

Repealed by Act 36 of 1957.

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**THE INDIAN PATENTS AND DESIGNS (AMENDMENT)
ACT, 1952**

No. LXX of 1952



[18th December, 1952]

An Act further to amend the Indian Patents and Designs Act, 1911.

BE it enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Indian Patents and Designs (Amendment) Act, 1952.

2. **Insertion of new section 23CC in Act II of 1911.**—After section 23C of the Indian Patents and Designs Act, 1911 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

“23CC. *Inventions relating to food or medicine, etc.*—(1) Without prejudice to the foregoing provisions of this Act, where a patent is in force in respect of—

(a) a substance capable of being used as food or medicine or in the production of food or medicine; or

(b) a process for producing such a substance as aforesaid; or

(c) any invention capable of being used as or as part of a surgical or curative device;

the Controller shall, on application made to him by any person interested, order the grant to the applicant of a licence under the patent on such terms as he thinks fit, unless it appears to him that there are good reasons for refusing the application.

(2) In settling the terms of licences under this section the Controller shall endeavour to secure that food, medicines, and surgical and curative devices shall be available to the public at the lowest prices consistent with the patentees' deriving a reasonable advantage from their patent rights.

(3) A licence granted under this section shall entitle the licensee to make, use, exercise and vend the invention as a food or medicine, or for the purposes of the production of food or medicine or as or as part of a surgical or curative device, but for no other purposes.”

3. **Amendment of section 23D, Act II of 1911.**—In sub-section (1) of section 23D of the principal Act, for the words, figures and letter ‘or section 23A’ the words, figures and letters ‘section 23A or section 23CC’ shall be substituted.

Price annas 2 or 3d.

4. Amendment of section 23E, Act II of 1911.—In section 23E of the principal Act—

(a) in sub-section (1), for the words, figures and letter 'or section 23B', the words, figures and letters 'section 23B or section 23CC' shall be substituted;

(b) in sub-section (2), after the words, figures and letter 'or section 23B' the words, figures and letters 'or section 23CC' shall be inserted.

5. Amendment of section 23F, Act II of 1911.—In sub-section (1) of section 23F of the principal Act, after the word, figures and letter 'section 23B' the words, figures and letters 'or under section 23CC' shall be inserted.