

**MINISTRY OF COMMERCE AND INDUSTRY**  
**(Department For Promotion of Industry and Internal Trade)**  
**NOTIFICATION**

New Delhi, the 26th July, 2024

**S.O 2972(E).**—In exercise of the powers conferred by sub-section (2) of section 1 of the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), the Central Government hereby appoints the 1<sup>st</sup> August, 2024 as the date on which the provisions of the said Act, in so far as it relates to serial number 18, 30, 31 and the entries relating thereto in the Schedule to the said Act, relating to the Patents Act, 1970 (39 of 1970), the Trade Marks Act, 1999 (47 of 1999) and the Geographical Indications of Goods (Registration and Protection) Act, 1999 (48 of 1999) respectively shall come into force.

[F.No. P-2402/74/2024-IPR-III]  
HIMANI PANDE, Addl. Secy.

(1)	(2)	(3)	(4)	(5)
18.	1970	39	The Patents Act, 1970	<p>(A) In section 120, for the words "he shall be punishable with fine which may extend to one lakh rupees", the words "he shall be liable to penalty which may extend to ten lakh rupees, and in case of the continuing claim, a further penalty of one thousand rupees for every day after the first during which such claim continues" shall be substituted.</p> <p>(B) Section 121 shall be omitted.</p> <p>(C) In section 122,—</p> <p>(i) in sub-section (1), for the long line, the following long line shall be substituted, namely:—</p> <p style="padding-left: 40px;">"he shall be liable to penalty which may extend to one lakh rupees, and in case of the continuing refusal or failure, a further penalty of one thousand rupees for every day after the first during which such refusal or failure continues.";</p> <p>(ii) in sub-section (2), for the words, "he shall be punishable with imprisonment which may extend to six months, or with fine, or with both", the words "he shall be liable to penalty for a sum equal to one half per cent. of the total sale or turnover, as the case may be, of business or of the gross receipts in profession as computed in the audited accounts of such person, or a sum equal to five crore rupees, whichever is less" shall be substituted.</p> <p>(D) In section 123, for the words "he shall be punishable with fine which may extend to one lakh rupees in the case of a first offence and five lakh rupees in case of a second or subsequent offence", the words "he shall be liable to penalty, which may extend to five lakh rupees, and in case of the continuing default, a further penalty of one thousand rupees for every day after the first during which such default continues" shall be substituted.</p> <p>(E) After section 124, the following sections shall be inserted, namely:—</p> <p style="padding-left: 40px;">"124A. Adjudication of penalties.— The Controller may, by an order, authorise an officer referred to in section 73, to be the adjudicating officer for holding an inquiry and imposing penalty under the provisions of this Act, in the manner as may be prescribed, after giving the person</p>

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(1)	(2)	(3)	(4)	(5)
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concerned a reasonable opportunity of being heard.

124B. Appeal.—(1) Whoever aggrieved by an order of the adjudicating officer under section 124A may prefer an appeal to the appellate authority, who shall be an officer at least one rank above the adjudicating officer, within a period of sixty days from the date of receipt of the order, as the Central Government may by notification authorise in this behalf.

(2) Every appeal under this section shall be preferred in such form and manner as may be prescribed.

(3) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

(5) The appellate authority referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing the appeal.

(6) Notwithstanding anything contained in this Act, if the person fails to comply with the order of the adjudicating officer under section 124A or the order of the appellate authority under this section, as the case may be, within ninety days of such order, he shall, in addition to the penalty, be punishable with fine of one lakh rupees or imprisonment for a term which may extend to one year, or with both."

(F) In section 159, in sub-section (2), after clause (xiii), the following clauses shall be inserted, namely:—

"(xiiia) the manner of holding inquiry and imposing penalty under section 124A;

(xiiib) the form and manner of preferring appeal under sub-section (2) of section 124B;"

(1)	(2)	(3)	(4)	(5)
30.	1999	47	The Trade Marks Act, 1999	<p>(2) The designated officer, may, for the reasons to be recorded in writing, by order, impose penalty referred to in sub-section (1):</p> <p>Provided that in cases of more than three contraventions over a period of three years, the designated officer, in addition to penalty referred to in sub-section (1), may, for the reasons to be recorded in writing, by order, suspend or revoke the registration granted:</p> <p>Provided further that no order by the designated officer under this sub-section shall be made without giving a reasonable opportunity of being heard.</p> <p>(3) Whoever aggrieved by the order made under sub-section (2), may prefer an appeal to the Secretary to the Government of India or such other officer authorised by him:</p> <p>Provided that no such appeal shall be admissible after the expiry of thirty days from the date of receipt of such order:</p> <p>Provided further that an appeal may be entertained after the expiry of the period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time."</p> <p>(B) In section 22, in sub-section (2), after clause (da), the following clause shall be inserted, namely:—</p> <p>"(db) the designated officer under sub-section (1) of section 16;".</p> <p>(A) Section 106 shall be omitted.</p> <p>(B) In section 107, in sub-section (2), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "liable to penalty of a sum equal to one half per cent. of the total sales or turnover, as the case may be, in business or of the gross receipts in profession, as computed in the audited accounts of such person, or a sum equal to five lakh rupees, whichever is less" shall be substituted.</p> <p>(C) Sections 108 and 109 shall be omitted.</p> <p>(D) After section 112, the following section shall be inserted, namely:—</p> <p>"112A. Adjudication of penalties.— The Registrar may, by an order, authorise an officer referred to in section 3, to be adjudicating officer for holding an inquiry</p>

(1)	(2)	(3)	(4)	(5)
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and imposing penalty under the provisions of this Act, in the manner as may be prescribed, after giving a reasonable opportunity of being heard.

