the author of such design and includes the cases which though old in themselves yet are new in their application;
(h) "Patent Office" means the patent office referred to in section 74 of the Patents Act, 1970 (39 of 1970)
(i) "prescribed" means prescribed by rules under this Act; and
(j) "proprietor of a new or original design",-

- (i) where the author of the design, for good consideration, executes the work for some other person, means the person for whom the design is so executed;
- (ii) where any person acquires the design or the right to apply the design to any article, either exclusively of any other person or otherwise, means, in the respect and to the extent in and to which the design or right has been so acquired, the person by whom the design or right is so acquired; and

- (iii) in any other case, means the author of the design; and where the property in or the right to apply, the design has devolved from the original proprietor upon any other person, includes that other person.

Explanation: Section 2 of the Designs Act, 2000 explains important terms to help interpret the law clearly.

It defines an "article" as any manufactured item—whether artificial, partly natural, or a component sold separately.

The "Controller" refers to the Controller-General of Patents, Designs and Trade Marks, who is responsible for overseeing design registrations.

"Copyright" means the exclusive right of the registered proprietor to apply their design to any article within the class for which it was registered. This definition is distinctly different from the concept of copyright under the Copyright Act, 1957, which protects original literary, dramatic, musical, and artistic works.

According to subsection (d) "design" refers to the ornamental or aesthetic features applied to an article through an industrial process. These features, which can be two-dimensional (e.g. a pattern on a wallpaper), three-dimensional (e.g. the shape of a bottle), or both, must appeal to the eye in the finished article. The essence of a design lies in its appearance, not in how it works. Further it is mentioned that the aesthetic features must be "applied to any article" through an "industrial process or means". This indicates that design protection is intended for mass-produced goods, not for one-off artistic creations. This subsection clearly distinguishes design from other forms of intellectual property i.e Trademark (unlike a design which enhances the aesthetic value, a trademark serves as a source identifier for goods or services); Property mark (explicitly excludes any property mark as defined in the Indian Penal Code); Artistic work (excludes "artistic work" as defined under section 2(c) of the Copyright Act, 1957 which means that once a design is industrially applied to more than 50 articles, it loses its protection under copyright law and can only be protected under the Designs Act if it is registered. This prevents a perpetual monopoly for designs that are intended for mass production).

In summary, the detailed definition of "design" in the Designs Act, 2000, establishes a clear legal basis for protecting the aesthetic aspects of industrially produced articles, while carefully delineating its scope to avoid overlap with patent, trademark, and copyright law.

The definition of High Court is taken directly from the Patents Act, 1970, which specifies that the term refers to the High Court having territorial jurisdiction. A legal representative is defined as the person legally representing a deceased person's estate. Under the Designs Act, an "original" design can either be a completely new creation from an author or an old design that is applied in a new and unique way to an article. This ensures protection for both truly novel designs and innovative applications of existing concepts.

The Patent Office refers to the office mentioned in the Patents Act, 1970, which is where design applications are processed. The term 'prescribed' simply means specified by the rules created under the Designs Act.

At last, the term “proprietor” is defined in detail. The proprietor of a new or original design is not always the person who physically created it. If the author of a design creates it for someone else in exchange for “good consideration” then the person who paid for it becomes the proprietor. Similarly, if someone acquires the rights to use or own the design, whether exclusively or otherwise, they become the proprietor to the extent of those acquired rights. In all other situations, the original author of the design is the proprietor and this also includes any person upon whom the rights to the design have lawfully passed from the original proprietor. This ensures that ownership can be clearly established based on who commissions (hires) the work, who acquires the rights or who originally created it.

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REGISTRATION OF DESIGNS

Section 3

Controller and other officers

(1)The Controller General of Patents, Designs and Trade Marks appointed under sub-section (1) of section 4 of the Trade and Merchandise Marks Act, 1958 (43 of1958) shall be the Controller of Designs for the purposes of this Act.

(2)For the purposes of this Act, the Central Government may appoint as many examiners and other officers and with such designations, as it thinks fit.

(3)Subject to the provisions of this Act, the officers appointed under sub-section (2) shall discharge under the superintendence and directions of the Controller such functions of the Controller under this Act as he may, from time to time by general or special order in writing, authorize them to discharge.

(4)Without prejudice to the generality of the provisions of sub-section (3), the Controller may by order in writing and for reasons to be recorded therein, withdraw any matter pending before an officer appointed under sub-section (2) and deal with such mater himself either de novo or from the stage it was so withdrawn or transfer the same to another officer appointed under sub-section (2) who may, subject to special directions in the order of transfer, proceed with the matter either de novo or from the stage it was so transferred.

Explanation: Section 3 lays down the administrative framework for implementing and managing the provisions of the Designs Act. It outlines the jurisdiction and powers of the Controller of Designs, and also specifies the appointment and functions of other officers who assist in the administration of the Designs Act. It designates the Controller General of Patents, Designs, and Trade Marks, appointed under the Trade and Merchandise Marks Act, 1958, as the Controller of Designs. The Central Government may appoint as many examiners and officers as necessary, with appropriate designations, to assist in carrying out the purposes of the Act. These officers work under the supervision and direction of the Controller, who may delegate specific functions to them through written orders. The Controller also has the authority by a written and reasoned order to withdraw any matter from an officer and either deal with it personally or transfer it to another officer, allowing the matter to be handled afresh or from the stage it was left.

SECTION 4

Prohibition of registration of certain designs

A design which –

(a) is not new or original; or

(b) has been disclosed to the public anywhere in India or in any other country by publication in tangible form or by use or in any other way prior to the filing date, or where applicable, the priority date of the application for registration; or

(c) is not significantly distinguishable from known designs or combination of known designs; or

(d) comprises or contains scandalous or obscene matter shall not be registered.

Explanation: This section defines the grounds on which a design cannot be registered under the Designs Act. According to this section a design will not be registered if it is not new or original, which means that design must show novelty and should not be copied or imitated from existing designs. A design is also ineligible for registration if it has already been disclosed to the public in India or abroad through publication, use or any other means before the filing or priority date of the application, as prior disclosure destroys its novelty. Further a design that is not significantly distinguishable from known designs or is merely a combination of existing designs without any new or unique features cannot be registered. Lastly, any design containing scandalous or obscene matter is prohibited from registration.

SECTION 5

Application for registration of designs

(1) The Controller may, on the application of any person claiming to be the proprietor of any new or original design not previously published in any country and which is not contrary to public order or morality, register the design under this Act:

Provided that the Controller shall before such registration refer the application for examination, by an examiner appointed under sub-section (2) of section 3, as to whether such design is capable of being registered under this Act and the rules made thereunder and consider the report of the examiner on such reference.

(2) Every application under Sub-Section (1) shall be in the prescribed form and shall be filed in the Patent Office in the prescribed manner and shall be accompanied by the prescribed fee.

(3) A design may be registered in not more than one class, and, in case of doubt as to the class in which a design ought to be registered, the Controller may decide the question.

(4) The Controller may, if he thinks fit, refuse to register any design presented to him for registration; but any person, person aggrieved by any such refusal may appeal to the High Court.

(5) An application which, owing to any default or neglect on the part of the applicant, has not been completed so as to enable registration to be effected within the prescribed time shall be deemed to be abandoned.

(6) A design when registered shall be registered as of the date of the application for registration.

Explanation: This section defines the procedure and conditions for applying for registration of a design in India. According to this section, any person claiming to be the proprietor of a new or original design that has not been previously published anywhere and is not against public order or morality may apply for its registration. Before registration, the Controller sends the application to an Examiner (appointed under Section 3) to check if the design meets all legal requirements under the Design Act and its rules. The Controller reviews the Examiner's report before deciding. The application for design registration must be filed in the prescribed form, in the Patent Office, following the prescribed manner and accompanied by the prescribed fee. Each design can be registered in only one class according to the classification of articles. If there is any doubt about which class the design belongs to, the Controller has the authority to decide. The Controller can refuse registration if the design doesn't meet legal standards. If refused, the applicant can appeal to the High Court. However if the applicant fails to complete the process within the given time due to delay or neglect, the application is considered abandoned and won't move forward.

Once a design is registered, it is deemed to be registered as of the date of the application, meaning the rights of the proprietor take effect from the date the application was filed, not from the date of actual registration.

SECTION 6

Registration to be in respect of particular article

(1)A design may be registered in respect of any or all of the articles comprised in a prescribed class of articles.

(2)Any question arising as to the class within which any article falls shall be determined by the Controller whose decision in the matter shall be final.

(3)Where a design has been registered in respect of any article comprised in a class of article, the application of the proprietor of the design to register it in respect of some one or more other articles comprised in that class of articles shall not be refused, nor shall the registration thereof invalidated -

- (a) on the ground of the design not being a new or original design, by reason only that it was so previously registered; or
- (b) on the ground of the design having been previously published in India or in any other country, by reason only that it has been applied to article in respect of which it was previously registered:

Provided that such subsequent registration shall not extend the period of copyright in the design beyond that arising from previous registration.

4) Where any person makes an application for the registration of a design in respect of any article and either-

- (a) that design has been previously registered by another person in respect of some other article; or
- (b) the design to which the application relates consists of a design previously registered by another person in respect of the same or some other article with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof, then, if at any time while the application is pending the applicant becomes the registered proprietor of the design previously registered, the foregoing provisions of the section shall apply as if at the time of making the application the applicant had been the registered proprietor of that design.

Explanation: This section defines that the registration of a design must always be connected to a specific article or group of articles within a prescribed class of articles. A design can be registered in respect of any or all articles belonging to a particular class as prescribed in the classification system (for example, furniture, textiles, or packaging). If there is any uncertainty regarding the class to which an article belongs, the Controller shall decide the appropriate class and this decision shall be final. When a design has already been registered for one article within a class, the proprietor can later apply to register the same design for other articles in the same class. Such subsequent registration cannot be refused or invalidated merely because the design is not new or original (since it was already registered earlier) or because it has already been published by virtue of the earlier registration. However, the copyright period for the new registration does not reset, i.e. it remains tied to the date of the first registration.

Further if a person applies to register a design and that design (or a slightly modified version of it) has already been registered by another person, but during the pendency of the new application the applicant acquires ownership of the earlier registered design, then the application will be treated as if the applicant was the original proprietor.

SECTION 7

Publication of particulars of registered designs

The Controller shall, as soon as may be after the registration of a design, cause publication of the prescribed particulars of the design to be published in such manner as may be prescribed, and thereafter the design shall be open to public inspection.

Explanation: This section deals with the public disclosure of registered designs. According to this section, once a design has been registered, the Controller must publish the prescribed particulars of that design like the name of the proprietor, the class and article, and the registration number in the official manner prescribed by the rules (usually through the Patent Office Journal). After the publication, the registered design becomes open to public inspection, meaning anyone can view or access information about it. This helps prevent duplication or infringement and promotes awareness of protected designs.

SECTION 8

Power of Controller to make orders regarding substitution of application, etc.

(1)If the Controller is satisfied on a claim made in the prescribed manner at any time before a design has been registered that by virtue of any assignment or agreement in writing made by the applicant or one of the applicants for registration of the design or by operation of law, the claimant would, if the design were then registered, be entitled thereto or to the interest of the applicant therein, or to an undivided share of the design or of that interest, the Controller may, subject to the provisions of this section, direct that the application shall proceed in the name of the claimant or in the names of the claimants and the applicant or the other joint applicant or applicants, accordingly as the case may require.

(2)No such direction as aforesaid shall be given by virtue of any assignment or agreement made by one two or more joint applicants for registration of a design except with the consent of the other joint applicant or applicants.

(3)No such direction as aforesaid shall be given by virtue of any assignment or agreement for the assignment of the benefit of a design unless-

- (a) the design is identified therein by reference to the number of the application for the registration; or
- (b) there is produced to the Controller an acknowledgement by the person by whom the assignment or agreement was made that the assignment or agreement relates to the design in respect of which that application is made; or
- (c) the rights of the claimant in respect of the design have been finally established by the decision of a court; or
- (d) the Controller gives directions for enabling the application to proceed or for regulating the manner in which it should be proceeded with under sub-section (5).

(4) Where one of two or more joint applicants for registration of a design dies at any time before the design has been registered, the Controller may, upon a request in that behalf made by the survivor or survivors, and with the consent of the legal representative of the deceased, direct that the application shall proceed in the name of the survivor or survivors alone.

(5) If any dispute arises between joint applicants for registration of a design whether or in what manner the application should be proceeded with, the Controller may, upon application made to him in the prescribed manner by any of the parties, and after giving to all parties concerned an opportunity to be heard, give such directions as he thinks fit for enabling the application to proceed in the name of one or more of the parties alone or for regulating the manner in which it should be proceeded with, or for both those purposes, as the case may require.

Explanation: This section empowers the Controller of Designs to make necessary changes or substitutions in a pending design application when ownership or rights over that design change before registration. According to this section, if someone claims the ownership of a design (through assignment, agreement, or law) before it's registered and the Controller is satisfied with the claim- the Controller can order that the application continue in the name of the new claimant, or jointly with the original applicant(s) depending on the situation. If the application was made by joint applicants, one of them cannot transfer or assign his rights without the consent of the other joint applicant(s). The Controller will not recognize such a transfer unless all parties agree. As per subsection (3) of this section, to avoid disputes or fraudulent claims, the Controller shall recognize an assignment only if:

(a) The design is clearly identified by reference to the application number, or
(b) There is written acknowledgment from the assignor confirming that the assignment relates to that specific design, or
(c) The claimant's rights have been confirmed by a court decision, or
(d) The Controller gives directions under sub-section (5) to resolve disputes or proceed with the application.

Further if one of several joint applicants dies before registration, the surviving applicant(s) may request that the application continue in their name alone, provided the legal representative of the deceased applicant gives consent.

As per subsection (5), if disputes arise among joint applicants about how to proceed with the application, any party can approach the Controller. After hearing all sides, the Controller can decide: whether the application should continue in the name of one or more applicants, or how the matter should proceed further.

SECTION 9
Certificate of registration
(1) The Controller shall grant a certificate of registration to the proprietor of the design when registered
(2) The Controller may, in case of loss of the original certificate, or in any other case in which he deems it expedient, furnish one or more copies of the certificate.

Explanation: Once a design is successfully registered, the Controller issues a certificate of registration to the registered proprietor. This certificate serves as official proof of ownership and registration under the Design Act. If the original certificate is lost, or in any other situation where the Controller considers it appropriate, he may issue one or more copies of the certificate.

SECTION 10

Register of designs

(1)There shall be kept at the Patent Office a book called the register of designs, wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assignments and of transmissions of registered designs, and such other matter as may be prescribed and such register may be maintained wholly or partly on computer, floppies or diskettes, subject to such safeguards as may be prescribed.

(2)Where the register is maintained wholly or partly on computer floppies and diskettes under sub-section (1), any reference in this Act to any entry in the register shall be construed as the reference to entry so maintained on computer, floppies or diskettes.

(3)The register of designs existing at the commencement of this Act shall be incorporated with and form part of the register of designs under this Act.

(4)The register of designs shall be prima facie evidence of any matter by this Act directed or authorized to be entered therein.

Explanation: According to this section, a Register of Designs shall be maintained at the Patent Office. This register includes the following details:

- **Names and addresses of the proprietors of registered designs,**
- **Notifications of assignments (transfers of ownership) and transmissions (by operation of law, e.g., inheritance),**
- **Any other information prescribed under the rules.**

The register may be maintained wholly or partly in electronic form, such as on computers, floppies, or diskettes, provided that appropriate safeguards are in place to protect the data. As per subsection (2), if the Register of Designs is maintained wholly or partly in electronic form (such as on computers, floppies, or diskettes), any mention of an entry in the register under the Designs Act refers to the electronic version just as much as it would to a physical book. In other words, digital records are treated as legally valid and equivalent to physical ones.

Any register of designs that existed before this Act came into force will be incorporated into the new register, forming a continuing official record under the current law. Further, the register of designs is considered prima facie evidence, meaning that the Register of Designs is considered valid proof of the information it contains.

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COPYRIGHT IN REGISTERED DESIGNS

SECTION 11
Copyright on registration
(1) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Act, have copyright in the design during ten years from the date of registration.

(2) If, before the expiration of the said ten years, application for the extension of the period of copyright is made to the Controller in the prescribed manner, the Controller shall, on payment of the prescribed fee, extend the period of copy-right for a second period of five years from the expiration of the original period of ten years.

Explanation: Section 11 deals with the duration of protection granted to a registered design and the possibility of extending that protection. When a design is registered under the Designs Act, the creator (i.e. registered proprietor) gets copyright protection for 10 years from the date of registration. This protection allows the owner to use the design commercially, prevent unauthorized copying or imitation and to take legal action against infringement.
The owner has the option to apply for an extension. This application must be submitted to the Controller, who is the designated authority, in the format prescribed by law and accompanied by the required fee. If the Controller approves the application, the copyright protection is extended for an additional five years, resulting in a total protection period of 15 years from the date of original registration.

SECTION 12
Restoration of lapsed designs
(1) Where a design has ceased to have effect by reason of failure to pay the fee for the extension of copyright under sub-section (2) of section 11, the proprietor of such design or his legal representative and where the design was held by two or more persons jointly, then, with the leave of the Controller one or more of them without jointing the others, may, within one year from the date on which the design ceased to have effect, make an application for the restoration of the design in the prescribed manner on payment of such fee as may be prescribed.
(2) An application under this section shall contain a statement, verified in the prescribed manner, fully setting out the circumstances which led to the failure to pay the prescribed fee, and the Controller may require from the applicant such further evidence as he may think necessary.

Explanation: If a registered design lapses due to non-payment of the extension fee (as per Section 11), the proprietor or their legal representative can apply to restore it. This must be done within one year from the date the design ceased to be effective. In cases of joint ownership, even one owner can apply with the Controller's permission. A confirmed declaration outlining the cause of non-payment must be included with the application and the Controller may ask for more proof.

SECTION 13

Procedure for disposal of applications for restoration of lapsed designs

(1) If, after hearing the applicant in cases where the applicant so desires or the Controller thinks fit, the Controller is satisfied that the failure to pay the fee for extension of the period of copyright was unintentional and that there has been no undue delay in the making of the application, the Controller shall upon payment of any unpaid fee for extension of the period of copyright together with prescribed additional fee restore the registration of design.

