

Still Confused about Working Statement regarding your granted Patents?

The Office of the Controller General of Patents, Designs & Trademarks (CG's Office) has issued Frequently Asked Questions (FAQs) relating to Form-27 or Working Statement requirements under the Patents Act, 1970 (hereinafter **Patents Act**).

Various communications from different stakeholders were received asking the CG's office to issue guidelines / FAQs on the requirement for "**statement regarding the working of patented invention on commercial scale in India**" (**Working Statements**) made through filing of Form-27 specifically in relation to the recently notified Patents Amendment Rules, 2024.

A public virtual meeting was also held in this regard on 29th July 2024. The CG's office has now issued FAQ's¹ relating to Form-27 or Working Statement requirements under the Patents Act. The FAQs clarify that a single Form-27 can be filed for submitting details regarding multiple patents, if said multiple patents are related patents and are granted to the same patentee(s).

Some important details regarding Form-27 from the FAQs are as follows:

1. **Who needs to file Form-27:** Every patentee and every licensee in India shall file Form-27.
2. **Deadline to file Form-27:** Once in respect of every period of three financial years, beginning from the financial year right after the financial year in which patent is granted and within six months following the end of each three-year period.



3. **Extension of deadline for filing Form-27:** Deadline is extendible
 - a. up to three months upon a request made in Form 4 under Rule 131(2) of the Patents Rules; and
 - b. up to six months upon a request made in Form-4 under Rule 138 of the Patents Rules.
4. **Can delay in filing of Form-27 be condoned:** No. Petition under Rule 137 for correction is not allowed.
5. **Whether Form 27 needs to be filed separately for each financial year in the block of three financial years:** Single form-27 to be filed for three financial years.

¹ https://www.ipindia.gov.in/writereaddata/Portal/News/1001_1_Final_FAQs_Form-27_26thAugust2024.pdf

A lot of confusion however, after the recently notified Patents Amendment Rules, 2024, revolved around the due date calculation for patents granted before 2022 and for those granted after 2022. The FAQs clarify the deadline regarding the same:

Grant financial year	Due Date for Form-27	Due date after extension under Rule 131 (2)	Due date after extension under Rule 138	Due date after extension under Rule 131 (2) and Rule 13
Before 2022-2023	30th September 2026	31 st December 2026	31 st March 2027	30 th June 2027
2022-2023	30th September 2026	31 st December 2026	31 st March 2027	30 th June 2027
2023-2024	30th September 2027	31 st December 2027	31 st March 2028	30 th June 2028
2024-2025	30th September 2028	31 st December 2028	31 st March 2029	30 th June 2029

The FAQs also elaborate on scenario's for patents that are going to expire in Financial years 2023-24; 2024-25:

Patent expiration financial year	Due Date for Form-27	Due date after extension under Rule 131 (2)	Due date after extension under Rule 138	Due date after extension under Rule 131 (2) and Rule 138
2023-2024	Form-27 only for 2023-2024 to be submitted by 30th September 2024	31 st December 2024	31 st March 2025	30 th June 2025
2024-2025	Form-27 only for 2023-2024; 2024-25 to be submitted by 30th September 2025	31 st December 2025	31 st March 2026	30 th June 2026

- ⌞ The Form-27 is due on **30th September 2024**, only for the patents which have expired in financial year 2023-2024.
- ⌞ The due date for filing the Form-27 for all the patents granted before 31st March 2023 shall be **30th September 2026**, except for the patents which have either expired in financial year 2023-2024 or will expire in financial year 2024-2025.

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Should you have any queries in relation to the alert or on other areas of law, please feel free to contact us on cam.publications@cyrilshroff.com

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