

Repealed by Act 26 of 1957.

THE PATENTS AND DESIGNS (EXTENSION OF TIME)

ACT, 1950

No. II OF 1950



Lapsed

An Act to provide in the case of displaced persons for the extension of the time limited by or under the Indian Patents and Designs Act, 1911, for the doing of acts thereunder.

[18th February, 1950]

BE it enacted by Parliament as follows:—

1. Short title, extent and duration.—(1) This Act may be called the Patents and Designs (Extension of Time) Act, 1950.

(2) It extends to the whole of India except Part B States.

(3) It shall be in force for a period of two years only, but upon the expiry of the said period section 6 of the General Clauses Act, 1897 (X of 1897) shall apply as if this Act had been then repealed by a Central Act.

2. Definition.—In this Act, “displaced person” means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has been displaced from, or has left, his place of residence in such area after the first day of March, 1947, and has subsequently been residing in India.

3. Power to extend time limits in the case of displaced persons.—(1) In the case of any displaced person, the Controller of Patents and Designs appointed under the Indian Patents and Designs Act, 1911 (II of 1911), may, subject to such conditions, if any, as he thinks fit to impose, extend the time limited by or under that Act for doing any act, where he is satisfied that the doing of the act by the displaced person within the time so limited was prevented by causes connected with his being a displaced person.

(2) An extension under this section of the time for doing any act—

(a) may be for any period that the Controller thinks fit, notwithstanding that under the Indian Patents and Designs Act, 1911 (II of 1911), power is conferred to extend the time for doing that act for a specified period only; and

(b) may be granted, notwithstanding that that time expired before any application or request for extension was made, or that, by reason of that act not having been done within that time, the relevant application, patent, registration or proceeding has ceased or expired, or become void or invalid, or been treated as abandoned, or been refused.

(3) Where it appears to the Controller that an order allowing an extension of time, if made, may prejudicially affect the interest of any other person who, subsequent to the date on which the original application or proceeding by the displaced person should have been completed, has applied for or obtained a

patent in respect of an identical invention, the Controller shall, if he makes an order allowing an extension of time, attach to such order such conditions as he may deem fit for protecting the interest of such other person.

4. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the form and manner in which any application under this Act may be made by a displaced person; and

(b) the procedure to be adopted by the Controller for dealing with any such application.