(2) The Controller may, if he thinks fit as a condition of restoring the design, require that any entry shall be made in the register of any document or matter which under the provision of this Act, has to be entered in the register but which has not been so entered.

Explanation:

The Controller will evaluate the application and may hold a hearing if requested or deemed necessary. If satisfied that the failure to pay was unintentional and there was no undue delay, the Controller can restore the design upon payment of the unpaid extension fee and an additional prescribed fee. The Controller may also require any missing entries to be made in the register before restoration.

SECTION 14

Rights of proprietor of lapsed design which have been restored

(1) Where the registration of a design is restored, the rights of the registered proprietor shall be subject to such provisions as may be prescribed and to such other provisions as the Controller thinks fit to impose for the protection or compensation of persons who may have begun to avail themselves of, or have taken definite steps by contract or otherwise to avail themselves of, the benefit of applying the design between the date when the registration of the design ceased to have effect and the date of restoration of the registration of the design.

(2) No suit or other proceeding shall be commenced in respect of piracy of a registered design or infringement of the copyright in such design committed between the date on which the registration of the design ceased to have effect and the date of the restoration of the design.

Explanation: Once a design is restored, the proprietor's rights are subject to conditions set by law and any additional terms imposed by the Controller. These are meant to protect or compensate individuals who may have started using the design during its lapse. No legal action can be taken for infringement during the lapsed period i.e., between the lapse and restoration.

SECTION 15

Requirements before delivery on sales

(1) Before delivery on sale of any articles to which a registered design has been applied, the proprietor shall-

- (a) (if exact representations or specimens were not finished on the application for registration) furnish to the Controller the prescribed number of exact representations or specimens of the design; and, if he fails to do so, the Controller may, after giving notice thereof to the proprietor, erase his name from the register and thereupon the copyright in the design shall cease; and
- (b) cause each such article to be marked with the prescribed mark, or with the prescribed words or figures denoting that the design is registered; and, if he fails to do so, the proprietor shall not be entitled to recover any penalty or damages in respect of any infringement of his copyright in the design unless he shows that he took all proper steps to ensure the marking of the article, or unless he shows that the infringement took place after the person guilty thereof knew or had received notice of the existence of the copyright in the design.

(2) Where a representation is made to the Central Government by or on behalf of any trade or industry that in the interest of the trade or industry it is expedient to dispense with or modify as regards any class or description of articles any of the requirements of this section as to marking, the Central Government may, if it thinks fit, by rule under this Act, dispense with or modify such requirements as regards any such class or description of articles to such extent and subject to such conditions as it thinks fit.

Explanation: Before selling any article bearing a registered design, the proprietor must submit exact representations or specimens to the Controller (if not already done) and each article must be marked to indicate the design is registered. Failure to submit representations may lead to removal from the register and loss of copyright. Failure to mark the article means the proprietor cannot claim damages for infringement unless they prove they took proper steps or the infringer knew about the copyright.

The Central Government may allow exceptions or modifications for marking if it benefits the trade/industry. If a trade or industry group believes that the legal requirement to mark articles with registered design information is impractical or unnecessary for a particular class or type of product, they may formally represent this concern to the Central Government. Upon reviewing such a representation and if it considers the request to be in the interest of that trade or industry, the government has the authority to issue rules under the Designs Act to either waive or modify the marking requirements. These changes can apply to specific categories of articles and may be subject to conditions that the government deems appropriate.

SECTION 16

Effect of disclosure on copyright

The disclosure of a design by the proprietor to any other person, in such circumstances as would make it contrary to good faith for that other person to use or publish the design, and the disclosure of a design in breach of good faith by any person, other than the proprietor of the design, and the acceptance of a first and confidential order for articles bearing a new or original textile design intended for registration, shall not be deemed to be a publication of the design sufficient to invalidate the copyright thereof if registration thereof is obtained subsequently to the disclosure or acceptance.

Explanation: Early disclosure of a design (e.g., sharing with a client or taking a confidential order or or misused in breach of good faith) does not count as public disclosure that would invalidate copyright if the design is registered afterward. This protects owners from losing rights due to confidential sharing. Also, accepting a confidential first order for a new textile design intended for registration does not affect copyright validity.

SECTION 17

Inspection of registered designs

(1) During the existence of copyright in a design, any person on furnishing such information as may enable the Controller to identify the design and on payment of the prescribed fee may inspect the design in the prescribed manner.

(2) Any person may, on application to the Controller and on payment of such fee as may be prescribed, obtain a certified copy of any registered design.

Explanation: Anyone can inspect a registered design during its copyright period by providing details and paying the prescribed fee. Certified copies of the registered design can also be obtained from the Controller upon request and payment

SECTION 18

Information as to the existence of copyright

On the request of any person furnishing such information as may enable the Controller to identify the design, and on payment of the prescribed fee, the Controller shall inform such person whether the registration still exists in respect of the design, and, if so, in respect of what classes of articles, and shall state the date of registration, and the name and address of the registered proprietor.

Explanation: Any person can request information about a registered design by providing identifying details and paying the prescribed fee. The Controller will inform whether the registration still exists, the classes of articles it covers and the name and address of the registered proprietor.

SECTION 19

Cancellation of registration

(1) Any person interested may present a petition for the cancellation of the registration of a design at any time after the registration of the design, to the Controller on any of the following grounds, namely:-

- (a) that the design has been previously registered in India; or
- (b) that it has been published in India or in any other country prior to the date of registration; or
- (c) that the design is not a new or original design; or
- (d) that the design is not registrable under this Act; or
- (e) it is not a design as defined under clause (d) of section 2.

(2) An appeal shall lie from any order of the Controller under this section to the High Court, and the Controller may at any time refer any such petition to the High Court, and the High Court shall decide any petition so referred.

Explanation: Any interested person can apply to the Controller to cancel a design registration on grounds as mentioned below:

- **Already registered in India.**
- **Published earlier in India or elsewhere.**
- **Not new or original.**
- **Non-registrability under the Act.**
- **Does not meet the definition of a design.**

Appeals against the Controller's decision can be made to the High Court and the Controller may also refer petitions directly to the High Court.

SECTION 20

Designs to bind Government

A registered design shall have to all intents the like effect as against the Government as it has against any person and the provisions of Chapter XVII of the Patents Act,
1970 (39 of 1970) shall apply to registered designs as they apply to patents.

Explanation: A registered design is binding on the Government just as it is on private parties. This means that the Government cannot use, copy, or apply a registered design without respecting the rights of the registered proprietor. Provisions similar to Chapter XVII of the Patents Act, 1970, apply to designs in relation to the Government, which means that the provisions of Chapter XVII of the Patents Act, 1970, (which deals with the use of inventions by the Government) will apply to registered designs as well.

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INDUSTRIAL AND INTERNATIONAL EXHIBITIONS

SECTION 21

Provisions as to exhibitions

The exhibition of a design, or of any article to which a design is applied, at an industrial or other exhibition to which the provisions of this section have been extended by the Central Government by notification in the Official Gazette, or the publication of a description of the design, during or after the period of the holding of the exhibition, or the exhibition of the design or the article or the publication of a description of the design by any person else-where during or after the period of the holding of the exhibition, without the privity or consent of the proprietor, shall not prevent the design from being registered or invalidate the registration thereof:

Provided that-

(a) the exhibitor exhibiting the design or article, or publishing a description of the design, gives to the Controller previous notice in the prescribed form; and

(b) the application for registration is made within six months from the date of first exhibiting the design or article or publishing a description of the design.

Explanation: Normally, public disclosure of a design before registration can invalidate its copyright. However, Section 21 provides an exception. This section protects the rights of design proprietors when their designs are displayed publicly at certain official exhibitions. If a design or an article bearing the design is displayed at an industrial or other exhibition that has been officially notified by the Central Government, this public display will not be considered as prior publication. Similarly, the design's eligibility for registration will also not be impacted if a description of the design is published during or after the exhibition. Further, the registration of the design will remain valid even if it is displayed or described by someone else without the owner's permission.

Furthermore two requirements must be fulfilled in order to take advantage of this exception:

(a) *Prior Notice to Controller:* Before displaying the design or publishing a description of it, the exhibitor is required to provide the Controller of Designs with prior notice in the format specified.

(b) *Prompt Registration Application:* The registration application needs to be submitted no later than six months after the date of the initial publication or exhibition.

SECTION 22

Piracy of registered design

(1) During the existence of copyright in any design it shall not be lawful for any person-

- (a) for the purpose of sale to apply or cause to be applied to any article in any class of articles in which the design is registered, the design or any fraudulent or obvious imitation thereof, except with the license or written consent of the registered proprietor, or to do anything with a view to enable the design to be so applied; or
- (b) to import for the purposes of sale, without the consent of the registered proprietor, any article belonging to the class in which the design has been registered, and having applied to it the design or any fraudulent or obvious imitation thereof, or
- (c) knowing that the design or any fraudulent or obvious imitation thereof has been applied to any article in any class of articles in which the design is registered without the consent of the registered proprietor, to publish or expose or cause to be published or exposed for sale that article.

(2) If any person acts in contravention of this section, he shall be liable for every contravention-

- (a) to pay to the registered proprietor of the design a sum not exceeding twenty-five thousand rupees recoverable as a contract debt, or
- (b) if the proprietor elects to bring a suit for the recovery of damages for any such contravention, and for an injunction against the repetition thereof, to pay such damages as may be awarded and to be restrained by injunction accordingly:

Provided that the total sum recoverable in respect of any one design under clause (a) shall not exceed fifty thousand rupees:

Provided further that no suit or any other proceeding for relief under this subsection shall be instituted in any court below the court of District Judge.

(3) In any suit or any other proceeding for relief under subsection (2), ever ground on which the registration of a design may be cancelled under section 19 shall be available as a ground of defence.

(4) Notwithstanding anything contained in the second proviso to sub-Section (2), where any ground or which the registration of a design may be cancelled under section 19 has been availed of as a ground of defence and sub-section (3) in any suit or other proceeding for relief under sub-section (2), the suit or such other proceedings shall be transferred by the Court in which the suit or such other proceeding is pending, to the High Court for decision.

(5) When the court makes a decree in a suit under sub-section (2), it shall send a copy of the decree to the Controller, who shall cause an entry thereof to be made in the register of designs.

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Explanation: During the copyright period of a registered design, the following actions are prohibited without the owner's consent:
i) Unauthorized Application of Design: Applying the registered design or a fraudulent/imitation version to any article in the same class for sale purposes, or enabling such application.
ii) Importing Infringing Articles: Importing any object that imitates or uses the registered design without the owner's consent for sale.
iii) Selling Infringing Articles: Selling or exposing for sale any article that imitates or uses the registered design, knowing it was applied without consent.
As per subsection (2) the penalties for Violations: There are two ways that someone can be held accountable for violating the aforementioned provisions –
(a) Penalty under Contract: Pay the registered proprietor up to ₹25,000 for each infraction (recoverable as a debt). The maximum amount for a single design is ₹50,000.
(b) Proprietor's Legal Action: To prevent further infringement, the owner may sue for damages and an injunction. A District Court or higher must receive this filing.

In any legal action under subsection (2), the defendant can challenge the validity of the design registration using the same grounds available under Section 19 (e.g., lack of novelty, prior publication). If the defendant raises a challenge under Section 19, the case must be transferred to the High Court for decision. Once the court issues a verdict in favor of the proprietor, a copy is sent to the Controller of Designs, who will update the official register accordingly

SECTION 23
Application of certain provisions of the Act as to patents to designs
The provisions of the Patents Act, 1970 with regard to certificates of the validity of a patent, and to the remedy in case of groundless threats of legal proceedings by a patentee shall apply in the case of registered designs in like manner as they apply in the case of patents, with the substitution of references to the copyright in a design for reference to a patent, and of references to the proprietor of a design for references to patentee, and of references to the design for references to the invention.

Explanation: According to this section, certain provisions of the Patents Act, 1970 will also apply to registered designs. These include provisions related to getting a certificate of validity when a design is proved to be valid in court, and the right to take action if someone makes false or groundless threats of legal proceedings over a design. In doing so, it substitutes references to patents with references to copyright in a design, replaces the term "patentee" with "proprietor of a design," and uses "design" in place of "invention."

GENERAL

SECTION 24
Fees
(1) There shall be paid in respect of the registration of designs and applications therefor and in respect of other matters relating to designs under this Act such fees may be prescribed.
(2) A proceeding in respect of which a fee is payable under this Act or the rules made thereunder shall be of no effect unless the fee has been paid. Provisions as to Registers and other Documents in the Patent Office.

Explanation: This section deals with the payment of fees related to the registration and administration of designs. It states that fees must be paid for filing applications, registering designs and handling other matters under the Act, as prescribed by the relevant rules. Furthermore, any legal or administrative proceeding that requires payment of a fee shall not be considered valid unless the prescribed fee has been properly paid.

SECTION 25
Notice of trust not to be entered in registers
There shall not be entered in any register kept under this Act, or be receivable by the Controller, any notice of any trust expressed, implied or constructive.

Explanation: No notification of any trust, whether explicit, implied, or constructive, may be recorded into the official register kept under the Act, and the Controller will not accept such a notice, according to Section 25 of the Designs Act. This implies that information about a registered design being held in trust for another person cannot be entered into the design register. The purpose of this section is to keep the register focused solely on legal ownership and rights as recognized under the Act, without complicating it with equitable interests or trust arrangements.

SECTION 26
Inspection of and extracts from registers
Every register kept under this Act shall at all convenient times be open to the inspection of the public, subject to the provisions of this Act; and certified copies, sealed with the seal of the Patent Office, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee:
Provided that where such register is maintained wholly or partly on computer, the inspection of such register under this section shall be made by inspecting the computer print out of the relevant entry in the register so maintained on computer.

Explanation: This section ensures public access to the official register of designs. It provides that the register shall be open for inspection by the public at reasonable times, subject to the provisions of the Act. Any person may obtain a certified copy of an entry from the register, sealed by the Patent Office, upon payment of the prescribed fee. If the register is maintained wholly or partly on a computer, inspection will be done through a computer printout of the relevant entry. This provision promotes transparency and easy access to design records while upholding procedural accuracy.

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SECTION 27

Privilege of reports of Controller

Reports of or to the Controller made under this Act other than the report referred to in section 45 shall not in any case be published or be open to public inspection.

Explanation: This section establishes the confidentiality of reports made by or submitted to the Controller under the Act. It provides that, except for the report referred to in Section 45, no such reports shall be published or made available for public inspection. This provision safeguards internal communications and assessments related to design matters, ensuring that administrative processes within the Patent Office remain confidential and protected from public disclosure.

SECTION 28

Prohibition and publication of specification, drawings, etc. where application abandoned, etc.

Where an application for a design has been abandoned or refused, the application and any drawings, photographs, tracings, representations or specimens left in connection with the application shall not at any time be open to public inspection or be published by the Controller.

Explanation: This section provides that when a design application is either abandoned by the applicant or refused by the Controller, the application along with any associated drawings, photographs, tracings, representations or specimens shall remain confidential. Such materials shall not be made available for public inspection or published by the Controller at any time.

SECTION 29

Power of Controller to correct clerical errors

The Controller may, on request in writing accompanied by the prescribed fee correct any clerical error in the representation of a design or in the name or address of the proprietor of any design, or in any other matter, which is entered upon the register of designs.

Explanation: This section empowers the Controller of designs to fix clerical or minor mistakes in the register of designs. Corrections can be made in the representation of a design (e.g., drawing, figure, or depiction), the name or address of the proprietor of the design and any other matter entered in the register. Corrections can be made upon submission of a written request along with the prescribed fee. The section ensures the accuracy and dependability of official records without compromising the registered design's legal standing.

SECTION 30

Entry of assignment and transmissions in registers

(1) Where a person becomes entitled by assignments, transmission or other operation of law to the copyright in a registered design, he may make application in the prescribed form to the Controller to register his title, and the Controller shall, on receipt of such application and on proof of title to his satisfaction, register him as the proprietor of such design, and shall cause an entry to be made in the prescribed manner in the register of the assignment, transmission or other instrument affecting the title.

(2) Where any person becomes entitled as mortgage, licensee or otherwise to any interest in a registered design, he may make application to the Controller to register his title, and the Controller shall, on receipt of such application and on proof of title to his satisfaction, cause notice of the interest to be entered in the prescribed manner in the register of designs, with particulars of the instrument, if any, creating such interest.

(3) For the purposes of sub-section (1) or sub-section (2) an assignment of a design or of a share in a design, a mortgage, licence or the creation of any other interest in a design shall not be valid unless the same were in writing and the agreement between the parties concerned is reduced to the form of an instrument embodying all the terms and conditions governing their rights and obligation and the application for registration of title under such instrument is filed in the prescribed manner with the Controller within six months from the execution of the instrument or within such further period not exceeding six months in the aggregate as the Controller on application made in the prescribed manner allows:
Provided that the instrument shall, on entry of its particulars in the register under sub- section (1) or sub-section (2), have the effect from the date of its execution.
(4) The person registered as the proprietor of a design shall, subject to the provisions of this Act and to any rights appearing from the register to be vested in any other person, have power absolutely to assign, grant licenses as to, or otherwise deal with, the design and to give effectual receipts for any consideration for any such assignment, licence or dealing:
Provided that any equities in respect of the design may be enforced in like manner as in respect of any other moveable property.
(5) Except in the case of an application made under section 31, a document or instrument in respect of which no entry has been made in the register in accordance with the provisions of sub-sections (1) and (2) shall not be admitted in evidence in any court in proof of the title to copyright in a design or to any interest therein, unless the court, for reasons to be recorded in writing, otherwise directs.

Explanation: This section deals with the recording of ownership or other interests in a registered design in the official register.

Transfer or Assignment of Copyright: A person can apply to the Controller to register their title if they acquire the copyright to a registered design through inheritance, assignment, or any other legal method. The Controller records the assignment or transmission in the register and registers the individual as the new proprietor after receiving adequate proof of ownership.

