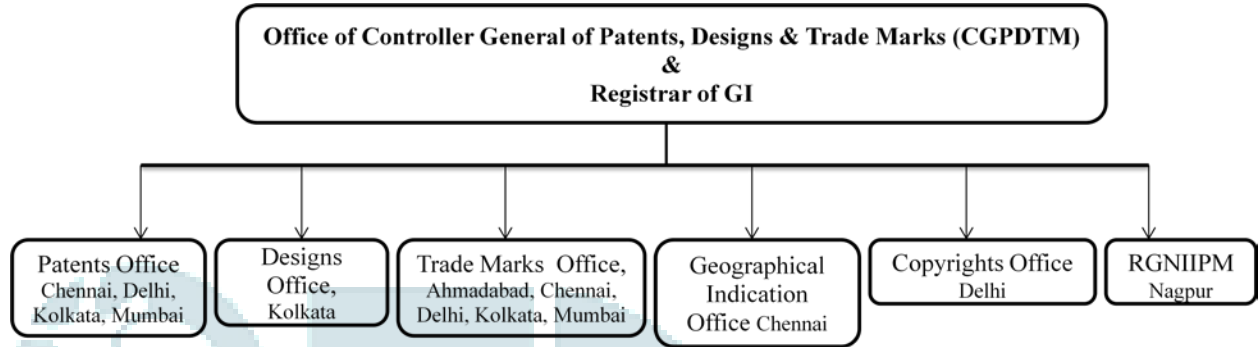
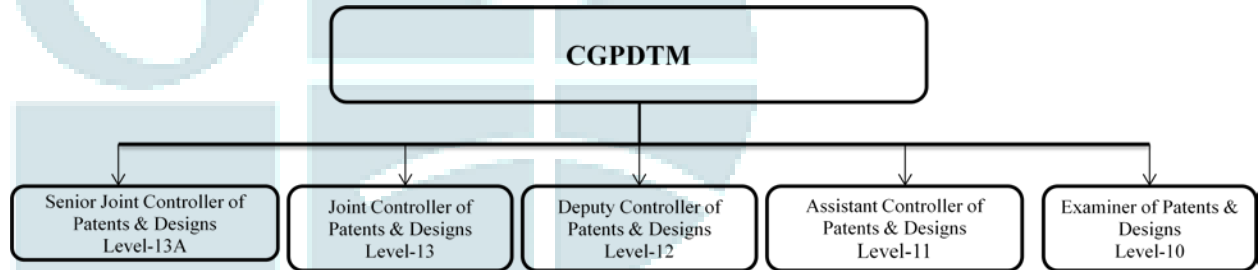


