

## Department of Mines

## Notification

5/46/84-MINES

In exercise of the powers conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957), and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules so as to amend the Goa, Daman and Diu Minor Mineral Concession Rules, 1985, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Minor Mineral Concession (Amendment) Rules, 1994.

(2) They shall come into force at once.

2. *Amendment of rule 2.*— In rule 2 of the Goa, Daman and Diu Minor Mineral Concession Rules, 1985, for clause (e), the following clause shall be substituted, namely:—

“(e) ‘Inspecting Officer’ means the Senior Technical Assistant or the Assistant Geologist or the Technical Assistant in the Directorate of Industries and Mines or any other Officer authorised by the Government to exercise all or such of the powers of the Inspecting Officer as the Government may specify”.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Mines).

Panaji, 24th January, 1995.

## Law (Legal and Legislative Affairs) Department

## Notification

12-2-94/LA

The Patents (Amendment) Ordinance, 1994 (Central Ordinance No. 13 of 1994) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary Part II, Section I, dated 31st December, 1994, is hereby published for the general information of the public.

P. V. Kádnekar, Joint Secretary (Law).

Panaji, 30th January, 1995.

MINISTRY OF LAW, JUSTICE AND  
COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 31st December, 1994/  
/Pausa 10, 1916 (Saka).

THE PATENTS (AMENDMENT)  
ORDINANCE, 1994

No. 13 of 1994

Promulgated by the President in the Forty-fifth  
Year of the Republic of India.

An Ordinance further to amend the Patent Act, 1970.

WHEREAS India is a signatory to the agreement for the establishment of the World Trade Organisation including the Agreement on Trade Related Aspects of Intellectual Property Rights for the purpose of reduction of distortions and impediments to international trade and promotion of effective and adequate protection of intellectual property rights.

AND WHEREAS with a view to meeting India's obligations under the said Agreement while safeguarding its interests, it has become necessary to amend the Patents Act, 1970 in conformity with the obligations under the Agreement that signatory countries, in formulating or amending their laws and regulations, may adopt measures consistent with the said agreement, necessary to protect public health and nutrition and to promote public interest in sectors of vital importance to their socio-economic and technological development;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Patents (Amendment) Ordinance, 1994.

(2) It shall come into force on the 1st day of January, 1995.

2. *Amendment of section 5.*— Section 5 of the Patents Act, 1970 (hereinafter referred to as the Principal Act) shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in sub-section (1), a claim for patent of an invention for a substance itself intended for use, or capable of being used, as medicine or drug may be made and shall be dealt, without prejudice to the other provisions of this Act, in the manner provided in Chapter IV A.”.

9. *Insertion of new Chapter IV A.*— After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

## “CHAPTER IV A

## Exclusive Marketing Rights

24A. *Application for grant of exclusive rights.*— (1) Notwithstanding anything contained in sub-section (1) of section 12, the Controller shall not, under that sub-section, refer an application in respect of a claim for a patent covered under sub-section (2) of section 5 to an examiner for making a report till the 31st day of December, 2004 and shall, where an application for grant of exclusive right to sell or distribute the article or substance in India has been made in the pres-