Other Interests (Mortgage, License, etc.): If someone acquires an interest in a design, such as a mortgage or license, they can also apply to the Controller to register that interest. The Controller records a notice of the interest in the register along with details of the instrument creating it.

Formal Requirements: Any mortgage, licence, assignment, or other interest needs to be properly signed in writing, with all terms and circumstances specified. The application to register the instrument must be filed within six months of execution, with a possible extension of up to six more months at the Controller's discretion. The instrument takes effect on the date of execution after it is entered into the register.

Powers of Registered Proprietor: The registered proprietor can assign, license, or otherwise deal with the design and issue valid receipts for any consideration received. Like any other movable property, any equities (claims or rights) in the design may be enforced.

Evidence in Court: Only entries recorded in the official register are generally accepted in court as valid proof of ownership or interest in a registered design, unless the court directs otherwise. Documents such as assignments, licenses, or mortgages that have not been entered in the register cannot usually be used as evidence to establish rights over the design, except in cases under Section 31 concerning rectification of the register.

SECTION 31
Rectification of register
(1) The Controller may, on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of designs of any entry, or by any entry made in such register without sufficient cause, or by any entry wrongly remaining on such register, or by an error or defect in any entry in such register, make such order for making, expunging or varying such entry as he thinks fit and rectify the register accordingly.
(2) The Controller may in any proceeding under this section, decide any question that may be necessary or expedient to decide in connection with the rectification of a register.
(3) An appeal shall lie to the High Court from any order of the Controller under this section; and the Controller may refer any application under this section to the High Court for decision, and the High Court shall dispose of any application so referred.
(4) Any order of the Court rectifying a register shall direct that notice of the rectification be served on the Controller in the prescribed manner who shall upon the receipt of such notice rectify the register accordingly.
(5) Nothing in this section, shall be deemed to empower the Controller to make any such order canceling the registration of a design as is provided for in section 19.

Explanation: This section empowers the Controller to correct or amend the Register of Designs when there are errors, omissions, or wrongful entries.

If any person is aggrieved for any of the following reasons, they may apply to the Controller for correction.

- **An entry that should be in the register is missing,**
- **An entry has been wrongly made or made without sufficient cause,**
- **An entry wrongly remains on the register, or**
- **There is an error or defect in an existing entry,**

The Controller can then order the register to be amended, varied, added to, or entries removed as he thinks appropriate.

During this process, the Controller may also decide any related questions or issues that arise in connection with rectifying the register.

If any person is dissatisfied with the Controller's order, he may appeal to the High Court. The Controller also has the discretion to refer the matter directly to the High Court for a decision, and the High Court shall hear and dispose of such applications.

When a correction is ordered by the High Court, notice of the ruling must be sent to the Controller, who will then update the record appropriately. The Controller cannot cancel a design registration under this section, such cancellation may be carried out only under Section 19, which deals with cancellation proceedings.

POWERS AND DUTIES OF CONTROLLER

SECTION 32
Powers of Controller in proceedings under Act
Subject to any rules in this behalf, the Controller in any proceedings before him under this Acts hall have the powers of a civil court for the purpose of receiving evidence, administering oaths, enforcing the attendance of witnesses, compelling the discovery and production of under documents, issuing commissions for the examining of witnesses and awarding costs and such award shall be executable in any court having jurisdiction as if it were a decree of that court.

Explanation: This section empowers the Controller with the same authority as a civil court while conducting proceedings under the Act. This means that the Controller can receive evidence, administer oaths, summon and enforce the attendance of witnesses, compel the discovery and production of documents, and issue commissions for examining witnesses. The Controller also has the power to award costs to either party based on the outcome of the case, and such an award is enforceable in any court having jurisdiction as if it were a decree of that court.

SECTION 33
Exercise of discretionary power by Controller
Where any discretionary power is by or under this Act given to Controller, he shall not exercise that power adversely to the applicant for registration of a design without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard.

Explanation: This section stipulates that the Controller shall give the applicant a chance to be heard before making a decision that can have a negative impact on them such as rejecting a design registration or taking any other unfavourable action, as long as the applicant makes the request within the allotted period.

SECTION 34
Power of Controller to take directions of the Central Government
The Controller may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Act, apply to the Central Government for directions in the matter.

Explanation: This section gives the Controller the authority to ask the Central Government for advice whenever there is uncertainty or difficulty interpreting or putting the Act's provisions into practice. This ensures uniformity and consistency in the way design laws are applied.

SECTION 35
Refusal to register a design in certain cases
(1) The Controller may refuse to register a design of which the use would, in his opinion, be contrary to public order or morality.
(2) An appeal shall lie to the High Court from an order of the Controller under this section.

Explanation: According to this section, the Controller has the authority to deny registration of a design if he thinks its usage would be immoral or against public order. This implies that a design cannot be registered if it encourages immorality or indecency or if it would offend social values or public emotion. The applicant has the right to appeal to the High Court if they don't agree with the Controller's ruling.

SECTION 36

Appeals to High Court

(1) Where an appeal is declared by this Act to lie from the Controller to the High Court, the appeal shall be made within three months of the date of the order passed by the Controller.

(2) In calculating the said period of three months, the time (if any) occupied in granting a copy of the order appealed against shall be excluded.

(3) The High Court may, if it thinks fit, obtain the assistance of an expert in deciding such appeals, and the decision of the High Court shall be final.

(4) The High Court my make rules consistent with this Act as to the conduct and procedure of all proceedings under this Act before it.

Explanation: This section defines the procedural framework for appeals made to the High Court against decisions of the Controller. It mandates that such appeals must be filed within three months from the date of the Controller's order. However, the time taken to obtain a copy of the order is excluded from this three-month period to ensure the procedural fairness. The High Court is also empowered to seek expert assistance when adjudicating technically complex appeals and its decision in such matters is final under the Act. Further the High Court may frame rules for the conduct and procedure of proceedings under the Designs Act that come before it, as long as these rules are consistent with the provisions of the Act.

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EVIDENCE. ETC.

SECTION 37
Evidence before the Controller
Subject to any rules made under section 44, in any proceeding under this before the Controller, the evidence shall be given by affidavit in the absence of directions by the Controller to the before the contrary; but in any case in which the Controller thinks it right so to do he may to take evidence viva voce in lieu of or in addition to evidence by affidavit or may allow any party to be cross examined on the contents of his affidavit.

Explanation: This section deals with the presentation of evidence before the Controller during any proceeding under the Designs Act. By default, the evidence should be submitted through affidavits that is, written statements made under oath. However, this is subject to any rules made under Section 44. The Controller retains discretionary power to deviate from this default approach. If deemed appropriate, the Controller may allow evidence to be taken orally (viva voce) either in place of or in addition to affidavit evidence. Furthermore, the Controller may permit cross-examination of any party on the contents of their affidavit.

SECTION 38
Certificate of Controller to be evidence
A certificate purporting to be under the hand of the Controller as to entry, matter or thing which he is authorized by this Act, or any rules made thereunder to make or do, shall be prima-facie evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

Explanation: This section establishes the credibility of a certificate issued by the Controller. According to this section, any certificate bearing the Controller's signature, which relates to an entry, matter or action that the Controller is authorized to make or perform under the Act or its associated rules, shall be treated as prima facie evidence of that fact. Specifically, it serves as sufficient proof that the entry has been duly made, its contents are accurate and the corresponding act or omission occurred as stated.

SECTION 39
Evidence of documents in patent office
Printed or written copies or extracts, purporting to be certified by Controller and sealed with the seal of the Patent Office , of documents in the Patent Office , and of or from registers and other books kept there, shall be admitted in evidence in all courts in India, and in all proceedings, Office without further proof for production of the originals:
Provided that a court may, if it has reason to doubt the accuracy or authenticity of the copies tendered in evidence, require the production of the originals or such further proof as it considers necessary.

Explanation: According to this section, the certified copies or extracts of documents – whether printed or written - which are signed (certified) by the Controller and sealed with the official seal of the Patent Office, shall be accepted as valid evidence in all courts and official proceedings without requiring the original documents to be produced. However, if the court believes there is a reason to doubt the authenticity or accuracy of the certified copies, it has the authority to demand the original documents or ask for additional proof to confirm their validity.

SECTION 40

Applications and notices by post

Any application, notice or other document authorized or required to be left, made or given at the Patent Office or to the Controller, or to any other person under this Act, may be sent by post.

Explanation: According to this section, any application, notice, or other document that is required or permitted to be submitted to the Patent Office, the Controller, or any other person under the Act may be sent by post. The purpose of this provision is to make the process more convenient and accessible, especially for applicants or parties located far from the Patent Office.

SECTION 41

Declaration by infant, lunatic, etc.

(1) If any person, is by reason of infancy, Lunacy or other disability, incapable of making any statement or doing anything required or permitted by or under this Act, the lawful guardian, committee or manager (if any) of the person subject to the disability, or, if there be none, any person appointed by any court possessing jurisdiction in respect of his property , may make such statement or a statement as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of the person subject to the disability.

(2) An appointment may be made by the court for the purposes of this section upon the petition of any person acting on behalf of the person subject to the disability or of any person interested in the making of the statement or the doing of the thing.

Explanation: If a person cannot make a statement or perform an act required or allowed under the Act because of legal disability such as infancy (being a minor), lunacy (mental incapacity), or any other disability, their lawful guardian, committee, or manager (if one exists) may do so on their behalf. In the absence of such a representative, the court with jurisdiction over the person's property may appoint someone to do so.This appointed person can then make the necessary statement or perform the required act in the name of the person with the disability, as closely as circumstances allow. The subsection (2) describes that court can make such an appointment on the petition of any person acting for the disabled individual, or any person who has an interest in ensuring that the required statement or action is properly made.

SECTION 42

Avoidance of certain restrictive conditions

(1) It shall not be lawful to insert-

(i) in any contract for or in relation to the sale or lease of an article in respect of which a design is registered; or

(ii) in a licence to manufacture or use an article in respect of which a design is registered; or

(iii) in a licence to package the article in respect of which a design is registered, a condition the effect of which may be-

- (a) to require the purchaser, lessee, or licensee to acquire from the vendor, lessor, or licensor or his nominees, or to prohibit him from acquiring or to restrict I in any manner or to any extent his right to acquire from any person or to prohibit him from acquiring except from the vendor, lessor, or licensor or his nominees any article other than the article in respect of which a design is registered; or
- (b) to prohibit the purchaser, lessee or licensee from using or to restrict in any manner or to any extent the right of the purchaser, lessee or licensee, to use an article other than the article in respect of which a design is registered which is not supplied by the vendor, lessor or licensor or his nominee, and any such condition shall be void.

(2) A condition of the nature referred to in clause (a) or clause (b) of sub-section (1) shall not cease to be a condition failing within that sub-section merely by reason of the fact that the agreement containing it has been entered into separately, whether before or after the contract relating to the sale, lease or licence of the article in respect of which a design is registered.

(3) In proceeding against any person for any act in contravention of section 22, it shall be a defence to prove that at the time of such contravention there was in force a contract relating to the registered design and containing a condition declared unlawful by this section:

Provided that this sub-section shall not apply if the plaintiff is not a party to the contract and proves to the satisfaction of the court that the restrictive condition was inserted in the contract without his knowledge and consent, express or implied.

- (4) Nothing in this section shall-
- (a) affect a condition in a contract by which a person is prohibited from selling goods other than those of particular person;
- (b) validate a contract which, but for this section, would be invalid;
- (c) affect a condition in a contract for the lease of, or licence to use, an article in respect of which a design is registered, by which the lessor or licensor reserves to himself or his nominee the right to supply such new parts of the article, in respect of which a design is registered, as may be required or to put or keep it in repair;

(5) The provisions of this section shall also apply to contracts made before the commencement of this Act if, and in so far as, any restrictive conditions declared unlawful by this section continue in force after the expiration of one year from such commencement.

Explanation: The purpose of this provision is to make sure that the rights resulting from a design registration are not abused to establish trade restrictions or monopolies beyond what is permitted by law. It states that it is unlawful to include in any contract for the sale, lease, or licence of a registered design article any condition that forces the purchaser, lessee, or licensee to buy other unrelated goods only from the seller or licensor, or restricts them from purchasing such goods from others. Further, it also prohibits any condition that restricts their right to use other articles not supplied by the seller or licensor. Any such restrictive clause is void and has no legal effect. The section further clarifies that such a condition remains void even if it is placed in a separate agreement, whether made before or after the main contract. This section also offers a defence in infringement proceedings: an accused party may be excused if they can demonstrate that they acted in accordance with a contract that contained such an illegal condition. If the design owner was not a party to the contract and did not know about the restriction clause, this argument is not applicable.

Additionally, the section lists some exceptions to the general prohibition on restrictive conditions. It allows exclusive dealership arrangements, meaning a person may be contractually restricted to sell only a particular supplier's goods, even if those goods involve registered designs. It also clarifies that Section 42 does not validate contracts that are otherwise legally invalid due to reasons like fraud or incapacity. Additionally, it permits clauses that allow the lessor or licensor to retain the right to supply replacement parts or carry out repairs on the article covered by a registered design, ensuring continued control over quality and maintenance. Furthermore, if the unlawful restrictive circumstances persist for more than a year after the Act's implementation, these rules also apply to previous contracts negotiated prior to its implementation.

AGENCY

SECTION 43

Agency

(1)All applications and communications to the Controller under this Act may be signed by, and all attendances upon the Controller may be made by or through a legal practitioner or by or through an agent whose name and address has been entered in the register of patent agents maintained under section 125 of the Patents Act, 1970 (39 of 1970).

(2)The Controller may, if he sees fit, require -

- (a) any such agent to be resident in India;
- (b) any person not residing in India either to employ an argent residing in India;
- (c) the personal signature or presence of any applicant or other person.

Explanation: This section specifies who can act or communicate on behalf of an applicant before the Controller. According to sub section (1), all applications, documents and communications to the Controller may be signed and submitted either by the applicant personally or through a legal practitioner or a patent agent whose name and address are entered in the Register of Patent Agents maintained under Section 125 of the Patents Act, 1970.

Under sub section (2), the Controller has the discretion to impose certain requirements, such as:

(a) Requiring that any such agent must be resident in India,

(b) Directing that a person who does not reside in India must appoint an agent who resides in India, and

(c) Demanding the personal signature or presence of the applicant or any other person, if considered necessary.

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SECTION 44

Reciprocal arrangement with the United Kingdom and other convention countries or group of countries or inter-governmental organizations

(1) Any person who has applied for protection for any design in the United Kingdom or any of other convention countries or group of countries or countries which are members of inter-governmental organizations, or his legal representative or assignee shall, either alone or jointly with any other person, be entitled to claim that the registration of the said design under this Act shall be in priority to other applicants and shall have the same date as the date of the application in the United Kingdom or any of such other convention countries or group of countries or countries which are members of inter-governmental organizations, as the case may be:

Provided that-

- (a) the application is made within six months from the application for protection in the United Kingdom or any of such other convention Countries or group of countries or countries which are members of inter-governmental organisations, as the case may be; and
- (b) nothing in this section shall entitle the proprietor of the design to recover damages for piracy of design, design happening prior to the actual date on which the design is registered in India.

(2) The registration of a design shall not be invalidated by reason only of the exhibition or use of or the publication of a description or representation of the design in India during the period specified in this section as that within which the application may be made;

(3) The application for registration of a design of a design under this section must be made in the same manner as an ordinary application under this Act.

(4) Where it is made to appear to the Central Government that the legislature of the United Kingdom or any such other convention country or a country which is member of any group of countries or inter-governmental organisation as may be notified by the Central Government in this behalf has made satisfactory provision for the protection of designs registered in India, the Central Government may, by notification in the Official Gazette, direct that the provisions of this section, with such variations or additions, if any, as may be set out in such notification, shall apply for the protection of designs registered in the United Kingdom or that other convention country or such country which is member of any group of countries or intergovernmental organisation, as the case may be.

Explanation- (1) For the purposes of this section, the expression "convention countries", "group of countries" or "inter-governmental organisation" means, respectively, such countries, group of countries or inter-governmental organisation to which the Paris
Convention for Protection of Industrial Property, 1883 as revised at Stockholm in 1967 and as amended in 1979 or the Final Act, embodying the results of the Uruguay Round of Multilateral Trade Negotiations, provided for the establishment of World Trade Organisation applies.

Explanation- (2) Where more than one application for protection referred to in sub- section (1) have been made for similar protections in the United Kingdom or one or more convention countries, group of countries or countries which are members of inter-governmental organisations, the period of six months referred to in clause (a) of that sub-section, shall be reckoned from the date of which the earlier or the earliest application , as the case may be, of such applications has been made.

Explanation: This section permits a person to claim priority when filing for registration of the same design in India if they have already filed for protection of a design in the United Kingdom or in any other convention country, group of countries, or intergovernmental organisation. As long as the Indian application is submitted within six months of the date of filing abroad, it will be considered as though it was submitted on the same day as the first foreign application. Nevertheless, the petitioner is not entitled to compensation for any design infringement that took place prior to the design's official registration in India. Furthermore, the Central Government has the power to recognize, by notification, those countries or inter-governmental organizations that provide reciprocal protection to Indian designs and extend the benefits of this section to them, with suitable variations if required.
The explanations further make it clear that "convention countries," "group of countries," or "inter-governmental organisations" are those that fall under the purview of the World Trade Organisation (WTO) agreements or the Paris Convention for the Protection of Industrial Property (1883). The six-month priority term is computed from the date of the earliest application if many applications for the same design have been filed in various convention countries.

SECTION 45
Report of the Controller to be placed before Parliament
The Central Government shall cause to be placed before both Houses of Parliament once a year a report respecting the execution of this Act by or under the Controller.

Explanation: According to this section, the Central Government is required to present an annual report before both the Houses of Parliament that is the Lok Sabha and the Rajya Sabha - detailing how the Act has been implemented and administered by the Controller during the year. This report reflects the execution of the Act, meaning it includes information about the Controller's activities such as registration of designs, examinations, renewals, enforcement actions, and other administrative matters under the Act.

SECTION 46
Protection of security of India
Notwithstanding anything contained in this Act, the Controller shall-
(a) Not disclose any information relating to the registration of a design or any application relating to the registration of a design under this Act, which he considers prejudicial to the interest of the security of India; and
(b) take any action regarding the cancellation of registration of such designs registered under this Act which the Central Government may, by notification in the Official Gazette, specify in the interest of the interest of the security of India.