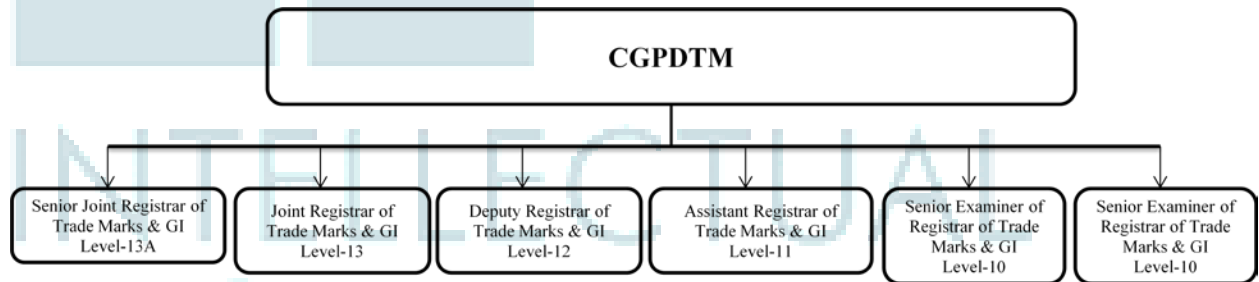
## ORGANIZATIONAL STRUCTURE



### PATENTS & DESIGNS OFFICE

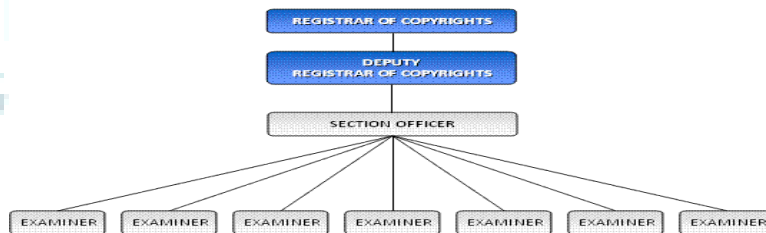


### TRADE MARKS & GI OFFICE



### COPYRIGHTS OFFICE

#### ORGANISATIONAL STRUCTURE COPYRIGHT OFFICE



### Addresses

- |  |  |  |  |
|--|--|--|--|
| <b>Trade Marks Registry,<br/>15/27, National Chambers,<br/>1st Floor<br/>Ashram Road, Ahmedabad-</b> | <b>Intellectual Property Office<br/>Building,<br/>G.S.T. Road, Guindy,<br/>Chennai-600032</b>                    | <b>Intellectual Property Office<br/>Building, Plot No. 32,<br/>Sector 14, Dwarka, New<br/>Delhi-110075</b> | <b>Intellectual Property Office<br/>Building,<br/>CP-2 Sector V, Salt Lake<br/>City,</b> |
| <b>Boudhik Sampada Bhawan,<br/>S. M. Road, Antop Hill,<br/>Mumbai - 400 037</b>                      | <b>Plot No 03, Opposite to<br/>State Board Office, Hislop<br/>College Road, Civil Lines,<br/>Nagpur - 440001</b> |  |  |

## **Role and Function (Patents Office)**

### **Particulars of Its Organization, Functions And Duties**

The Patent Office functions under the superintendence and control of the Controller General of Patents, Designs and Trade Marks (CGPDTM), Mumbai. The Office of CGPDTM is a sub-ordinate office under the Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce & Industry, government of India. The Patent Office discharges its statutory functions in accordance with the provisions of the Patents Act, 1970 (as amended) and corresponding Patents Rules, 2003 (as amended) and the Designs Act, 2000 and corresponding Designs Rules, 2001 (as amended), respectively. Grant of a patent confers upon the patentee, where the subject matter of the patent is a product, the exclusive right to prevent third parties, who do not have his consent, from the act of making, using, offering for sale, selling or importing for those purposes that product in India, and where the subject matter of the patent is a process, the exclusive right to prevent third parties, who do not have his consent, from the act of using that process, and from the act of using, offering for sale, selling or importing for those purposes the product obtained directly by that process in India. Registration of a design confers upon the registered proprietor the exclusive right to apply a design to any article in any class in which the design is registered.

While patents can be granted by the Patent Office located at any location, i.e. Kolkata, Delhi, Chennai and Mumbai, only the Designs Wing of the Patent Office, Kolkata registers designs. Under the Patents Act, 1970, the statutory authority for grant of patents is the Controller General of Patents, Designs and Trade Marks (CGPDTM). CGPDTM also delegates his powers under the law to his subordinate officers e.g. Senior Joint Controller of Patents & Designs, Joint Controller of Patents & Designs, Deputy Controller of Patents & Designs, Assistant Controller of Patents & Designs (All Group 'A' officers). The other statutory post under the Group A category is the Examiner of Patents & Designs. An Examiner examines patent and design applications and submits a report to the Controller. Examiners also assist the Controllers in all procedural, administrative and supervisory functions connected with various proceedings under the said Act and the Rules.

The Patent Office works from four locations *viz.* Delhi, Mumbai, Kolkata and Chennai. A patent application is required be filed in the appropriate office in accordance with rule 4 of the Patents Rules, 2003. Similarly, a design application can be filed at the Patent Office located at any of the above four locations. Introduction of office automation and electronic processing of patent applications has resulted in a significant level of uniformity and transparency. Information, to the maximum possible extent, has been made available online to the public *viz.* information relating to patent applications, status of the applications, examination reports and other documents. Processing of a patent application is a multi-stage process, involving filing of an application, electronic data processing, verification, screening and classification, publication, examination, pre-grant opposition, grant/refusal, etc.

The Official Journal of the Patent Office is published weekly on every Friday. The Journal contains the information mandated by the Act to be published. For Designs, such information is also published in the Official Journal. This office also has a website ([www.ipindia.nic.in](http://www.ipindia.nic.in)) which provides a comprehensive view of the organization and its activities. Patent Office also publishes an Annual Report which is placed before both Houses of the Parliament every year.

