

OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS (IMPORT)  
SPECIAL INVESTIGATION AND INTELLIGENCE BRANCH  
AIR CARGO COMPLEX, SAHAR, ANDHERI (EAST), MUMBAI – 400 099

F. No. SIIB/Gen-76/2009-10 ACC (I)

Date : 15.11.2016

To

Shri Bharat Bhogilal Patel  
1/43, Juhu Goldmist CHS  
Juhu Gulmohar Society  
Mumbai 49

Gentleman,

Sub : Enforcement of patent rights of Shri Bharat Bhogilal Patel with respect to patent No. 188787 and 189027 both dated 21.09.1998 - regarding.

Please refer to your CPGRAMs (i) No. PMOPG/E/2015/0133751 dated 03.12.2015 (ii) PMOPG/E/2016/0294126 dated 11.12.2015 (iii) PMOPG/E/2016/0046420 dated 11.02.2016 (iv) PMOPG/D/2016/0069619 dated 17.03.2016 (v) CPGRAM CBOEC/E/2016/01158 dated 02 May 2016 (vi) PMOPG/E/2016/0159987 dated 14.05.2016 on the above mentioned subject.

In this regard, it is informed that the UPRNs A0241INBOM4PR and A0242INBOM4PR dated 18.02.2010 held by you against patent Nos. 189027 & 188787 dated 21.09.1998, were cancelled vide Order-in-Original dated 02.05.2014.

The subject matter was referred to Additional Solicitor General of India for his opinion as to whether the above mentioned patents are valid and the same can be registered with the Customs.

The ASG has opined that i) the patents are valid and subsisting as on date and accordingly they may be registered by the Customs under IPR Rules and enforced thereunder, till such time as the validity of patents is decided by the IPAB, ii) while enforcing the rights of the patentee in respect of the patents under the Rules, the order of Delhi High Court dated 28.05.2014 and 13.07.2012, must be complied with by the Customs, to the extent they are applicable, iii) Additionally, the order of the Bombay High Court imposes an additional restriction on the patentee in paragraph (I) thereof, which must be complied with the Customs, to the extent applicable, IV) Additionally, the Customs may make the registration subject to the decision of the IPAB and renewal of patents.

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In view of the above, you are, hereby, informed that your UPRNs with respect to patent Nos. 189027 & 188787 dated 21.09.1998 may be registered under the IPR Rules, till such time as the validity of patents is decided by the IPAB, provided the orders of Delhi High Court dated 28.05.2014 and 13.07.2012 and Bombay High Court order dated 03.09.2015 are complied with. Accordingly, you are requested to submit the required documents as prescribed in IPR (Imported Goods), Enforcement Rules, 2007.

This issues with the approval of Principal Commissioner of Customs (Import).



(DR. SUBHASH YADAV)  
DY. COMMISSIONER OF CUSTOMS  
SIIB (I); ACC, SAHAR

Received  
18/11/2016

DR. SUBHASH YADAV  
DY. COMMISSIONER OF CUSTOMS  
SIIB (I); ACC, SAHAR