Explanation: - For the purposes of this section, the expression "security of India" means any action necessary for the security of Indian which relates to the application of any design registered under this Act to any article used for war or applied directly or indirectly for the purposes of military establishment or for the purposes of war or other emergency in international relations.

Explanation: According to this section, the Controller shall not disclose any information related to the registration or application of a design if he considers such disclosure prejudicial to the security interests of India. It empowers the Controller and the Central Government to act in such cases, even if it overrides other provisions of the Act. Furthermore, if the Central Government directs such action in the interest of national security through notification in the Official Gazette, the Controller must take the necessary measures, including the revocation of any registered design. The section also explains that the term "security of India" refers to measures required for national defence, such as the use or application of designs to military installations, war-related items, or any other purpose directly or indirectly related to international relations emergencies or warfare.

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 purposes of this Act.

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

(a) the form of application, the manner of filing it at the Patent Office and the fee to be accompanied with it, under sub-section (2) of section 5;

(b) the time within which the registration is to be effected under subsection (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 application to the Controller under subsection (5) of section 8;

(g) the additional matters required to be entered in the register of design and safegurard 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 copy right 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 tomarking under sub-section (2) of that section;

(p) the fee to be paid for and the manner of inspection under subsection (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;

(1) (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 request 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 instruments 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 subsection (3) of section 30;
(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 session aforesaid, both House 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.

Explanation: According to this section, Central Government has the authority to make detailed rules for implementing the purposes of the Designs Act. These rules, which are published in the Official Gazette, aid in establishing particular procedures and norms under various sections of the Act. The form and process of submitting design applications, payment of fees, article classification, publication details, procedures for extending, restoring, or rectifying designs, the form of registers, inspection and certified copies, and conduct of proceedings before the Controller are just a few of the areas listed in sub-section (2) where such rules may be framed. These regulations essentially offer the procedural framework required to implement the substantive provisions of the Act. According to subsection (3), these rules must go through prior publication, which means that the draft regulations are made available to the public prior to final notification in order to take into account any objections or recommendations. Parliamentary supervision over rule-making has been established by subsection (4), each rule must be presented to both Houses of Parliament for a period of thirty days after it is made. Parliament can modify or annul the rule, but such changes do not affect actions already taken under the original rule.

REPEAL AND SAVINGS

SECTION 48
Repeal and savings
(1) The Designs Act, 1911 (2 of 1911) is hereby repealed.
(2) Without prejudice to the provisions contained in the General Clauses Act, 1897 (10 of 1987) with respect to repeals, any notification, rule, order, requirement, registration, certificate, notice, decision, determination, direction, approval, authorisation, consent, application , request or thing made , issued, given or done under the Designs Act, 1911 (2 of 1911), shall, in force at the commencement of this Act , continue to be in force and have effect as if made , issued , given or done under the corresponding provisions of this Act.
(3) The provisions of this Act shall apply to any application for registration of design pending at the commencement of this Act and to any proceedings consequent thereon and to any registration granted in pursuance thereof.
(4) Notwithstanding anything contained in this Act, any proceeding pending in any court at the commencement of this Act may be continued in that court as if this Act has not been passed.
(5) Notwithstanding anything contained in sub-section (2), the date of expiration of the copyright in the design registered before the commencement of this Act shall, subject to the provisions of this Act, be the date immediately after the period of five years for which it was registered or the date immediately after the period of five years for which the extension of the period of copyright for a second period from the expiration of the original period has been made.

Explanation: The old Designs Act of 1911 is formally repealed under Section 48 and the new Designs Act of 2000 takes its place. However, it preserves all activities, rights, and processes that were conducted under the previous law to guarantee continuity and prevent interruption. As a result, any notifications, regulations, registrations, applications, or rulings made in accordance with the 1911 Act would continue to have the same legal force and effect as if they had been made in accordance with the relevant provisions of the new Act. Additionally, this section also clarifies that the new Act will apply to all pending design applications and related proceedings that were still in process when the 2000 Act came into force. Simultaneously, all court matters that are already pending under the old Act will proceed under that law until they are resolved, just as if the new Act had not yet taken effect. Lastly, it states that the copyright duration for designs that were already registered prior to the start of the 2000 Act will end either after the initial five-year term or, depending on the registration's status, after a second five-year extension.

PREFACE

This book is a comprehensive and pedagogically structured compilation of the Design Rules, 2001 (as amended up to the Design (Amendment) Rules, 2021), issued by the Office of the Controller General of Patents, Designs and Trademarks (CGPDTM), Government of India. The statutory provisions have been directly extracted from the official publications of IP India to ensure authenticity and conformity with the latest regulatory framework.
The accompanying explanations, interpretations and illustrative notes have been prepared to simplify complex legal provisions and enhance clarity for students, practitioners and innovators engaged in the field of design law.

Serving as both a learning resource and reference guide, this work is intended to support IP education, professional preparation and institutional capacity-building, while fostering a deeper understanding of India's evolving industrial design ecosystem.

REFERENCE

The explanations and commentary in this book are based on the Designs Act, 2000 (No. 16 of 2000) and the Designs Rules, 2001 (as amended by the Design (Amendment) Rules, 2021), as notified by the Office of the Controller General of Patents, Designs and Trade Marks (CGPDTM), Government of India.

The rules cited and explained have been reproduced in accordance with the official statutory text issued by IP India, with interpretative commentary provided solely for clarity, understanding and educational purposes.

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PRELIMINARY

1. Short title and commencement: -
(1) These rules may be called the Designs Rules, 2001.
(2) They shall come into force on the date of their publication in the Official Gazette.

EXPLANATION: This rule states that these rules are officially known as the Designs Rules, 2001 which specifies that the rules came into force on the date of their publication in the Official Gazette of Indian Patent Office (IPO) to mark the formal introduction and enforcement of the regulatory framework governing the registration and protection of industrial designs in India.

2. Definitions: -
In these rules, unless there is anything repugnant in the subject or context,
(a) "Act" means the Designs Act, 2000.
(b) "Application in United Kingdom or convention country or group of countries or inter-governmental organisation" means an application made by any person in any part of United Kingdom or convention country or group of countries or inter-governmental organisation, of a design for the protection in India under the provisions of section 44 of the Act.
(c) "Office" means the Patent Office referred to in section 74 of the Patent Act, 1970 (39 of 1970).
(d) "Reciprocity Application" means an application in India under section 44 of the Act.
(e) "Set" means a number of articles of the same general character ordinarily sold together or intended to be used together, all bearing the same design, with or without modification not sufficient to alter the character or substantially to affect the identity thereof.
(ea) "small entity" means,-
in case of an enterprise engaged in the manufacture or production of goods, an enterprise where the investment in plant and machinery does not exceed the limit specified for a medium enterprise under clause (a) of sub-section (1) of Section 7 of the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006); and
in case of an enterprise engaged in providing or rendering of services, an enterprise where the investment in equipment is not more than the limit specified for medium enterprises under clause (b) of sub-section (1) of Section 7 of the Micro, Small and Medium Enterprises Development Act, 2006.

Explanation 1. For the purpose of this clause, "enterprise" means an industrial undertaking or a business concern or any other establishment, by whatever name called, engaged in the manufacture of production of goods, in any manner, pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951 (65 of 1951) or engaged in providing or rendering of any service or services in such an industry.

Explanation 2.In calculating the investment in plant and machinery, the cost of pollution control, research and development, industrial safety devices and such other things as may be specified by notification under the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006), shall be excluded.

Explanation 3. The reference rates of foreign currency of the Reserve Bank of India shall prevail.

(eb) "startup" means-
an entity in India recognised as a startup by the competent authority under Startup India initiative; and in case of a foreign entity, an entity fulfilling the criteria for turnover and period of incorporation or 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.

EXPLANATION : This rule defines various key terms which are used throughout Rules for clarity and consistency in interpretation. The term “Act” refers to the Designs Act, 2000, which is the main legislation governing the registration and protection of industrial designs in India. The expression “Application in the United Kingdom or convention country or group of countries or inter-governmental organisation” refers to a design application filed in a foreign jurisdiction or with an international organisation that maintains a reciprocal arrangement with India, as recognised under Section 44 of the Designs Act, 2000. Such an application allows the applicant to claim priority in India based on the earlier foreign filing. The Patent Office, which was founded in accordance with Section 74 of the Patents Act, 1970, and is in charge of managing design administration and registration in India, is referred to as the "Office." A design application filed in India under Section 44 of the Act that asserts priority over one that was previously filed in a convention country is referred to as a "Reciprocity Application." The term “set” refers to a collection of items belonging to the same general category, which are typically marketed or utilized together. These items share a common design theme, with only minor variations that do not affect their overall identity or visual coherence. A classic example would be a coordinated set of silverware or dinnerware, where each piece complements the others in form and style.
Rule (ea) defines a “small entity” to align with the categories under the Micro, Small and Medium Enterprises Development Act, 2006 (MSMED Act). A small entity refers to an enterprise that falls within the investment limits prescribed for medium enterprises under the Micro, Small and Medium Enterprises Development Act, 2006. Specifically, for enterprises engaged in manufacturing or producing goods, the investment in plant and machinery must not exceed the threshold defined in Section 7(1)(a) of the Act. For service-based enterprises, the investment in equipment must remain within the limit specified under Section 7(1)(b). The term “enterprise” encompasses any industrial undertaking, business concern or establishment regardless of its name that is involved in manufacturing goods or providing services related to industries listed in the First Schedule of the Industries (Development and Regulation) Act, 1951. While calculating investment, certain costs such as those for pollution control, research and development and industrial safety devices are excluded, as notified under the MSME Act. Additionally, for any foreign currency calculations, the reference rates issued by the Reserve Bank of India shall apply.
Rule (eb) defines a “startup” as an entity officially recognized under the Startup India initiative by the competent authority in India. For a foreign entity, it must meet the same criteria regarding turnover limits and period of incorporation or registration as prescribed under the Startup India framework and it must submit a declaration confirming compliance. The rule also specifies that when determining turnover any foreign currency value should be converted using the Reserve Bank of India’s reference exchange rate.

3. **Manner for leaving and serving documents: -**
   1. Any application, notice or other document authorized or required to be filed, left, made or given at the Office, or to the Controller or to any other person under the Act or these rules, may be sent by hand or by a prepaid letter addressed to the Controller or to that person through post or courier service or by electronic transmission duly authenticated. If sent by a prepaid letter or courier service or by electronic transmission duly authenticated, it shall be deemed to have been filed, left, made or given at the time when the letter containing the same would have been delivered in the ordinary course of post or courier service or electronic transmission duly authenticated, as the case may be. In proving such sending, it shall be sufficient to prove that the letter was properly addressed and transmitted, provided that any application, notice or document sent through fax or by electronic mail shall also be deemed to have been filed, left, made or given if the same is clear and fully legible and its original or the paper copy, as the case may be, is submitted to the office within fifteen days from the date of receipt of the document so faxed or electronically mailed except where the fee is required to be accompanied with the documents.
   2. Any written communication addressed to a registered proprietor of a design at his address as it appears on the Register of Designs, or at his address for service, or to any application or opponent in any proceedings under the Act or these rules, at the address appearing on the application or notice of opposition, or given for service, as hereinafter provided, shall be deemed to be properly addressed.
   3. Any application for registration of design, application for extension of copyright, petition for cancellation of registration of design and application for rectification of Register or Design along with the prescribed fees authorized or required may be filed, left, made or given to the branch office also by the applicant.
   4. The branch office shall transmit such applications or documents to the Head Office of the Patent Office for processing and prosecuting the same.

EXPLANATION : This rule is about the procedure for leaving and serving documents under the Design Act, 2000. Any application, notice or document required under the Act may be submitted in person by post, courieror through authenticated electronic means. When sent by post, courier, or electronic transmission, the document is considered filed at the time it would ordinarily be delivered. Documents sent via fax or email are also accepted, provided they are clear, legible and the original or paper copy is submitted to the office within fifteen days, except where fees must accompany the submission. Any communication addressed to a registered proprietor, applicant, or opponent at their registered address is deemed properly served. Applications, petitions, or other documents, along with the prescribed fees, may also be filed at a branch office, which will forward them to the Head Office for processing and further action.

4. Address for service:-

Every applicant or opponent in any proceeding under the Act or these rules, and every person who shall hereafter become a registered proprietor of a design, shall give an address for service in India and such address may be treated, for all purpose connected with the design as the actual address of such applicant, opponent, registered proprietor. Unless such an address is given, the Controller shall be under no obligation either to proceed with the application or the opposition, or to send any notice that may be required by the Act or rules framed there under:

Provided that such address for service shall include e-mail address and mobile number registered in India, of the agent or applicant.

EXPLANATION: The required contact information that each applicant, legal opponent, or prospective registered owner of a design must supply within India is known as the "Address for Service".This address is treated as the official point of contact for all matters related to the design, including communications, notices, and procedural correspondence. If such an address is not furnished, the Controller is not obligated to process the application or opposition, nor to issue any statutory notices. Importantly, the address for service must include a valid email address and mobile number registered in India, either of the applicant or their authorized agent. This ensures reliable and traceable communication throughout the design registration or dispute process.

5. Fees: -

1. The fees to be paid in respect of the registration of designs, and application therefor, and in respect of other matters, with relation to Designs Act and rules framed thereunder, shall be those as specified in the First Schedule of the rules.
2.
    a. The fees payable under these rules may either be paid in cash or through electronic means or may be sent by bank draft or cheque payable to the Controller and drawn on a scheduled bank at the place where the office is situated.
    b. Where a fee is payable in respect of a document, the entire fee shall accompany the document.
    c. Fees once paid in respect of any proceedings shall not ordinarily be refunded irrespective of whether the proceeding has taken place or not.
    d. Subject to the approval of the competent authority any applicant or an agent may deposit money in advance once in a financial year and request the Controller to realise any fee payable by him from the said deposit and in such case date of the receipt of the request to realise the fee or the date on which the request to realise the fee is deemed to have been received, whichever is earlier, shall be taken as date of payment of fee: Provided that the requisite amount of money is available at the credit of the person making the request.
    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.

Explanation: Where a startup or small entity, having filed an application for a design, ceases to be a startup or 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.

EXPLANATION: The First Schedule of the Designs Rules lists the costs associated with design registration, application filing, and other activities governed by the Designs Act and its regulations. It is possible to pay these fees in cash, electronically or by bank draft or cheque payable to the Controller and drawn on a scheduled bank at the office location. When a document has a charge associated with it, the whole fee must be paid at the time of submission.

Once a fee is paid, it is generally not refundable, even if the related process or proceeding does not take place. However, with the approval of the competent authority, an applicant or agent may deposit money in advance once in a financial year. The Controller may then deduct the required fees from this deposit. In such cases, the date of payment is considered as the date when the request for deduction is made or deemed to have been received, whichever is earlier, provided that there are enough funds in the deposit.

If an application originally filed by a natural person, startup, or small entity is later transferred (fully or partly) to someone who does not fall under these categories, the new applicant must pay the difference in fees at the time of applying for the transfer. However, if a startup or small entity loses its status only because its recognition has expired or its turnover has crossed the prescribed limit, no additional fee difference is required for that application.

6. Forms

1. The forms set forth in the Second Schedule, with such variations, as the circumstances of each case require, shall be used for the purposes mentioned therein. Provided that in the case of small entity, every document, for which a fee has been specified, shall be accompanied by Form 24.
2. When no form is so specified for any purpose, the applicant may adopt any form specified in the Second Schedule with such modification and variation as the controller may permit.

EXPLANATION: For any design-related application, forms prescribed in the Second Schedule should be used. - Forms may be varied depending on the circumstances of each case. If you're applying as a small entity, every document that requires a fee must also include Form 24. If no specific form is prescribed for a purpose. The applicant may use any form from the Second Schedule. Such form must be modified or varied as permitted by the Controller.

7. Size, etc., of documents.

1. All documents and copies of documents except drawings or representation, sent to or filed, left at the Office or otherwise furnished to the Controller shall be written, typewritten, lithographed, or printed in the English/Hindi language (unless otherwise directed), in large and legible character with deep permanent ink upon one side only of strong white paper of [A4 size (210 mm x 296.9mm) with a margin of] four centimeters on the left had part thereof. Signatures thereto shall be written in a large and legible hand and any signature which is not legible or which is written in a script other than English shall be accompanied by a transcription of the name in English in block letters. Additional copies of documents shall be filed at the Office, if at any time required by the Controller. Names and addresses of applicants and other persons shall be given in full together with their nationality and such particulars, if any, as are necessary for identification.

EXPLANATION: All documents submitted to the Controller except drawings or representations must be written, typed, lithographed, or printed in English or Hindi (unless directed otherwise). They should be in large, clear characters using deep permanent ink on one side of strong white A4 paper (210 mm × 296.9 mm) with a 4 cm margin on the left. Signatures must be clear and legible; if written in a script other than English or not easily readable, they must be accompanied by the name transcribed in English block letters. Additional copies may be required by the Controller. Full names, addresses, nationality and other identifying details of applicants or related persons must be provided.

8. Signature and verification of documents specified in sections 5, 12, 19 and 37: -
The documents specified in sections 5,12,19 and 37 of the Act shall be dated and signed at the foot, and shall contain a statement that the facts and matters stated therein are true to the best of the knowledge, information and belief of the person signing them.

EXPLANATION: Documents submitted under sections 5, 12, 19, and 37 of the Designs Act must be dated and signed at the bottom. They should also include a declaration stating that the information provided is true to the best of the signer's knowledge, information, and belief.

9. Agency:-
For all matters falling under the provisions of section 43 of the Act, applicant may, unless otherwise directed by the Controller, authorize under his personal signature, any person specified in section 43 to act as his agent and to receive all notices, requisitions and communications. The authority may be given in Form- 21.

EXPLANATION: This rule explains how an applicant can appoint an agent to act on their behalf in design-related matters. In matters covered under Section 43 of the Designs Act, the applicant is allowed to appoint an agent (a person who is qualified to act before the Controller) to handle all design office work. The appointment must be made under the applicant's personal signature, meaning the applicant must personally sign the authorization. Once authorized, the agent can receive all official notices, communications, and requisitions from the Controller on behalf of the applicant. This authorization is made using Form-21. However, if the Controller issues any specific instructions to the contrary, those instructions shall be complied with.