## Power and Duties of Officers & Employees

### (ii) THE POWERS AND DUTIES OF ITS OFFICERS AND EMPLOYEES

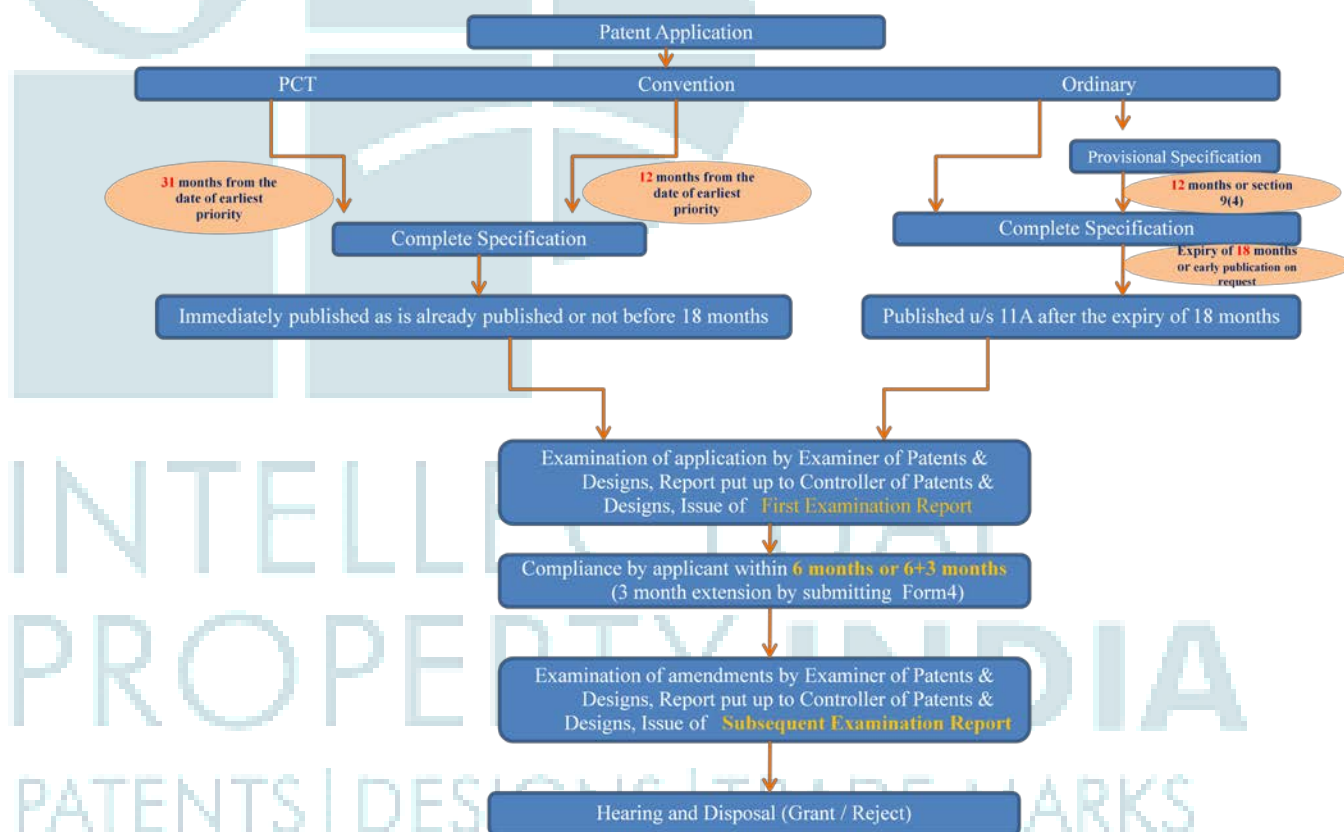
S. No.	Name of Post	Duties
<b>Group 'A' Posts</b>		
1	Controller General of Patents, Designs, and Trade Marks (CGPDTM)	The Controller General of Patents, Designs, and Trade Marks administers the laws relating to Patents, Designs, Trade Marks & Geographical Indications of Goods in India. CGPDTM heads the Patent Office, Trade Marks Registry, Geographical Indications Registry, Copyrights Office, the Patent Information System (PIS) & the Rajiv Gandhi National Institute of Intellectual Property Management (RGNIPM).
2	Senior Joint Controller of Patents & Designs	They have delegated powers to carry out the functions as 'Controller' under the Patents Act, 1970(as amended).
3	Joint Controller of Patents & Designs	
4	Deputy Controller of Patents & Designs	
5	Assistant Controller of Patents & Designs	
6	Examiner of Patents & Designs	<p>Examiners primarily examine each patents application under Section 12 of the Patents Act, 1970 (as amended) according to their field of specialization and report to the Controller about its patentability under the Patent Act, conducting search for anticipation under Section 13 of the Patents Act, 1970 (as amended), IPC classification of patent applications, preparation of detailed examination reports, consideration of observation/submissions and proposed amendments, can act as chairman/member of Opposition board, assisting Controllers in opposition matters, administrative supervision of staff working under them etc.</p> <p>as <b>International Search Authority (ISA) / International Preliminary Examination Authority (IPEA)</b></p> <p>Examiner of Patents &amp; Designs act as prestigious ISA/ IPEA with effect from 15th October 2013 in accordance to the agreement with World Intellectual Property Organization (WIPO) under article 1 of the Patent Co-operation Treaty (<i>for co-operation in the filing, searching, and examination of applications for protection of inventions and for rendering special technical services</i>). They follow PCT Rules, Regulations, and administrative instructions for the purpose of examination of patent application. <b>India is among 22 countries to act as ISA / IPEA.</b></p>
7	Hindi Officer	To ensure accurate translation from English to