112B. Appeal.—(1) Whoever aggrieved by an order of the adjudicating officer under section 112A may prefer an appeal to the appellate authority, who shall be an officer at least one rank above the adjudicating officer, within a period of sixty days from the date of receipt of the order, as the Central Government may by notification authorise in this behalf.

(2) Every appeal under this section shall be preferred in such form and manner as may be prescribed.

(3) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

(5) The appellate authority referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing.

(6) Notwithstanding anything contained in this Act, if the person fails to comply with the order of the adjudicating officer under section 112A or the order of the appellate authority under this section, as the case may be, within ninety days of such order, he shall, in addition to the penalty, be punishable with fine of one lakh rupees or imprisonment for a term which may extend to one year, or with both."

(E) In section 140, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The importer or his agent shall, within fourteen days, comply with the requirement as aforesaid, and if he fails to do so, he shall be liable to penalty of ten thousand rupees:

Provided that the penalty under this section shall be levied and recovered by such authority under the Customs Act, 1962 (52 of 1962) for this purpose."

(1)	(2)	(3)	(4)	(5)
				<p>(F) In section 157, in sub-section (2), after clause (xxxiii), the following clauses shall be inserted, namely:—</p> <p>"(xxxiiia) the manner of holding inquiry and imposing penalty under section 112A;</p> <p>(xxxiiib) the form and manner of preferring appeal under sub-section (2) of section 112B;".</p>
31.	1999	48	The Geographical Indications of Goods (Registration and Protection) Act, 1999	<p>(A) After section 37, the following sections shall be inserted, namely:—</p> <p>"37A. Adjudication of penalties.— The Registrar may, by an order, authorise an officer referred to in section 3, to be adjudicating officer for holding an inquiry and imposing penalty under the provisions of this Act, in the manner as may be prescribed, after giving a reasonable opportunity of being heard.</p> <p>37B. Appeal.—(1) Whoever aggrieved by an order of the adjudicating officer under section 37A may prefer an appeal to the appellate authority, who shall be an officer at least one rank above the adjudicating officer, within a period of sixty days from the date of receipt of the order, as the Central Government may by notification authorise in this behalf.</p> <p>(2) Every appeal under this section shall be preferred in such form and manner as may be prescribed.</p> <p>(3) An appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.</p> <p>(4) No appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.</p> <p>(5) The appellate authority referred to in sub-section (1) shall dispose of the appeal within sixty days from the date of filing.</p> <p>(6) Notwithstanding anything contained in this Act, if the person fails to comply with the order of the adjudicating officer under section 37A or the order of the appellate authority under this section, as the case may be, within ninety days of such</p>

(1)	(2)	(3)	(4)	(5)
				<p>order, he shall, in addition to the penalty, be punishable with fine of one lakh rupees or imprisonment for a term which may extend to one year, or with both."</p> <p>(B) In section 42, in sub-section (2), for the words "punishable with imprisonment for a term which may extend to three years, or with fine, or with both", the words "liable to penalty of a sum equal to one-half per cent. of the total sales or turnover, as the case may be, in business or of the gross receipts in profession as computed in the audited accounts of such person, or a sum equal to five lakh rupees, whichever is less" shall be substituted.</p> <p>(C) Sections 43 and 44 shall be omitted.</p> <p>(D) In section 87, in sub-section (2), after clause (o), the following clauses shall be inserted, namely:—</p> <p style="padding-left: 40px;">"(oa) the manner of holding inquiry and imposing penalty under section 37A;</p> <p style="padding-left: 40px;">(ob) the form and manner of preferring appeal under sub-section (2) of section 37B;"</p>
32.	2000	21	The Information Technology Act, 2000	<p>(A) In section 33, in sub-section (2), for the words "<del>punished with imprisonment which may extend up to six months or a fine which may extend up to ten thousand rupees or with both</del>", the words "<del>liable to penalty which may extend to five lakh rupees</del>" shall be substituted.</p> <p>(B) In section 44, —</p> <p style="padding-left: 40px;"><del>(i) in clause (a), for the words "one lakh and fifty thousand", the words "fifteen lakh" shall be substituted;</del></p> <p style="padding-left: 40px;"><del>(ii) in clause (b), for the words "five thousand", the words "fifty thousand" shall be substituted;</del></p> <p style="padding-left: 40px;"><del>(iii) in clause (c), for the words "ten thousand", the words "one lakh" shall be substituted.</del></p> <p>(C) In section 45, —</p> <p style="padding-left: 40px;"><del>(i) for the words "rules or regulations", the words "rules, regulations, directions or orders" shall be substituted;</del></p> <p style="padding-left: 40px;"><del>(ii) for the words "compensation not exceeding twenty-five thousand rupees to the person affected by such contravention or a penalty not exceeding twenty-five thousand rupees", the following shall be substituted, namely:—</del></p>