10. **Classification of goods**
1. 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): Provided that registration of any design would be subject to the fulfillment of provisions of the Act specifically 2(a) and 2(d).
2. If any doubt arises as to the class to which any particular description of article belongs, it shall be determined by the Controller in consultation with the applicant wherever required.

EXPLANATION: According to this rule, all articles for design registration must be classified according to the latest edition of the International Classification for Industrial Designs (Locarno Classification) published by WIPO. This ensures that India follows international standards for classifying designs. However, a design will be registered only if it meets the legal definitions of "article" and "design" given in Sections 2(a) and 2(d) of the Designs Act. If there is any doubt about the correct class of an article, the Controller will decide the appropriate class after consulting the applicant, if necessary.

APPLICATION FOR REGISTRATION

11. Application: -

1. An application under Section 5 of the Act for the registration of a design shall be accompanied by four copies of the representation of the design and the application and each of copy of the representation of the design shall be dated and signed by the applicant or his agent.
2. The application shall state the class in which the design is to be registered, and the article or articles to which the design is to be applied.
3. If it is desired to register the same design in more than one class of article, a separate application shall be made in each class of article and the application shall contain the number or numbers of the registration or registration already effected.
4. If so required by the Controller, the applicant shall state purpose for which the article is used.

EXPLANATION: According to this rule, when applying for design registration under Section 5 of the Designs Act, the applicant must submit four copies of the design representation. Each copy must be dated and signed by the applicant or their authorized agent. The application must clearly mention the class under which the design is being registered; and the article(s) to which the design will be applied. If the same design needs to be registered for more than one class of article, a separate application must be filed for each class. These applications should also refer to any existing registration numbers if the design has already been registered. If the Controller asks, the applicant must specify the purpose or intended use of the article for which the design is being registered.

12. Statement of novelty: -

The applicant may, and shall, if required by the Controller in any case so to do, endorse on the application and each of the representation a brief statement of the novelty he claims for his design.

EXPLANATION: The rule 12 states that the applicant can, and must if the Controller asks, write a short statement on the application and each design copy explaining what is new or unique about the design.

13. Additional copies of representation or specimens: -

If the controller in any case so requires, the applicant shall supply one or more representations or specimens of the design in addition to those supplied with the application.

EXPLANATION: As per this rule, if the Controller requests, the applicant must provide one or more extra copies of the design representation or actual specimens, in addition to the copies already submitted with the application.

14. Representation: -

1.The four copies of the design required by Rule 11 shall be exactly similar drawings, photographs, tracings or other representations [including computer graphics] of the design or shall be specimens of the design.
2.When a design is to be applied to a set, each representation accompanying the application shall show all the various arrangements in which it is proposed to apply the design to the articles included in the set.

3.Each representation of the design whether to be applied to a single article or to a set, shall be on durable paper of A4 size (210mm x 296.9mm)(and not on cardboard) and shall appear on one side only of the paper. The figure or figures shall be placed in an upright position on the sheet in size in which the details are clearly visible. When more figures than one are shown, these shall, where possible, be on one or more sheets, and each shall be designated (e.g., perspective view; front perspective view; front view, side view) etc.
4.When a design is to be applied to a set, any doubt whether the given articles do or do not constitute a set shall be determined by the Controller.
5.If the specimens are not, in the opinion of the Controller, suitable for record in the office they shall be replaced by representations.
6.Where words, letters or numerals are not of the essence of the design, they shall be removed from the representations or specimens; where they are of the essence of the design, the Controller may require the insertion of a disclaimer of any right to their exclusive use.
7.Each representation of a design, which consists of a repeating surface pattern, shall show the complete pattern and a sufficient portion of the repeat in length and width, and shall not be of less size than 13.00 centimeters by 10.00 centimeters.
8.If the name or representations of living persons appear on a design the Controller shall, if he so requires, be furnished with consents from such persons before proceeding to register the design. In the case of deceased person, the Controller may call for consent from the legal representative before proceeding with registration of the design on which the names or representations appear.
9.Photographs shall be pasted on the representation sheets firmly only with the help of strong adhesive, not by any other means including stapler pin and cellotape.
10.Where photographs are used in the representation sheets, one of the four copies of the representation sheets shall not be covered with cellophane/tracing papers, or any other papers.

EXPLANATION: All design representations must be accurate, clear and properly presented. The four copies submitted under Rule 11 should be identical and may include drawings, photographs, tracings, computer graphics, or actual specimens. When a design is applied to a group of articles, all of the design's arrangements must be displayed, and the Controller will determine if the articles make up a set. Each representation should be on durable A4 paper, on one side only, with the design upright and clearly visible, including multiple views labeled appropriately. If specimens are unsuitable for office records, they must be replaced with representations. Words, letters, or numerals not essential to the design should be removed, while essential ones may require a disclaimer. Repeating surface patterns must show the complete pattern and a sufficient portion of the repeat, with a minimum size of 13 cm by 10 cm. If the design includes names or images of living persons, consent must be provided, and for deceased persons, consent may be required from legal representatives. Photographs must be firmly pasted with strong adhesive, not stapled or taped, and at least one copy must remain uncovered by cellophane or tracing paper.

15. Reciprocity application for the registration of a design: -
1. Every reciprocity application for the registration of a design shall contain a statement that an application in United Kingdom or convention country or group of countries or inter-governmental organisation has been made for the protection of the design to which such reciprocity application relates and shall specify convention country or group of countries or inter-governmental organisation in which any such application has been made and the official date or dates thereof respectively.

The application shall be made within six months from the date of the first application in United Kingdom or convention country or group of countries or inter-governmental organisation by the person by whom such application in United Kingdom or convention country or group of countries or inter-governmental organisation was made, or by the legal representative or assignee of the person either alone or jointly with any other person.
2. In addition to the four copies of the representations of the design filed or left with every reciprocity application for the registration of a design, a copy of the design filed or deposited by the applicant or his predecessor in title as the case may be, in respect of the first application in United Kingdom or convention country or group of countries or inter-governmental organization, duly certified by the Official Chief or Head of the organization in which it was filed, or deposited or otherwise verified to the satisfaction of the Controller, shall be filed or left at the office at the same time as the reciprocity application or within such further time not exceeding three months as the Controller may allow on an application made in Form 18 with the fee specified in the First Schedule.
3. Save as aforesaid and as provided by Rule 30 all proceedings in connection with a reciprocity application shall be taken within the time and in the manner required by the Act or prescribed by these rules for ordinary application.

EXPLANATION: According to rule 15, a reciprocity application is made in India based on a prior application filed in the United Kingdom, a convention country, a group of countries, or an inter-governmental organization. The application must include a statement specifying where the earlier application was madeand its official date(s); and it must be filed within six months of the first foreign application by the original applicant, their legal representative, or assignee. Along with the four copies of design representations, a certified copy of the foreign application, verified by the official head of the organization or to the satisfaction of the Controller, must be submitted either at the time of filing or within three months if allowed by the Controller on Form 18 with the prescribed fee. Except for these provisions and as provided under Rule 30, all other procedures and time-lines for reciprocity applications follow the same requirements as ordinary design applications under the Act and rules.

16. Manner in which a claim under sub-section (1) of Section 8 shall be made.—
1. A claim under sub-sections (1) [and (5)] of Section 8 shall be made inForm-2.
2. The original assignment or agreement or other document affecting right, title or interest in the application or an official or notarially certified copy thereof shall also be furnished for the Controller's inspection and the Controller may call for such other proof of title or written consent as he may require.

EXPLANATION: As per this rule, a claim under sub-sections (1) or (5) of Section 8 must be made using Form-2. The applicant is required to submit the original assignment, agreement, or any other document establishing their right, title, or interest in the design application, or an officially or notarially certified copy for the Controller’s inspection. The Controller may also request additional proof of title or written consent as deemed necessary to verify the claim.

17. Acceptance
Upon receipt of an application for registration, the controller may accept it, if he considers that there is no lawful objection in the report of examiner to the design being registered. After acceptance the Controller will issue the certificate of registration as specified in the Fifth Schedule of the rules

EXPLANATION: According to the rule 17, when a design application is submitted, the Controller reviews the examiner's report to check for any lawful objections. If the Controller finds no valid objections, the application is accepted. Once accepted, the Controller issues the certificate of registration in the format specified in the Fifth Schedule of the Designs Rules.

18. Objections:-

1. If on consideration of the report of the examiner on the application referred under sub-section (1) of Section 5, any objection appear to the Controller is adverse to the applicant or requires any amendment of the application, a statement of such objections shall be sent to the applicant or his agent in writing, and unless within three months from the date of official communication of objection the applicant or his agent removes the objection or applies for hearing, the applicant shall be deemed to have withdrawn his application:
2. Provided that the period for removal of the objection shall not exceed the time period of six months from the date of filing of the application or may be extended for a further period not exceeding three months on a request made in Form 18 by the applicant or his agent along with the fee specified in the First Schedule before the expiry of the stipulated period of six months.
3. If the applicant or his agent applies for a hearing under sub-rule (1) within a period of three month from the date of communication of the statement of objections or if the Controller considers it desirable to do so, whether or not the applicant has refiled his application, fix a date for hearing having regard to the time remaining for completion of the application as provided under Rule 21.
4. When a hearing has been fixed under sub-rule (2) the applicant shall be given at least 10 days notice of such fixation or such shorter notice as appear to the Controller to be reasonable in the circumstances of the case and applicant shall as soon as possible notify the Controller whether he shall attend the hearing.
5. Hearing, as required under sub-rules (1), (2) and (3) may be allowed whenever possible on phone followed by detailed submission on tele-fax/e-mail.
6. After hearing the applicant or without a hearing if the applicant has not attended or has notified that he does not desire to be heard, the Controller may register or refuse to register the design as he thinks fit.

EXPLANATION: This rule explains about the objections and hearing of a design application. After examining a design application, if the examiner's report shows any objections either adverse to the applicant or requiring amendments, the Controller will send a written statement of objections to the applicant or their agent. The applicant has three months from the date of receiving the objection to remove the objection or request a hearing. The overall period for removing objections cannot exceed six months from the date of filing the application. This period can be extended by up to three months if the applicant applies in Form 18 and pays the fee before the six-month period ends. If the applicant requests a hearing within the three-month period or if the Controller thinks a hearing is necessary, a hearing date is fixed considering the remaining time for completing the application. The applicant is given at least 10 days' notice or a shorter period if the Controller consider it reasonable and must inform the Controller whether they will attend. Hearings can be conducted by phone followed by detailed submissions via fax or email. After the hearing, or if the applicant chooses not to attend, the Controller may register or refuse to register the design at their discretion.

19. Decision of Controller: -
The decision of the Controller containing the grounds and materials used by him in arriving the decision at such hearing as aforesaid shall be communicated in writing to the applicant or his agent.

EXPLANATION: According to the rule 19, after considering a design application and any hearing, the Controller makes a decision on whether to register or refuse the design. This decision will include the reasons and the materials relied upon by the Controller in reaching it. The decision is then communicated in writing to the applicant or their authorized agent.

20. Date for appeal: -
The date on which the decision of the Controller is dispatched shall be deemed to be the date of the Controller's decision for the purpose of appeal.

EXPLANATION: According to the rule 20, the date on which the Controller's decision has been dispatched will be treated as the date of the Controller's decision for the purpose of appeal.

21. Non-completion within stipulated period.
An application which owing to any negligence or default of the applicant, has not been completed so as to enable registration to be effected within six months or within extended period as specified in Rule 18 from the date of application, shall be deemed to be abandoned.

EXPLANATION: According to this rule, If an applicant fails to complete the registration process within six months from the date of application or within the extended time allowed under Rule 18 due to their own negligence or default, the application will be treated as abandoned. This means it will no longer be considered for registration and will not proceed further.

22. Publication of the particulars of registered design under Section 7
On acceptance of the design filed in respect of an application, the Controller shall direct the registration and publication of the particulars of the application and the representation of the article to which the design has been applied, in the Official Journal referred to in Section 145 of the Patents Act, 1970 (39 of 1970). When publishing in the Journal referred to in Section 145 of the Patents Act, 1970 (39 of 1970), the Controller may select one or more views of the representation of the design, which, in his opinion, would depict the design best.

EXPLANATION: According to the rule 22, once a design application is accepted, the Controller shall order the registration and arrange for the publication of its details in the Official Journal (as per Section 145 of the Patents Act, 1970). When the design is published in the Patent Office Journal, the Controller can choose one or more views (like front, side, top) that best show what the design looks like.

23. Manner of making an application under sub-section (2) of section 11: -
An application under sub-section (2) of section 11 shall be made in Form -3.

EXPLANATION: According to the rule 23, an application under section 11(2) of the Designs Act 2000, should be made in Form 3.

24. Restoration of Designs: -

1. An application for the restoration of a design under Section 12 shall be made in Form - 4.
2. Upon consideration of the application and the evidence adduced by the proprietor of the design, if any, if the Controller is satisfied that a prima facie case for the restoration of the design has not been made out he shall intimate the proprietor of the design accordingly, and unless within one month from the date of such intimation the proprietor requests to be heard in the matter, the Controller shall refuse the application.
3. If the registered proprietor requests for hearing within the time allowed and the Controller after giving the register proprietor such a hearing, is prima facie satisfied that the failure to pay the fee for extension of copy right was unintentional, he shall allow the application for restoration.

EXPLANATION: According to the rule 24, an application for the design restoration under section 12 of the Designs Act 2000, should be made in Form 4. After checking the restoration application and any documents, if the Controller feels there's no good reason to restore the design, a written notice will be sent to the proprietor. The proprietor then has 1 month time to request for a hearing. If no hearing is requested within that time, the application is rejected.

25. Payment of unpaid extension fee: -

1. If the Controller decides in favour of the registered proprietor of the design, the proprietor shall pay the unpaid fees for the extension of copyright and additional fee specified in the First Schedule, within a month from the date of the order of the Controller allowing the proprietor for restoration of the design.
2. The Controller shall advertise in the Official Journal referred to in Section 145 of the Patents Act, 1970 (39 of 1970) his decision on the application for restoration.

EXPLANATION: According to the rule 25, if the Controller approves the restoration of a design, the registered proprietor must pay the pending renewal (extension) fee along with any additional fee mentioned in the First Schedule, within one month from the date of the Controller's order allowing the restoration. After this, the Controller will publish the decision regarding the restoration of the design in the Official Journal referred to under Section 145 of the Patents Act, 1970.

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MARKING OF ARTICLES

1. **Marking of articles before delivery on sale:**

Before delivery on sale of any article to which a registered design has been applied, the proprietor of such design shall cause each such article to be marked with the word REGISTERED or with the abbreviation REGD., or with the abbreviation RD, as he may choose, and also (except in the case of articles made of soft or brittle in nature to which have been applied designs registered in different classes of articles) with the number appearing on the certificate of registration:

Provided that the requirements of this rule and clause (b) of sub-section (1) of Section 15 of the Act shall be dispensed with as regards-

1. Textile goods in which the design is printed or woven, other than handkerchiefs; and
2. Articles made of charcoal dust, which are brittle and which are not sold in single pieces.

EXPLANATION: According to the rule 26, before selling any product that uses a registered design, the owner must mark each item with the word REGISTERED, or the short form REGD., or RD, and the registration number from the certificate.This helps others know the design is legally protected. However, there are exceptions to this rule: it does not apply to textile goods where the design is printed or woven (except for handkerchiefs), and to brittle items made from charcoal dust that are not sold individually.

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INSPECTIONS AND SEARCHES

27. Registered designs shall be open to public inspection after the notification of the said design in Official Journal referred to in Section 145 of the Patents Act, 1970 (39 of 1970) and the application together with representation of the design may be inspected on a request made in Form-5.

EXPLANATION: According to the rule 27, all the registered designs should be open for the public inspection after the notification of the said design in the Official Gazette. Any design application along with the design representation can be inspected by anyone interested, upon submission of any such request made in the Form – 5.

28. Search under section 18: -
Request for information as specified in Section 18 of the Act may be made by any person in Form - 6 with the fee as specified in the Schedule of fees and shall contain the registration number of the design for which information is required.

If the applicant is unable to furnish the registration number of the design, he shall file with the Controller, in Form - 7 together with such information as is in his possession, and the Controller shall thereupon cause search to be made in the class indicated therein as much as be possible on the information supplied, and shall furnish such information as may be obtainable. Where Form - 7 is accompanied by a representation or specimen of the design, such representation or specimen shall be furnished in duplicate.

EXPLANATION: According to the rule 28, under section 18 of the Designs Act, any person seeking information about a registered design may submit a request using Form-6, along with the prescribed fee as outlined in the Schedule of Fees. This request must include the registration number of the design in question. Moreover, if the applicant is unable to furnish the design registration number, then he should contact the Controller and should make a request in Form 7 together with all the information available to him/her. Based on the information provided and the class indicated, the Controller will conduct a search to the extent possible and furnish any obtainable information. If Form-7 is accompanied by a representation or specimen of the design, it must be submitted in duplicate.