		Hindi and vice versa of various rules and regulations etc., and ensuring the implementation of the Official Language Policy of the Government of India and other instructions issued from time to time related thereto.
<b>Group 'B' Gazetted</b>		
8	Administrative Officer	He is entrusted the responsibility for handling matters relating to establishment including maintenance of service records of officers and staff and looking after general administration and any other work assigned in this regard.
9	Assistant Library and Information Officer	He is the in-charge of Library and responsible for maintenance of books, records & journals. He also handles the work relating to procurement of books and supervises the Library & Information Assistant.
<b>Group 'B' Non-Gazetted</b>		
10	Office Superintendent	An Office Superintendent looks after establishment, accounts and general sections of the office. Their duties include supervision of the work of Upper Division Clerks and Lower Division Clerks of their sections like maintenance of service records of officers and staff, preparations of all kind of bills, preparation of budget, pay bills, purchase land, maintenance of records of stationery, purchase of furniture, promotions, recruitments, maintenance of rosters, preparations of confidential reports forms, housekeeping etc.
11	Library and Information Assistant	He is responsible for maintenance of books, Records & journals and assists the Assistant Library & Information Officer.
12	Stenographer Grade-I	To take dictation from the officer in charge, prepares notes during hearing and submit the typed documents.
13	Junior Hindi Translator	To carry out the translation works from Hindi to English and vice-versa.
<b>Group 'C'</b>		
14	Photography Assistant	To carry out the work of photocopying of documents and day to day maintenance of machines.
15	Stenographer Grade-II	To take dictation from the officer in charge, take notes during hearing and submit the typed documents.
16	Upper Division Clerk	Upper Division Clerks are posted in different section like Technical Sections, Accounts, Administrations, Records etc. Their duties include preparing salary bills, maintaining all type of bills, PF of employees and other clerical work and putting the case to their Section in charge.
17	Lower Division Clerk	Lower Division Clerks are posted in different section like Technical Sections, Accounts, Administrations, Records etc. Their duties include preparing salary bills, maintaining all type of bills, PF of employees and other clerical work and putting the case to their superiors and section in charge.
18	Hindi Typist	To carry out the typing work of Hindi Section and report to Hindi Officer/Jr. Hindi Translator.
19	Data Entry Operator	To attend various typing and other data entry and processing related jobs, to attend any other work assigned to them by the Head of Office/Officers in this regard.

20	Multi-Tasking Staff	Physical maintenance of records of the Section, general cleanliness & upkeep of the Section/Unit, carrying of files & other papers within the building, photocopying, sending of FAX etc, other non-clerical work in the Section/Unit, assisting in routine office work like diary, dispatch etc. including on computer, delivering of dak (outside the building), watch & ward duties, opening and closing of rooms, cleaning of rooms, dusting of furniture etc., cleaning of building, fixtures etc, work related to his ITI qualifications, if exists, upkeep of parks, lawns, potted plants etc.
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## PROCEDURES FOLLOWED IN DECISION MAKING PROCESS

### The Procedure Followed In The Decision Making Process, Including Channels Of Supervision And Accountability



Applications for patents are serially numbered (YYYYJTNNNNNN) and kept confidential till 18 months from the date of filing, unless requested by the applicants to the contrary, by way of early publication.

