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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C)-IPD 34/2022, CM APPL. Nos.10789/2010, 12412/2010 &
21407/2010
POLYMEDICURE LTD Petitioner
Through: Mr. Vaibhav Vutts, Ms. Aamna
Hasan and Ms.Anupriya Shyam,
Advocates.
versus
UOI & ORS Respondents
Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Mr. Alexander Mathai Paikaday &
Krishnan V., Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
11.01.2024

1. Mr. Vaibhav Vutts, counsel for Petitioner, states that the prayer sought in the present petition for supply of documents stands redressed. Petitioner's grievance is now only confined to the quantum of fee levied by the Patent Office for furnishing certified copy of the documents. Mr. Vutts submits that Petitioner had applied for copies of 27 documents from the Patent Office, of which the notice of motion was not available with the Office. For certified copies of these 26 documents, the Petitioner had to deposit an amount of Rs. 1,10,000/-. Mr. Vutts argues that this fee is unreasonable and the Patent Office's understanding that the fee has to be independently charged for 'each document' accompanying a patent application, is contrary to the scheme of the Patents Act, 1970 and the Patents Rules, 2003 read along with the Schedule appended thereto.



According to the Petitioner, applying the rates set-out in the Schedule to the Patent Rules, the payable fee ought to have been Rs. 4,000/-, which was applicable at the time of filing of the writ petition.

2. In the *prima facie* opinion of the Court, the Schedule to Patents Rules, 2003, as worded, does not prescribe for document-wise levy of certification fee. Post the amendment, the Schedule now clearly provides that for the initial 30 pages, a certification fee of Rs. 5,000/- would be charged from corporates and Rs. 1,000/- from an individual. For the remaining pages, Rs. 150/- and Rs. 30/- per page is additionally charged from body corporates and individuals, respectively.

3. Mr. Harish Vaidyanathan Shankar, counsel for Respondents, states that he will take instructions on the above aspect and respond on the next date of hearing.

4. List on 01st February, 2024.

SANJEEV NARULA, J

JANUARY 11, 2024/A