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CANCELLATION

29. Cancellation of registration of designs under section 19: -

1. A petition to the Controller for the cancellation of the registration of a design shall be made in duplicate in Form - 8 and shall be accompanied by a statement and evidence in duplicate setting out the nature of the applicant's interest and the facts upon which he bases his application.
2. If the petition for the cancellation of the registration of a design is made by person who is not the registered proprietor, a copy of the petition along with the statement and evidence shall be transmitted by the Controller to the registered proprietor.
3. If the registered proprietor intends to oppose the application he shall within a time to be specified by the Controller, file at the office a counter statement and evidence setting out the grounds on which he intends to oppose the application and shall deliver to the applicant a copy thereof simultaneously.
4. The applicant may, after delivery to him of the copy of the registered proprietor's counter statement and evidence leave at the office, evidence in reply by way of affidavits in support of his case and shall also deliver to the registered proprietor a copy of thereof simultaneously.
5. Omitted
6. Omitted
7. No further statement of evidence shall be left by either party except by leave of or on requisition by the Controller.
8. Where a document is in a language other than English and is referred to in any statement or evidence filed in connection with an petition under Section 19 or opposition thereto, an attested translation thereof in English shall be furnished in duplicate.
9. The time allowed for filling the counter-statement and evidence or for leaving reply evidence shall ordinarily be one month which may be extended only by a special order of the Controller given on a petition with the fee specified in the First Schedule made by party seeking extension of time: Provided that the extension so granted shall in no case exceed three months in aggregate.
10. On completion of the filing of the statement and the evidence referred to sub-rules (1) to (8) or at such other time as he may decide, the Controller shall appoint a hearing of the petition for cancellation and shall give the parties not less than ten days' notice of such hearing.
11.If either party desires to be heard, he shall give to the Controller a notice in Form - 20 of his intention to attend the hearing.
12. If, at the hearing, either party intends to refer to any publication, he shall give to the Controller and to the other party not less than five days' notice of such intention, together with the details of the publication to which he intends to refer.
13. After hearing the party or parties desirous of being heard or without a hearing, if neither party desires to be heard or attends the hearing, the Controller shall decide on the petition and the opposition, if any, and notify his decision to the parties.

EXPLANATION: This rule indicates the procedure for cancellation of registration of designs under Section 19 and the various steps involved are as follows;

- Petition must be filed in Form-8, in duplicate, with statement and evidence.
- If petitioner is not the registered proprietor, Controller sends documents to the proprietor.
- Proprietor may oppose by filing counter-statement and evidence within time specified; copy to applicant.
- Applicant may file reply evidence (affidavits); and must also deliver a copy to the registered proprietor.

- No further evidence allowed unless permitted by Controller.
- Non-English documents must be filed with attested English translations in duplicate.
- Time for filing counter/reply evidence: 1 month, extendable up to 3 months by special order with fee.
- Controller appoints hearing after evidence filing; and notify both parties at least ten days in advance.
- Parties must notify intention to attend hearing via Form-20.
-If a party plans to refer to any publication during the hearing, that party must notify the Controller and the other party at least five days prior, including details of the publication.
- Controller decides petition after hearing or without hearing if none attend; decision is notified.

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30. Registering designs: -

1.Where a design is accepted, there shall be entered in the Register of Design, in addition to the particulars required by the Act, the number of the design, the class in which it is registered, the date of filing the application for registration in this country, the reciprocity date, if any, claim for the registration, and such other matters as would effect the validity or proprietorship of the design.

2.When such Register of Design is maintain wholly or partly on computer under floppies or diskettes, such computer floppies or diskettes shall be maintained under superintendence and control of Controller and in case of any dispute or doubt with regard to information of designs, the information as contained in the backup file or master file shall be final.

3.Where the accepted design is one in respect of which a reciprocity date has been allowed, the registration, the extension or the expiration of the copyright in the said design shall be reckoned from such reciprocity date.

EXPLANATION: This rule outlines how the registration of a design is officially recorded and maintained in the Register of Designs once it has been accepted by the Controller.

Recording design details: When a design is accepted for registration, specific details must be entered in the Register of Designs. These include:

- The registration number of the design,
- The class in which the design is registered (as per the classification system),
- The date of filing of the application in India,
- The reciprocity date, if the design has been filed in a convention country earlier,
- The claim for registration, and
- Any other information that may affect the validity or ownership of the design.

This ensures that all essential information about the registered design is properly documented for legal and administrative purposes.

Maintenance of electronic records:

- If the Register of Designs is maintained digitally (on computers, floppies, or other electronic media), it must be done under the supervision and control of the Controller.
- In case of any dispute or confusion regarding the details of a design, the information stored in the backup or master file will be treated as the final and authentic record.

Reciprocity date effect: If the design was filed first in a foreign country that has a reciprocal arrangement with India, and the applicant claims that earlier foreign filing date (reciprocity date), then the registration, extension, or expiry of copyright in the design will be calculated from that reciprocity date instead of the Indian filing date.

31. Alteration of address:

A proprietor of a registered design may make a request in Form - 22 to the Controller for alteration of his name, or address,, or addresses for service, in the Register of Design. The Controller may require such proof of alteration so requested as he may think fit before acting on the request and on satisfaction, the Controller shall cause the Register to be altered accordingly.

EXPLANATION: According to the rule 31, a proprietor of a registered design may make a request for the alteration of his name, or address, or addresses for service, in the Register of Design by submitting Form 22 to the Controller. The Controller may ask for proof or supporting documents (like a name change certificate, address proof, etc.) to verify the change.Once the Controller is satisfied with the evidence, the Register of Designs will be officially updated to reflect the new information.

32. Registration of documents under sub-section (3) of section 30: -
An application referred to in sub-section (3) of section 30 shall be made in Form- 10.

EXPLANATION: According to the rule 32, an application referred to the section 30(3) should be made in form 10.

33. Application for entry of subsequent proprietorship: -
An application referred to in sub-section (1)or (2) of the section 30 shall be made to the Controller in Form 11 or 12 or 13 as the case may be.

EXPLANATION: This rule deals with the transfer of ownership (proprietorship) of a registered design for example, when a design is sold, assigned, or transmitted to another person or company. The new proprietor must apply to the Controller of Designs using the correct form, depending on the nature of ownership change:
Form 11 – For entry of the name of a new proprietor or part-proprietor in the Register of Designs(i.e. when ownership changes by assignment or transmission.)
Form 12 – For entry of a mortgage or license relating to a registered design in the Register of Designs (i.e. when ownership changes through mortgage, license, or other interest.)
Form 13 – For entry of a notification of a document in the Register of Designs (e.g., court orders, rectifications, or other legal documents affecting ownership).

34. Particulars in applications: -
An application under Rule 33 shall contain the name, address and nationality of the person claiming to be entitled, together with full particulars of the instrument, if any, under which he claims.

EXPLANATION: According to the rule 34, when an application is made for the entry of a new proprietor, license, or other rights in the Register of Designs, it must include certain essential details. The applicant must provide their name, address, and nationality, along with complete particulars of the document or instrument (such as an assignment deed, license agreement, mortgage deed, or court order) under which they claim ownership or rights in the design.

35. Production of documents of title and other proof:
Every assignment, and every other document containing, giving effect to or being evidence of the transmission of copyright in a registered design or affecting the proprietorship thereof or creating an interest therein as claimed in application under Rule 33 shall unless the Controller otherwise directs, be presented to him either in original, or notarially certified true copy together with the application and he may call for such other proof of title or written consent as he may require for his satisfaction: Provided that in the case of a document which is a public document, an official or certified copy thereof may be presented.

EXPLANATION: According to the rule 35, whenever an assignment, transmission, or any other document that transfers or affects the ownership or rights in a registered design is relied upon, the applicant must submit that document to the Controller of Designs either as the original or as a notarially certified true copy. This document must be submitted along with the application made under Rule 33. The Controller has the authority to ask for any additional proof of title or written consent (for example, from the previous owner) if he feels it is necessary to verify the authenticity of the transfer or ownership claim. However, there is a proviso (exception): if the document in question is a public document (such as a record from a government office or an official register), then an official or certified copy of that document can be submitted instead of the original or a notarized copy.

36. Form of entry: - The entry to be made in the Register on request under rule 34 shall be in the following form: -

"In pursuance of an application received on the
[……]
Registered as Proprietor
Licensees
Mortgagees
etc.
By virtue of Assignment
Licence
Mortgage deed
etc.
dated _____ and made between _____
of the one part and _____
of the other part.

EXPLANATION: According to the rule 36, all the entries should be made in the Register of the Design upon request made under rule 34, in the above disclosed format.

37. Entry of notification of documents:
An application for entry in the Register of Design of notification of any document (not already provided for), purporting to affect the proprietorship of a registered design, shall be accompanied by an attested copy of the document, the accuracy of such copy being certified as the Controller may direct, and the original or notarially certified true copy of the document shall at the same time be produced and left at the Office if required for further verification..

EXPLANATION: This rule deals with the process of recording any document that affects the ownership or rights of a registered design, other than those already covered by earlier rules (like assignments, licenses, or mortgages).When such a document exists e.g. a court order, rectification order, or any legal document that changes or impacts the proprietorship of a design, the person concerned must make an application to the Controller for entering a notification of that document in the Register of Designs. The application must be accompanied by an attested copy of the document and this copy must be certified for accuracy in the manner the Controller specifies. Additionally, if the Controller requires it, the original document or a notarially certified true copy must also be produced and left at the Design Office for verification purposes.

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38. Hours of inspection of Register: -
The Register of Designs shall be open to the inspection of the public at all times on which the Office is open to the public, except at times when they are required for actual official use.

EXPLANATION: According to the rule 38, the Register, which contains official details about all registered designs, their proprietors, and related entries shall be open for public inspection during the office's regular public working hours. However, there is one exception: the Register may not be available for inspection when it is being used for official purposes (for example, when the office staff are updating entries or verifying records).

39. Rectification of Register:
If an application is made for the rectification of the Register of Design under Section 31 of the Act, the Controller shall notify all persons whose names, at the time of the application are entered on the Register as claiming an interest in the design, and shall advertise the application in the Official Journal referred to in Section 145 of the Patents Act, 1970 (39 of 1970).

EXPLANATION: When someone requests a correction (i.e. if there is an error in ownership details, a wrongly recorded design, or any incorrect or outdated information) in the Register of Designs, the Controller must inform everyone connected to that design and publish a notice in the Official Journal making the matter public so that any interested party can raise objections or provide input.

40. Opposition to rectification: -
Notice of opposition to any rectification of the Register of Design may be given within three months of the advertisement of the application for rectification.
The opponent shall, within fourteen days of giving notice of opposition, leave at the office his written statement [and the evidence] in duplicate setting out the nature of his interest, the facts upon which he bases his opposition and the relief, which he seeks.
The Controller shall furnish the applicant with a copy each of the notice of opposition and the written statement [and evidence].
The procedure specified in sub-rules (3) to (11) of Rule 29 relating to leaving evidence and hearing shall, so far as may be, apply to the hearing of the application under Section 31 as they apply to the hearing of a petition under Section 19.

EXPLANATION: This rule deals with the procedure of filing opposition to rectification of the Register of Designs. According to this rule, any person may file a notice of opposition within three months from the date of rectification application is advertised. The opponent is required, within fourteen days of giving such notice, to submit at the Design Office a written statement and supporting evidence in duplicate. This statement must clearly outline the nature of the opponent's interest, the factual grounds for opposition, and the relief sought. The Controller shall provide the copies of the notice of opposition, the written statement and the evidence submitted by the opponent, to the applicant for rectification. The subsequent proceedings-including submission of further evidence and conduct of the hearing- are governed by the same procedural framework as laid out in sub-rules (3) to (11) of Rule 29, which deals with hearings under Section 19 of the Designs Act.

CERTIFICATES

41. Certified copies of documents: -
Certified copies of an entry in the Register of Design or certified copies of, or extracts from disclaimers, affidavits, declarations and other public documents in the Office, or from Register and other records, shall be furnished by the Controller on payment of the prescribed fee.

EXPLANATION: Rule 41 allow any person to obtain official certified copies of design-related documents from the Designs Office after paying the required fee. These copies serve as legal proof and are often required for litigation, court proceedings, licensing, academic research or institutional records.

42. Form etc. of affidavits: -

1. The affidavits required by the Act and these rules, or used in any proceedings there under, shall be headed in the matter or matters to which they relate, shall be drawn up in the first person, and shall be divided into paragraphs consecutively numbered; and each paragraph shall, as far as possible, be confined to one subject. Every affidavit shall state the description and true place of abode of the person making the same, shall bear the name and address of the person leaving it and shall state on whose behalf it is left.
2. Affidavits shall be confined to such facts as the deponent is able of his own knowledge to prove, expert on interlocutory applications, on which statements of his belief may be admitted, provided that the grounds thereof are stated.
3. Affidavits shall be sworn to as follows:—
4. In India, before any Court or person having by law authority to receive evidence, or before any officer empowered by such Court or person as aforesaid to administer oaths or to take affidavits;
5. In any country or place outside India, before a diplomatic or consular office, within the meaning of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948) in such country of place or before a notary of the country or place, recognized by the Central Government under Section 14 of the Notaries Act, 1952 (53 of 1952), or before a judge or magistrate of the country of place.
6. The person before whom an affidavit is sworn shall state the date on which and the place where the same is sworn to and shall affix thereto his seal, if any, or the seal of the Court if the affidavit is sworn to before the Court or an officer empowered by that Court and signed his name and state his designation and address at the end thereof.
7. Any affidavit purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorized under sub-rule (3), in testimony of the affidavit having been sworn to before him, may be admitted by the Controller without proof the genuineness of the seal or signature, or of the official position of that person.
8. Alterations and interlineations shall, before an affidavit is sworn to or affirmed be authenticated by the initials of the person whom the affidavit is sworn to.
9. Where the deponent is illiterate, blind or unacquainted with the language in which the affidavits is written, a certificate by the person before whom the affidavit is sworn to, the effect that the affidavit was read, translated or explained in his presence to the deponent, and the deponent seemed perfectly to understand it and has signed the affidavit or affixed his mark in his presence, shall be attached at the end of the affidavit.
10. Every affidavit filed before the Controller in connection with any proceeding under the Act or these rules shall be duly stamped under the provisions of any law for that time being in force.

EXPLANATION: This rule governs the format, content, attestation, and admissibility of affidavits submitted in proceedings under the Designs Act.

Clause	Main Provision/Requirement	Brief Explanation
(1)	Affidavit must be headed, written in first person, in numbered paragraphs; must state deponent's and filer's details.	Specifies the proper format and identification details of the affidavit. Must mention the matter it relates to (e.g., design number or proceeding)
(2)	Should contain only facts known personally; beliefs allowed in interim cases with reasons.	Ensures affidavits are based on personal knowledge, not hearsay.
(3)	(a) In India, must be sworn before a court or authorized officer.	Defines authorized persons for affidavits within India.
	(b) Outside India, must be sworn before diplomatic/consular officer, recognized notary or judge/magistrate.	Defines authorized persons abroad.
(4)	Officer must state date, place, seal, signature, designation, and address.	Ensures authentication and traceability of the affidavit.
(5)	Controller may accept affidavit without verifying seal or signature authenticity.	Simplifies acceptance of properly attested affidavits.
(6)	All alterations must be initialed before swearing.	Prevents unauthorized changes or tampering.
(7)	For illiterate/blind deponents, officer must certify it was read/explained and understood.	Protects deponent's understanding and consent.
(8)	Affidavit must be duly stamped under law.	Ensures legal validity through stamp duty compliance.

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AWARD OF COST BY CONTROLLER

43. Scale of Costs:
In all proceedings before the Controller, the Controller may, save as otherwise expressly provided by the Act or these rules, award such costs as he considers reasonable, having regard to all circumstances of the case provided that the amount of costs awarded in respect of any matters set forth in the Fourth Schedule to these rules shall not exceed the amount therein specified.

EXPLANATION: This rule empowers the Controller to award costs in any proceeding before them, provided such costs are reasonable and appropriate to the circumstances of the case. However, the amount cannot be more than the limit fixed in the Fourth Schedule. This ensures that cost awards remain fair, transparent, and proportionate to the case.

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MISCELLANEOUS POWERS OF CONTROLLER

44. Exercise of discretionary power of Controller, miscellaneous power of Controller:
The time within which a person entitled under Section 33 of the Act, to an opportunity of being heard shall exercise his option of requiring to be heard shall be one month from the date of a notice which the Controller shall give to such person or his agent before determining the matter with reference to which such person is entitled to be heard. If within that month such person or his agent requires to be heard, the Controller shall appoint a date for the hearing and shall give ten days' notice thereof: Provided that if the giving of ten days' notice would cause an application for the registration of design to be deemed to have been abandoned before the hearing, the Controller may curtail the period of notice.

EXPLANATION: According to this rule, any person entitled under Section 33 of the Designs Act (for example, someone affected by a design application) has the right to be heard before the Controller makes a decision. The person or their authorized agent must request to be heard within one month from the date of the notice issued by the Controller. The Controller will appoint a date for the hearing and shall normally give at least ten days notice of the hearing. But sometimes, if waiting 10 full days might cause the design application to lapse for example, if a statutory deadline expires during that period. To avoid automatic abandonment, the Controller is allowed to shorten the notice period and hold the hearing sooner.

45. Controller may require statement:
Whether an applicant or agent desires to be heard or not, the Controller may at any time require him to submit a statement in writing within a time to be notified by the Controller, or to attend before him and make explanations with respect to such matters as the Controller may require.

EXPLANATION: This rule empowers the Controller with discretionary authority to seek clarification from an applicant or their agent at any stage of the design registration process, regardless of whether the applicant has requested a hearing. Under this rule, the Controller may require the submission of a written statement within a specified timeframe or may direct the applicant or agent to appear in person and provide explanations on matters deemed relevant. This rule ensures that the Controller has the necessary power to obtain complete and accurate information before making a decision.

46. General power of amendment:
Any document for the amending of which not special provision is made by the Act may be amended and any irregularity in procedure which, in the opinion of the Controller, may be obviated without detriment to the interest of any person, may be corrected if the Controller thinks fit, and upon such terms as he may direct.

EXPLANATION: This rule is about the Controller's general power of amendment. If a document (such as an application, form or statement) needs to be amended and the Designs Act or Rules do not have a specific provision for such amendment, the Controller may still permit the change. Similarly, if there is any procedural mistake or irregularity, the Controller may allow it to be corrected as long as doing so does not harm the interests of any other person.

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47. General power to enlarge time.—
The time prescribed by these rules for doing any act or taking any proceeding where no special provision is made there under may be enlarged by the Controller, for a period not exceeding three months, if he thinks fit, and upon such terms as he may direct.

EXPLANATION: In the absence of a specific provision, Rule 47 of the Designs Rules, 2001, grants the Controller the general authority to extend the deadline for carrying out any act or initiating any process under the Rules. If the Controller deems it necessary, he may extend the allotted time by up to three months and apply whatever restrictions he sees proper. In order to prevent undue hardship from minor delays, this rule allows for flexibility in procedural procedures.