YYYY- Year

J- Jurisdiction (1-Delhi, 2-Mumbai, 3-Kolkata, 4- Chennai)

T- Type of application (1-O,2-OD, 3-OPA, 4-C, 5-CD, 6-CPA, 7-PCTNP, 8-PCTD, 9-PCTPA)

O-Ordinary, D- divisional, PA-Patent of addition, C- Conventional, PCTNP- PCT national phase application

NNNNNN- Continuous application number

The examination of the application is carried out pursuant to the filing of a request for examination and the examination report contains objections, if any, that are communicated to the applicant or his authorized agent. Replies to the objections, when filed, are reexamined according to the provisions of law. The applicants are to comply with the objections within twelve months from the date of first examination report. The applicants are given an opportunity to be heard in case of dispute for appropriate adjudication. The decisions of the Controller are appealable. After complying with the office objections, the patents are granted as certificates, registered and notified in the official journal of the Patent Office. Patents are required to be renewed by paying renewal fees to keep them in force, failing which the patents are ceased. Necessary changes in the proprietorship of the patent in terms of licensing, assignment, if any should be registered. The Register of Patents can be seen online. A lapsed patent can be restored by making an application in the prescribed form along with fee and on subsequent payment of other fees.

### **Request for information**

A person may request for specific information on patents under section 153 read with rule 134 along with prescribed fee, which is supplied to him accordingly.

### **Patent Cooperation Treaty**

The office also has a PCT section which deals with PCT international applications for filing abroad by the nationals and acts as a receiving office for filing of PCT international applications.

### **International Searching Authority / International Preliminary Examining Authority**

(<http://ipindiaservices.gov.in/isaweb/>) The Indian Patent Office is recognized as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the PCT and has started functioning as an ISA/IPEA with effect from 15th October 2013.

### **Patent Agents**

The office also deals with the registration of Patent Agents. A degree holder in science/technology/engineering from any Indian university or equivalent may apply to appear in an examination conducted by the office of CGPDTM and qualify to make themselves eligible for registration. These registered patent agents assist and deal with applications on behalf of the applicants before the Patent Office.

### **Designs**

Design applications can be filed in any of the four offices of the Patent Office and forwarded to the Kolkata Patent Office for allotment of numbers and further processing and registration. The Examiner examines the application as per the Designs Act and reports it to the Controller. The Controller communicates the objections, if any, to the applicant. The applicant is offered a hearing and a decision is given when necessary. A design is granted on complying with the office objections. All records of registered designs are entered in the Register of Designs, which is open for public inspection. For convenience, Designs are classified into 32 classes following the Locarno Classification.

### **Decision making power**



The final decision on an application for patent or design as to whether the applicant would be granted a patent or allowed to register the design resides with the Controller. Similarly, for any other proceedings under the Act in both Patents & Designs, the Controller is the ultimate authority to decide allowability or otherwise of the same. An application for a patent or a design or any proceeding is routinely diarized with appropriate records of number and date and put up to the Examiner by the Support Staff with office notes stating the facts. The Examiner examines the documents under the provision of the law and gives his report to the Controller. The report of the Examiner is based on his findings after due process of examination as specified in the law. The Examiner acts as a techno-legal person for examination of patent applications. Depending on his findings in the investigation, the final fate of an application with respect to the grant of the patent is determined. However, the Controller is also under the obligation to offer the applicants an opportunity for hearing before taking any adverse decision or refusing any application under the law. His decisions are also appealable under the law.

### **NORMS FOR THE DISCHARGE OF FUNCTION**

The Patent Office discharges the functions and duties in accordance with the Patents Act, 1970.

#### **Norms of Initial Processing of a Patent Application**

Applications for patents are serially numbered (YYYYJTNNNNNN) and kept confidential till 18 months from the date of filing, unless requested by the applicants to the contrary, by way of early publication.

YYYY- Year

J- Jurisdiction (1-Delhi, 2-Mumbai, 3-Kolkata, 4- Chennai)

T- Type of application (1-O,2-OD, 3-OPA, 4-C, 5-CD, 6-CPA, 7-PCTNP, 8-PCTD, 9-PCTPA)

O-Ordinary, D- divisional, PA-Patent of addition, C- Conventional, PCTNP- PCT national phase application

NNNNNN- Continuous application number

Patent applications are screened for: (a) International Patent Classification (IPC), (b) Technical field of invention for allocation to an Examiner in the respective field and (c) Relevance to defence or atomic energy.

#### **Norms of Comprehensive e-Filing Services for Patents**

All facilities for filing application and related documents are available on e-filing platform. Same is required to be accessed on part of the applicant / agent to avail online services.

#### **Norms of Request for Examination**

On receipt of a request for examination, the Patent Office accords a date and serial RQ number to it through the central server.

