

**ALL PATENTEES NEED TO FILE 'A STATEMENT, AT THE INDIAN PATENT OFFICE, W.R.T. THE EXTENT OF COMMERCIAL EXPLOTATION OF THE PATENTED INVENTION, IN INDIA.**

**THIS IS CALLED A WORKING REPORT.**

The above provision of the Indian Patents Act is a requirement of the existing Indian Patents Act. We clarify below this provision and its implications:

- Filing of a Working Report on Form 27 is a statutory requirement only after the grant of a Patent
- According to Section 146(2) read with Rule 131 of the existing Patents Act and Rules, a statement of working of the patented invention on a commercial scale in India has to be filed by the 31<sup>st</sup> of March each year, for the previous calendar year (January to December). Working report however has to be filed for all granted Patents, even if granted in the last **six months**. The onus of filing a Working Report lies on the Patentee.
- Non-filing of Working-Report does not result in revocation of the Patent. However, non-filing of Working Statements under Section 146(2) can result in imposition of fine under Section 122(1)(b), which may extend to INR 10,000 and if any person submits false information then it may result in imposition of fine as well as imprisonment, which may extend to 6 months, under Section 122(2).
- The imposition of fine under Section 122(2) is not strictly enforced. However, competitors and rivals may use this route to seek advantage over patentees.
- Kindly note that only the Patentees or a registered Patent Agent can sign on Form 27.

You may answer the following questions and send to us before 15<sup>th</sup> March 2013 to enable us to file the Working Report by 31<sup>st</sup> March 2013 (This date is non-extendable).

1. Quantity and value of the Patented Product or a product obtained by Patented Process manufactured and sold in India during the period January 2012 to December 2012.  
Sample Answer: 250 PCS – 54,500 INR / NONE
2. Country-wise figures(quantity and value) of importation of the patented product or the product obtained by a patented process into India during the period January 2012 – December 2012 in the following format:

COUNTRY	QUANTITY	AMOUNT (VALUE)
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3. Any license and sublicense granted during the year (give details).  
SAMPLE ANSWER: NONE
4. Public requirement has been met partly/adequately/to the fullest extent at reasonable price.  
SAMPLE ANSWER: YES/NO/NOT KNOWN/ NOT APPLICABLE
5. If the invention has not been worked in India, please state reasons for not working and steps being taken for working.  
SAMPLE ANSWER: TECHNICAL DEVELOPMENTS ARE STILL CONTINUING ON THIS PATENT.

We are providing this service for a nominal fee of INR 500. Please contact us immediately for further details and do not hesitate to write to us for further clarifications.

- There is no provision in law for extension of time for filing a statement later than 31<sup>st</sup> March 2013, even by filing a petition with fee.