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REPEAL

48. Repeal

The Designs Rules, 1933 are hereby repealed:

Provided that any application or other matter pending under those rules on the date of the coming into force of these rules shall be disposed of under those rules.

EXPLANATION: The previous Designs Rules, 1933, are repealed by Rule 48 of the Designs Rules, 2001. It does, however, contain a saving clause that requires that any application or case that was still outstanding under the 1933 Rules at the time these new rules went into effect be treated and adjudicated in accordance with the 1933 Rules.

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Summary of the Design Rules, 2021

The Designs (Amendment) Rules, 2021 came into force on January 25, 2021, introducing key reforms to the Designs Rules, 2001. These modifications highlight the nation's commitment to fostering innovation, particularly among startups, and conforming to global norms.

1. Recognition of Startups as applicants

- Startups were added as a new category of design applicants.
- They now enjoy fee concessions similar to natural persons and small entities.
- This move supports innovation and IP protection among emerging businesses.

2. Revised Fee Structure

- The fee schedule was revised to include reduced fees for startups, making design registration more affordable for them.

3. Adoption of Latest Locarno Classification

- India now follows the latest edition of the Locarno Classification (13th edition at the time), which includes 32 classes and 237 sub-classes.
- This aligns India's design classification system with international standards, facilitating global filings and harmonization.

4. Procedural Streamlining

- The amendment simplifies the design application and prosecution process.
- It improves administrative efficiency and clarity for applicants.

5. Effective Date

- The amended rules came into force on January 25, 2021, as published in the Official Gazette.

Note: The 1st, 2nd and 4th Schedule of the Design Rules 2021 is provided in Annexure:

- *THE FIRST SCHEDULE (See Rule 5) - FEES*
- *THE SECOND SCHEDULE (See Rule 6) -LIST OF FORMS*
- *THE FOURTH SCHEDULE (See Rule 43)- SCALE OF COSTS ALLOWABLE IN PROCEEDINGS BEFORE THE CONTROLLER*

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THE FIRST SCHEDULE

(See rule 5)

FEES

No. of Entry	On what payable	No. of Form	Fee (Rs.) for natural person	Fee (Rs.) for others
1	On application for registration of design under sections 5 and 44.	1	1000	4000
2	On claim under section 8(1) to proceed as an applicant or joint applicant.	2	500	2000
3	On application for extension of copy right 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), - in respect of one design. for each additional design.	10	500.00 200.00	2000.00 800.00
12	On application for entry of name of proprietor or part proprietor in Register of Design under section 30, - in respect of one design. for each additional design.	11	500.00 200.00	2000.00 800.00
			Contd.....	

No. of Entry	On what payable	No. of Form	**Fee (Rs.)** for natural person	Fee (Rs.) for other(s)
13	On application for entry of mortgage or licence in Register of design under section 30, - in respect of one design. for each additional design.	12	500.00 200.00	2000.00 800.00
14	Application for entry of notification of a document in the Register of Design under section 30 and rule 37, - in respect of one design. for each additional design.	13	500.00 200.00	2000.00 800.00
15	On request for correction of clerical error under section 29.	14	500	2000
16	On request for certificate 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.	18	200.00 (per month)	800.00 (per month)
20	On notice of opposition under rule 40.	19	100	400
21	Notice of intention to attend hearing under rules 29 and 40.	20	500	2000
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	800
24	On request for entries of two addresses 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 rule 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/Startup	24	No fee	No fee

Note: The First Schedule is all about the fees of the forms related to the design application along with its purpose of application.

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THE SECOND SCHEDULE

(See rule 6)

List of forms

Form No.	Section or Rule	Title
1	Sections 5 and 44	Application for registration of design/Application under reciprocal arrangement.
2	Section 8(1)	Claim to proceed as an applicant or joint applicant.
3	Section 11(2)	Application for Extension of copyright.
4	Section 12(2)	Application for Restoration of lapsed design
5	Section 17(1)	Inspection of registered design
6	Section 18	Request for information when registration number is given.
7	Section 18	Request for information when registration number is not given.
8	Section 19	Petition to cancel registration of design.
9	Section 21	Notice of intended exhibition or publication of unregistered design.
10	Section 30(3)	Application for registration of a document in the Register Design.
11	Section 30	Application for entry of name of proprietor or part proprietor in the Register.
12	Section 30	Application for entry of mortgage or licence in the Register.
13	Section 30 and rule 37	Application for entry of notification of a document in the Register.
14	Section 29	Request for correction of clerical error.
15	Section 26 and rule 41	Request for certificate.
16	Section 17(2)	Application for certified copy of registered design.
17	Section 31	Application for rectification of Register.
18	rule 15	Application for extension of time for filing priority document.
19	rule 40	Notice of opposition.
20	rules 29 and 40	Notice of intention to attend hearing.
21	Section 43	Power of authority to agents.
22	rule 31	Request to alter name or address or address for service in Register
23	Section 10	Request for entries of two addresses in the Register
24	Rules 2 and 5	To be submitted for claiming the status of a small entity

Note: The Second Schedule is all about the relevant sections and rules, related to the different design application forms along with their purpose of application.

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THE THIRD SCHEDULE

Classification of Good

(See rule 10)

List of Classes and Subclasses, with Explanatory Notes

CLASS 01	
Foodstuffs	
Note:	(a) Includes foodstuffs for human beings, foodstuffs for animal and dietetic foods. (b) Not including packages (Cl. 09).
01-01	BAKERS' PRODUCTS, BISCUITS, PASTRY, MACARONI AND OTHER CEREAL PRODUCTS. CHOCOLATES, CONFECTIONERY, ICES
01-02	FRUIT AND VEGETABLES
01-03	CHEESES, BUTTER AND BUTTER SUBSTITUTES, OTHER DAIRY PRODUCE
01-04	BUTCHER'S MEAT (INCLUDING PORK PRODUCTS), FISH
01-05	[vacant]
01-06	ANIMAL FOODSTUFFS
01-99	MISCELLANEOUS
CLASS 02	
Articles of clothing and haberdashery	
Note:	Not including articles of clothing for dolls (Cl. 21-01), special equipment for protection against fire hazards, for accident prevention and for rescue (Cl. 29), and animal clothing (Cl. 30-01).
02-01 **Note:**	UNDERGARMENTS, LINGERIE, CORSETS, BRASSIERES, NIGHTWEAR (a) Including orthopaedic corsets and body linen. (b) Not including household linen (Cl. 06-13).
02-02 **Note:**	GARMENTS (a) Includes all sorts of garments, including furs, bathing costumes, sports clothing and orthopaedic garments, subject to the exceptions indicated under (b). (b) Not including undergarments (Cl. 02-01), or garments to be placed in

	Classes 02-03; 02-04; 02-05 or 02-06.
02-03 **Note:**	HEADWEAR Includes all kinds of headwear for men, women and children
02-04 **Note:**	FOOTWEAR, SOCKS AND STOCKINGS Including special boots for sports such as football, skiing and ice hockey, orthopaedic footwear and socks, as well as tights, gaiters and other legwear.
02-05 **Note:**	NECKTIES, SCARVES, NECKERCHIEFS AND HANDKERCHIEFS Includes all "flat" clothing accessories.
02-06 **Note:**	GLOVES Includes surgical gloves and rubber or plastic protective gloves for household use or for various occupations or sports.
02-07 **Note:**	HABERDASHERY AND CLOTHING ACCESSORIES (a) Including buttons, clasps for garments, for headwear and for footwear, laces, pins, hand sewing, knitting and embroidery equipment and clothing accessories such as bells, suspenders, braces. (b) Not including yarns or other threads (Cl. 05-01), decorative trimmings (Cl. 05-04), sewing, knitting and embroidery machines (Cl. 15-06) or sewing kits (containers) (Cl. 03 01).
02-99	MISCELLANEOUS
CLASS 03	
Travel goods, cases, parasols and personal belongings, not elsewhere specified	
03-01 **Note:**	TRUNKS, SUITCASES, BRIEFCASES, HANDBAGS, KEYHOLDERS, CASES SPECIALLY DESIGNED FOR THEIR CONTENTS, WALLETS AND SIMILAR ARTICLES Not including articles for the transport of goods (Cl. 09) or cigar cases and cigarette cases (Cl. 27-06)
03-02	[vacant]
03-03	UMBRELLAS, PARASOLS, SUNSHADES AND WALKING STICK
03-04	FANS
03-99	MISCELLANEOUS
CLASS 04	
Brushware	
04-01	BRUSHES AND BROOMS FOR CLEANING

Note:	Not including clothes brushes (Cl. 04-02).
04-02	TOILET BRUSHES, CLOTHES BRUSHES AND SHOE BRUSHES
Note:	"Toilet brushes" means brushes for corporal use; for example, for the hair, nails or teeth.
04-03	BRUSHES FOR MACHINES
Note:	"Brushes for machines" means brushes incorporated in machines or in special vehicles.
04-04	PAINTBRUSHES, BRUSHES FOR USE IN COOKING
04-99	MISCELLANEOUS
CLASS 05	
Textile piece goods, artificial and natural sheet material	
Note:	(a) Includes all textile or similar articles, sold by the yard and not made up. (b) Not including ready-made articles (Cl. 02 or 06).
05-01	SPUN ARTICLES
Note:	(a) Including yarn and thread. (b) Not including, for instance, rope wire, string, twine (Cl. 09-06)
05-02	LACE
05-03	EMBROIDERY
05-04	RIBBONS, BRAIDS AND OTHER DECORATIVE TRIMMINGS
05-05	TEXTILE FABRICS
Note:	(a) Including textile fabrics, woven, knitted or otherwise manufactured, tarpaulins, felt and loden.
05-06	ARTIFICIAL OR NATURAL SHEET MATERIAL
Note:	(a) Includes sheets whose only characteristic features are their surface ornamentation or their texture; in particular, covering sheets such as wallpaper, linoleum, self-adhesive plastic sheets, wrapping sheets and rolls of paper, subject to the exceptions indicated under (b). (b) Not including writing paper, even in rolls (Cl. 19-01), or sheets used as building components such as wall panels and wainscoting (Cl. 25-01).
05-99	MISCELLANEOUS
CLASS 06	
Furnishing	

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Note:	(a) Composite furniture articles embodying components includes in several subclasses are classified in Class 06-05. (b) Sets of furniture, as far as they can be looked upon as one design, are classified in Class 06-05. (c) Not including textile piecegoods (Cl. 05)
06-01 **Note:**	BEDS AND SEATS Including mattress supports and vehicle seats.
06-02	[vacant]
06-03	TABLES AND SIMILAR FURNITURE
06-04 **Note:**	STORAGE FURNITURE Including cupboards, furniture with drawers or compartments, and shelves.
06-05	COMPOSITE FURNITURE
06-06	OTHER FURNITURE AND FURNITURE PARTS
06-07 **Note:**	MIRRORS AND FRAMES Not including mirrors included in other classes (see Alphabetical List).
06-08	CLOTHES HANGERS N.B.: The French text contains a note which does not concern the English text.
06-09	MATTRESSES AND CUSHIONS
06-10	CURTAINS AND INDOOR BLINDS
06-11	CARPETS, MATS AND RUGS
06-12	TAPESTRIES
06-13 **Note:**	BLANKETS AND OTHER COVERING MATERIALS, HOUSEHOLD LINEN AND NAPERY Including furniture covers, bedspreads and table covers.
06-99	MISCELLANEOUS
CLASS 07	
Household good, not elsewhere specified	
Note:	(a) Including household appliances and utensils operated by hand, even if motor driven. (b) Not including machines and appliances for preparing food and drink (Cl. 31)

07-01 **Note:**	CHINA, GLASSWARE, DISHES AND OTHER ARTICLES OF A SIMILAR NATURE (a) Includes dishes and crockery in all materials; in particular, paper and cardboard dishes. (b) Not including cooking utensils and containers, such as glass and earthenware pots (Cl. 07-02), or flower vases, flower pots and China glassware of a purely ornamental nature (Cl. 11-02)
07-02	COOKING APPLIANCES, UTENSILS AND CONTAINERS
07-03	TABLE KNIVES, FORKS AND SPOONS
07-04 **Note:**	APPLIANCES AND UTENSILS, HAND-MANIPULATED, FOR PREPARING FOOD OR DRINK Not including appliances and utensils classified in Class 07-02 and in Class 31.
07-05 **Note:**	FLATIRONS AND WASHING, CLEANING AND DRYING EQUIPMENT Not including electric household appliances for washing, cleaning or drying (Cl. 15-05).
07-06	OTHER TABLE UTENSILS
07-07	OTHER HOUSEHOLD RECEPTACLES
07-08	FIREPLACE IMPLEMENTS
07-99	MISCELLANEOUS
CLASS 08	
Tools and hardware	
Note:	(a) Includes hand-operated tools, even if mechanical power takes the place of muscular force, for example, electric saws and drills. (b) Not including machines or machine tools (Cl. 15 or 31).
08-01	TOOLS AND IMPLEMENTS FOR DRILLING, MILLING OR DIGGING
08-02	HAMMERS AND OTHER SIMILAR TOOLS AND IMPLEMENTS
08-03 **Note:**	CUTTING TOOLS AND IMPLEMENTS (a) Including tools and instruments for sawing. (b) Not including table knives (Cl. 07-03), cutting tools and implements for kitchen use (Cl. 31), or knives used in surgery (Cl. 24-02)
08-04	SCREWDRIVERS AND OTHER SIMILAR TOOLS AND

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	IMPLEMENTS
08-05 **Note:**	OTHER TOOLS AND IMPLEMENTS Includes tools which are not classified, or not to be placed, in other subclasses or classes.
08-06	HANDLES, KNOBS AND HINGES
08-07	LOCKING FOR CLOSING DEVICES
08-08 **Note:**	FASTENING, SUPPORTING OR MOUNTING DEVICES NOT INCLUDED IN OTHER CLASSES (a) Including nails, screws, nuts and bolts. (b) Not including fastening devices for clothing (Cl. 02-07), for adornment (Cl. 11-01), or for office use (Cl. 19-02).
08-09	METAL FITTINGS AND MOUNTINGS FOR DOORS, WINDOWS AND FURNITURE, AND SIMILAR ARTICLES
08-10	BICYCLE RACKS
08-99 **Note:**	MISCELLANEOUS Including non-electric cables, regardless of the material of which they are made.
CLASS 09	
Packages and containers for the transport or handling of goods	
09-01 **Note:**	BOTTLES, FLASKS, POTS, CARBOYS, DEMIJOHNS, AND CONTAINERS WITH DYNAMIC DISPENSING MEANS (a) "Pots" means those serving as containers. (b) Not including pots regarded as crockery (Cl. 07-01), or flower pots (Cl. 11-02).
09-02	STORAGE CANS, DRUMS AND CASKS
09-03 **Note:**	BOXES, CASES, CONTAINERS, (PRESERVE) TINS OR CANS Including freight containers.
09-04	HAMPERS, CRATS AND BASKETS
09-05 **Note:**	BAGS, SACHETS, TUBES AND CAPSULES (a) Including plastic bags or sachets, with or without handle or means of closing. (b) "Capsules" means those used for packaging.
09-06	ROPES AND HOOPING MATERIALS

09-07 **Note:**	CLOSING MEANS AND ATTACHMENTS (a) Includes only closing means for packages. (b) "Attachments" means, for example, dispensing and dosing devices incorporated in containers and detachable atomizers.
09-08	PALLETS AND PLATFORMS FOR FORKLIFTS
09-09	REFUSE AND TRASH CONTAINERS AND STANDS THEREFOR
09-99	MISCELLANEOUS
CLASS 10	
Clocks and watches and other measuring instruments, checking and signalling instruments	
Note:	Including electrically-driven instruments.
10-01	CLOCK AND ALARM CLOCKS
10-02	WATCHES AND WRIST WATCHES
10-03 **Note:**	OTHER TIME-MEASURING INSTRUMENTS Including time-measuring apparatus such as parking meters, timers for kitchen use and similar instruments.
10-04 **Note:**	OTHER MEASURING INSTRUMENTS, APPARATUS AND DEVICES (a) Including instruments, apparatus and devices for measuring temperature, pressure, weight, length, volume and electricity. (b) Not including exposure meters (Cl. 16-05)
10-05 **Note:**	INSTRUMENTS, APPARATUS AND DEVICES FOR CHECKING, SECURITY OR TESTING Including fire and burglar alarms, and detectors of various types.
10-06 **Note:**	SIGNALLING APPARATUS AND DEVICES Not including lighting or signalling devices for vehicles (Cl. 26-06).
10-07 **Note:**	CASINGS DIALS, HANDS AND ALL OTHER PARTS AND ACCESSORIES OF INSTRUMENTS FOR MEASURING, CHECKING AND SIGNALLING "Casings" means watch and clock casings and all casings being integral parts of instruments of which they protect the mechanism, with the exception of cases specify designed for their contents (Cl. 03-01) or for packaging (Cl. 09-03).
10-99	MESCELLANEOUS

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CLASS 11	
Articles of adornment	
11-01 **Note:**	JEWELLERY (a) Including fancy and imitation jewellery. (b) Not including watches (Cl. 10-02).
11-02 **Note:**	TRINKETS, TABLE, MANTEL AND WALL ORNAMENTS, FLOWER VASES AND POTS Including sculptures, mobiles and statues.
11-03	MEDALS AND BADGES
11-04	ARTIFICIAL FLOWERS, FRUIT AND PLANTS
11-05 **Note:**	FLAGS, FESTIVE DECORATIONS (a) Including garlands, streamers and Christmas tree decorations. (b) Not including candles (Cl. 26-04).
11-99	MISCELLANEOUS
CLASS 12	
Means of transport or hoisting	
Note:	(a) Includes all vehicles, land, sea, air, space and others. (b) Including parts, components and accessories which exist only in connection with a and vehicle cannot be placed in another class; these parts, components and accessories of vehicles are to be placed in the subclass of the vehicle in question, or in Class 12-16 if they are common to several vehicles included in different subclasses. (c) Not including, in principle, parts, components and accessories of vehicles which can be placed another class; these parts, components and accessories are to be placed in the same class as articles of the same type, in other words, having the same function. Thus, carpets or mats for automobiles are to be placed with carpets (Cl. 06-11); electric motors for vehicles are to be placed in Class 13-01, and non-electric motors for vehicles in Class 15-01 (the same applies to the components of such motors); automobile headlamps are to be placed with lighting apparatus (Cl. 26-06). (d) Not including scale models of vehicles (Cl. 21-01).
12-01	VEHICLES DRAWN BY ANIMALS
12-02	HANDCARTS, WHEELBARROWS
12-03	LOCOMOTIVES AND ROLLING STOCK FOR RAILWAYS AND

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	OTHER RAIL VEHICLES
12-04	TELPHER CARRIERS, CHAIR LIFTS AND SKILIFTS
12-05 **Note:**	ELEVATORS AND HOISTS FOR LOADING OR CONVEYING Including passenger lifts, goods lifts, cranes, forklift trucks and conveyor belts
12-06	SHIPS AND BOATS
12-07	AIRCRAFTS AND SPACE VEHICLES
12-08 **Note:**	MOTOR CARS, BUSES AND LORRIES Including ambulances and refrigerator vans (road).
12-09	TRACTORS
12-10 **Note:**	ROAD VEHICLE TRAILERS Including caravans.
12-11	CYCLES AND MOTORCYCLES
12-12 **Note:**	PERAMBULATORS, INVALID CHAIRS, STRETCHERS (a) "Perambulators" means hand carriage for infants. (b) Not including toy perambulators (Cl. 21-01).
12-13 **Note:**	SPECIAL-PURPOSE VEHICLES (a) Includes only vehicles not specially intended for transport, such as street - cleaning vehicles, watering lorries, fire engines, snow ploughs and breakdown lorries. (b) Not including mixed-purpose agricultural machines (Cl. 15-03), or self-propelled machines for use in construction and civil engineering (Cl. 15-04).
12-14 **Note:**	OTHER VEHICLES Including sleighs and air-cushion vehicles.
12-15	TYRES AND ANTI-SKID CHAINS FOR VEHICLES
12-16	PARTS, EQUIPMENT AND ACCESSORIES FOR VEHICLES, NOT INCLUDED IN OTHER CLASSES OR SUBCLASSES
12-99	MISCELLANEOUS
CLASS 13	
Equipment for production, distribution or transformation of electricity	
Note:	(a) Includes only apparatus which produces, distributes or transforms electric current.

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	(b) Including electric motors, however. (c) Not Including electrically-driven apparatus, such as electric watches (Cl. 10-02), or apparatus for the measurement of electric current (Cl. 10-04).
13-01 **Note:**	GENERATORS AND MOTORS Including electric motors for vehicles.
13-02	POWER TRANSFORMETERS, RECTIFIERS, BATTERIES AND ACCUMULATORS
13-03 **Note:**	EQIUPMENT FOR DISTRIBUTION OR CONTROL OF ELECTRIC POWER Including conductors, switches and switchboards.
13-99	MISCELLANEOUS
CLASS 14	
Recording, communication or information retrieval equipment	
14-01 **Note:**	EQUIPMENT FOR THE RECORDING OR REPRODUCING OR REPRODUCTION OF SOUNDS OR PICTUREA Not including photographic or cinematographic apparatus (Cl. 16).
14-02	DATA PROCESSING EQUIPMENT AS WELL AS PERIPHERAL APPARATUS AND DEVICES
14-03 **Note:**	COMMUNICATIONS EQUIPMENT, WIRELESS REMOTE CONTROLS AND RADIIO AMPLIFIERS Including telegraphic, telephone and television apparatus, as well as wireless apparatus and teleprinters.
14-99	MISCELLANEOUS
CLASS 15	
Machines, not elsewhere specified	
15-01 **Note:**	ENGINES (a) Including non-electric engines for vehicles. (b) Not including electric motors (Cl. 13).
15-02 **Note:**	PUMPS AND COMPRESSORS Not including hand or foot pumps (Cl. 08-05), or fire extinguishing pumps. (Cl. 29-01).
15-03	AGRICULTURAL MACHINERY (a) Including ploughs and combined machinery, i.e., both machines and

Note:	vehicles, for examples, reaping and binding machines. (b) Not including hand tools (Cl. 08).
15-04 **Note:**	CONSTRUCTION MACHINERY (a) Including machines used in civil engineering and self-propelled machines such as excavators, concrete mixer and dredgers. (b) Not including hoists and cranes (Cl. 12-05).
15-05 **Note:**	WASHING CLEANING AND DRYING MACHINES. Including: (a) appliances and machines for treating lines and clothes, such as ironing machines and wringers. (b) dishwashing machines and industrial drying equipment.
15-06	TEXTILE, SEWING, KNITTING AND EMBROIDERING MACHINES INCLUDING THEIR INTEGRAL PARTS
15-07 **Note:**	REFRIGERATION MACHINERY AND APPARATUS (a) Including household refrigeration apparatus. (c) Not including refrigerator wagons (rail) (Cl. 12-03) or refrigerator vans (road) (Cl. 12-08)
15-08	[Vacant]
15-09 **Note:**	MACHINE TOOLS, ABRADING AND FOUNDING MACHINERY Not including earth working machinery and material separators (Cl. 15-99).
15-99	MISCELLANEOUS
CLASS 16	
Photographic, cinematographic and optical apparatus	
Note:	Not including lamps for photography or filming (Cl. 26-05).
16-01	PHOTOGRAPHIC CAMERAS AND FILM CAMERAS
16-02	PROJECTORS AND VIEWERS
16-03 **Note:**	PHOTOCOOPYING APPARATUS AND ENLARGERS Including microfilming equipment and apparatus for viewing microfilms, as well as office machines known as "photocopying" apparatus which use other than photographic processes (in particular, thermal or magnetic processes).
16-04	DEVELOPING APPARATUS AND EQUIPMENT

16-05	ACCESSORIES
Note:	Including filters for photographic cameras, exposure meters, tripods and photographic flashlight apparatus.
16-06	OPTICAL ARTICLES
Note:	(a) Including spectacles and microscopes. (b) Not including measuring instruments embodying optical devices (Cl. 10-04).
16-99	MISCELLANEOUS
CLASS 17	
Musical instruments	
Note:	Not including cases for musical instruments (Cl. 03-01), or equipment for the recording or reproduction of sounds (Cl. 14-01).
17-01	KEYBOARD INSTRUMENTS
Note:	Including electronic and other organs, accordions, and mechanical and other pianos.
17-02	WIND INSTRUMENTS
Note:	Not including organs, harmoniums and accordions, and mechanical and other pianos.
17-03	STRINGED INSTRUMENTS
17-04	PERCUSSION INSTRUMENTS
17-05	MECHANICAL INSTRUMENTS
Note:	(a) Including music boxes. (b) Not including mechanical keyboard instruments (Cl. 17-01).
17-99	MISCELLANEOUS
CLASS 18	
Printing and office machinery	
18-01	TYPEWRITERS AND CALCULATING MACHINES
Note:	Not including computers and other apparatus to be placed in Class 14-02
18-02	PRINTING MACHINES
Note:	(a) Including typesetting machines, stereotype machines and apparatus, typographic machines and other reproducing machines such as duplicators and offset equipment, as well as addressing machines, franking and cancelling machines.

	(b) Not including photocopying machinery (Cl. 16-03).
18-03	TYPE AND TYPE FACES
18-04 **Note:**	BOOKBINDING MACHINES, PRINTERS' STAPLING MACHINES, GUILLOTINES AND TRIMMERS (FOR BOOKBINDING) Including machines and similar devices for cutting paper, analogous to guillotines and trimmers.
18-99	MISCELLANEOUS
CLASS 19	
Stationery and office equipment, artists' and teaching materials	
19-01 **Note:**	WRITING PAPER, CARDS FOR CORRESPONDENCE AND ANNOUNCEMENTS Includes all paper, in the widest sense of the term, which is used for writing, drawing, painting or printing, such as tracing paper, carbon paper, newsprint, envelopes, greetings cards and illustrated postcards, even if they embody a sound recording.
19-02 **Note:**	OFFICE EQUIPMENT (a) Including equipment used at cash desks, such as change sorters. (b) Some office equipment is to be placed in other subclasses or classes; for example, office furniture in Class 06, office machines and equipment in Class 14-02; 16-03; 18-01; 18-02 or 18-04, and writing materials in Class 19-01 or 19-06 (see alphabetical List).
19-03 **Note:**	CALENDERS Not including diaries (Cl. 19-04).
19-04 **Note:**	BOOKS AND OTHER OBJECTS OF SIMILAR OUTWARD APPEARANCE Including covers of books, binding, albums, diaries and similar objects.
19-05	[vacant]
19-06 **Note:**	MATERIALS AND INSTRUMENTS FOR WRITING BY HAND, FOR DRAWING, FOR PAINTING, FOR SCULPTURE, FOR ENGRAVING AND FOR OTHER ARTISTIC TECHNIQUES Not including paintbrushes (Cl. 04-04), drawing tables and attached equipment (Cl. 06-03), or writing paper (Cl. 19-01)

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19-07 **Note:**	TEACHING MATERIALS (a) Including maps of all kinds, globes and planetariums. (b) Not including audio-visual teaching aids (Cl. 14-01).
19-08 **Note:**	OTHER PRINTED MATTER Including printed advertising materials.
19-99	MISCELLANEOUS
CLASS 20	
Sales and advertising equipment, signs	
20-01	AUTOMATIC VENDING MACHINE
20-02 **Note:**	DISPLAY AND SALES EQUIPMENT Not including articles of furniture (Cl. 06).
20-03 **Note:**	SIGNS, SIGNBOARDS AND ADVERTISING DEVICES (a) Including luminous advertising devices and mobile advertising devices. (b) Not including packages (Cl. 09), or signalling devices (Cl. 10-06)
20-99	MISCELLANEOUS
CLASS 21	
Games, toys, tents and sports goods	
21-01 **Note:**	GAMES AND TOYS (a) Including scale models. (b) Not including toys for animals (Cl. 30-99).
21-02 **Note:**	GYMNASTIC AND SPORTS APPARATUS AND EQUIPMENT (a) Includes, as sports equipment: apparatus and equipment necessary for the various sports which have no other specific purpose, such as footballs, skis and tennis rackets, to the exclusion of all other objects which may also be used in practising a given sport. (b) Including subject to the reservation mentioned under (a), training equipment and apparatus and equipment necessary for outdoor games. (c) Not including sports clothing (Cl. 02), toboggans or sleighs (Cl. 12-14).
21-03 **Note:**	OTHER AMUSEMENT AND ENTERTAINMENT ARTICLES (a) Including fairground roundabouts and automatic machines for games of chance.

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	(b) Not including games and toys (Cl. 21-01), or other articles to be placed in Class 21-01 or 21-02.
21-04 **Note:**	TENTS AND ACCESSORIES THEREOF (a) Including poles, pegs and other similar articles. (b) [vacant] (c) Not including other camping articles to be placed in other classes according to their nature, such as chairs (Cl. 06-01), tables (Cl. 06-03), plates (Cl. 07-01), and caravans (Cl. 12-10).
21-99	MISCELLANEOUS
CLASS 22	
Arms, pyrotechnic articles, articles for hunting, fishing and pest killing	
22-01	PROJECTILE WEAPONS
22-02	OTHER WEAPONS
22-03	AMMUNITION, ROCKETS AND PYROTECHING ARTICLES
22-04 **Note:**	TARGETS AND ACCESSORIES Including the special device for actuating mobile targets.
22-05 **Note:**	HUNTING AND FISHING EQUIPMENT Not including articles of clothing (Cl. 02), or weapons (Cl. 22-01 or 22-02).
22-06	TRAPS, ARTICLES FOR PEST KILLING
22-99	MISCELLANEOUS
CLASS 23	
Fluid distribution equipment, sanitary, heating, ventilation and air-conditioning equipment, solid fuel	
23-01 **Note:**	FLUID DISTRIBUTION EQUIPMENT Including pipes and pipe fittings.
23-02 **Note:**	SANITARY APPLIANCES (a) Including baths, showers, washbasins, saunas, waterclosets, sanitary units and sanitary accessories not included in other classes. (b) Not including pipes or pipe fittings (Cl. 23-01).
23-03	HEATING EQUPMENT
23-04	VENTILATION AND AIR-CONDITIONING EQUIPMENT
23-05	SOLID FUEL

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23-99	MISCELLANEOUS
CLASS 24	
Medical and laboratory equipment	
Note:	The term "medical equipment" covers also surgical, dental and veterinary equipment.
24-01	APPARTUS EQUIPMENT FOR DOCTORS, HOSPITALS AND LABORATORIES
24-02 **Note:**	MEDICAL INSTRUMENTS, INSTRUMENTS AND TOOLS FOR LABORATORY USE Includes only hand-operated instruments.
24-03	PROSTHETIC ARTICLES
24-04	MATERIALS FOR DRESSING WOUNDS, NURSING AND MEDICAL CARE
24-99	MISCELLANEOUS
CLASS 25	
Building units and construction elements	
25-01 **Note:**	BUILDING MATERIALS Including bricks, beams, pre-shaped strips, tiles, slates and panels.
25-02 **Note:**	PREFABRICATED OR PRE-ASSEMBLED BUILDING PARTS (a) Including windows, doors, outdoors shutters, partition walls and gratings. (b) Not including staircases (Cl. 25-04).
25-03	HOUSES, GARAGES AND OTHER BUILDINGS
25-04	STEPS, LADDERS AND SCAFFOLDS
25-99	MISCELLANEOUS
CLASS 26	
Lighting apparatus	
26-01	CANDLESTICKS AND CANDELABRA
26-02	TORCHES AND HAND LAMPS AND LANTERNS
26-03 **Note:**	PUBLIC LIGHTING FIXTURES Including outside lamps, stage lighting and searchlight projectors.
26-04	LUMINOUS SOURCES, ELECTRICAL OR NOT Including bulbs for electric lamps, luminous plaques and tubes, and

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Note:	candles.
26-05	LAMPS, STANDARD LAMPS, CHANDELIERS, WALL AND CEILING FIXTURES, LAMPSHADES, REFLECTORS, PHOTOGRAPHIC AND CINEMATOGRAPHIC PROJECTOR LAMPS
26-06	LUMINOUS DEVICES FOR VEHICLES
26-99	MISCELLANEOUS
CLASS 27	
Tobacco and smokers' supplies	
27-01	TOBACCO, CIGARS AND CIGARETTES
27-02	PIPES, CIGAR AND CIGARETTE HOLDERS
27-03	ASHTRAYS
27-04	MATCHES
27-05	LIGHTERS
27-06 **Note:**	CIGAR CASES, CIGARETTE CASES, TOBACCO JARS AND POUCHES Not including packages (Cl. 09).
27-99	MISCELLANEOUS
CLASS 28	
Pharmaceutical and cosmetic products, toiler articles and apparatus	
28-01 **Note:**	PHARMACEUTICAL PRODUCTS (a) Including for animals. (b) Not including materials for dressing wounds and nursing (Cl. 24-04). (c) Including chemicals in cachet, capsule, lozenge, pill and tablet forms.
28-02 **Note:**	COSMETIC PRODUCTS Including for animals.
28-03 **Note:**	TOILET ARTICLES AND BEAUTY PARLOR EQUIPMENT (a) Including razors, apparatus and appliances for hair removing or hair dressing. (b) Not including toilet and make-up brushes (Cl. 04-02), or articles and equipment for animals (Cl. 30-99)
28-04	WIGS, FALSE HAIRPIECES
28-99	MISCELLANEOUS

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CLASS 29	
Devices and equipment against fire hazards, for accident prevention and for rescue	
29-01 **Note:**	DEVICES AND EQUIPMENT AGAINST FIRE HAZARDS (a) Including fire extinguishers. (b) Not including fire engines (vehicles) (Cl. 12-13), free-hoses and nozzles for fire-hoses (Cl. 23-01).
29-02 **Note:**	DEVICES AND EQUIPMENT AGAINST FOR ACCIDENT PREVENTION AND FOR RESCUE, NOT ELSEWHERE SPECIFIED (a) Including devices and equipment for animals. (b) Not including helmets (Cl. 02-03) and garments for protection against accidents (Cl.02-02; 02-04 or 02-06).
29-99	MISCELLANEOUS
CLASS 30	
Articles for the care and handling of animals	
Note:	Not including animal foodstuffs (Cl. 01), or pharmaceutical and cosmetic products for animals (Cl. 28-01 or 28-02).
30-01	ANIMAL CLOTHING
30-02 **Note:**	PENS, CAGES, KENNELS AND SIMILAR SHELTERS Not including buildings (Cl. 25).
30-03	FEEDERS AND WATERERS
30-04 **Note:**	SADDLERY Including collars for animals.
30-05	WHIPS AND PRODS
30-06	BEDS AND NESTS
30-07	PERCHES AND OTHER CAGE ATTACHMENTS
30-08	MARKERS, MARLS AND SHACKLES
30-09	HITCHING POSTS
30-99	MISCELLANEOUS
CLASS 31	
Machines and appliances for preparing food or drink, not elsewhere specified	
Note:	Not including hand-manipulated utensil, instruments and appliances for serving or preparing food or drink (Cl. 07).

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31-00	MACHINES AND APPLIANCES FOR PREPARING FOOD OR DRINK, NOT ELSEWHERE SPECIFIED
CLASS 99	
Miscellaneous	
Note:	Includes all products not included in the preceding classes.
99-00	MISCELLANEOUS

Note: The Third Schedule is all about the different possible classes and sub-classes allowed by the Indian Patent Office (IPO), which may be selected for an article during a design application submission.

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THE FOURTH SCHEDULE

(See rule 43)

Scale of costs allowable in proceedings before the Controller

Entry No.	Matter in respect of which cost is to be awarded	Amount (Rs.) for natural person/start-up/small entity	Amount (Rs.) for others
1	For Notice of Opposition under rule 40.	100	400
2	For petition for cancellation of the registration of 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 under rules 29(1) and 40(2).	200	800
7	For Counter Statement under rules29(3) and 40(4).	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 of Hearing before the Controller.	500	2000

Note: The Fourth Schedule is all about the fees related to different procedural steps which may be needed to be applied during the prosecution of a design application registration, but don't have any specific form for submitting that specific request.

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Notes

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