An application for a patent is not examined unless the applicant or any other interested person makes a request for examination. The request is to be filed in Form 18 with the fee as prescribed in First Schedule.

A request for examination has to be made within forty-eight months from the date of priority of the application or from the date of filing of the application, whichever is earlier. If no such request for examination is filed within the prescribed time limit, the application shall be treated as withdrawn by the applicant.

In a case where secrecy direction has been issued under Section 35, the request for examination may be made within six months from the date of revocation of the secrecy direction, or within forty-eight months from the date of filing or priority, whichever is later.

The Office will not examine an application unless it is published and a request for examination is filed. When a request for examination is filed by an interested person other than the applicant, the Examination Report is sent to the applicant only, and intimation is given to the interested person.

### **Norms of Reference for Examination as per Chronological Order**

Once a request for examination is received, and the application is published under section 11-A, the application is taken up for Examination in the chronological order of filing of request for examination.

The patent application is referred to an Examiner by the Controller for conducting the formal as well as substantive examination as per the subject matter of the invention vis-à-vis the area of specialization of the Examiner as below:

Group 1: Chemistry and allied subjects.

Group 2: Biotechnology, Microbiology and allied subjects.

Group 3: Electrical, Electronics & related subject

Group 4: Mechanical and other subjects.

On an application being referred to him by the Controller, the Examiner makes a report on the patentability.

## **RULES, REGULATIONS, INSTRUCTIONS ETC FOR DISCHARGING FUNCTIONS**

### **The Rules, Regulations, Instruction, Manuals and Records, Held By It Or Under Its Control Or Used By Its Employees For Discharging Its Functions**

The Patent Office possesses copies of relevant Rules, Regulations, Manuals, Guidelines & records required by it and also maintains the same for its regular activities. These are also distributed to the employees for regular use for discharging their functions. Officers of the office can also access the official website ([www.ipindia.nic.in](http://www.ipindia.nic.in)) which contains *inter alia* the relevant Act and Rules, office annuals etc.

PATENTS | DESIGNS | TRADE MARKS  
GEOGRAPHICAL INDICATIONS



## **ROLE AND FUNCTION (TRADE MARKS REGISTRY)**

### **A. PARTICULARS OF ITS ORGANIZATION, FUNCTIONS AND DUTIES**

The Trade Marks Registry (TMR) functions under the superintendence and control of the Controller General of Patents, Designs and Trade Marks (CGPDTM), Mumbai. The Office of CGPDTM is a sub-ordinate office under the Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce & Industry, Government of India. Trade Marks Registry discharges its statutory functions in accordance with the provisions of the Trade Marks Act, 1999 and the Trade Marks Rules 2017.

The Trade Marks Registry is established for the purpose of registration of trade marks in India. The Controller General of Patents, Designs and Trade Marks is the Registrar of Trade Marks, who is also assisted by officers designated such as Sr. Joint Registrar of Trade Marks & GI, Joint Registrar of Trade Marks & GI, Deputy Registrar of Trade Marks & GI, Assistant Registrar of Trade Marks & GI, Senior Examiner of Trade Marks & GI and Examiners of Trade Marks & GI. These officers discharge the functions of the Registrar under his superintendence and direction. Ordinarily, the Sr. Joint Registrar, Joint Registrar, Deputy Registrar and Assistant Registrar are authorized to hear contested matters and Senior Examiners are authorized to hear Show Cause Matters and decide cases in respect of various proceedings under the Trade Marks Act, 1999. The Examiners of Trade Marks examine applications for registration of Trade Marks to see whether they qualify for registration under the provisions of Trade Marks Act, 1999 and Trade Marks Rules, 2017. They also assist the Registrar in all procedural, administrative and supervisory functions connected with various proceedings under the said Act and the Rules.

After accession to the Madrid Protocol of the Madrid System for international registration of marks, the Registrar also functions as Office of Origin in respect of applications for international registration of trademarks originating from India and as Office of Designated Contracting party in respect of international registrations notified to India for protection of the mark. This function of the Registrar is described under Chapter IV A [from Section 36A to 36G] of the Trade Marks Act 1999 as amended in 2010

For discharging such functions of the Registrar, an International Registration Division is set up in Head office of the Trade Marks Registry at Mumbai.

## **Office of the Trade Marks Registry and their Jurisdiction**

Mumbai is the head office of Trade Marks Registry. There are four branch offices of Trade Marks Registry situated at Delhi, Kolkata, Chennai and Ahmedabad as enumerated below.

Mumbai: Trade Marks Registry, Boudhik Sampada Bhavan, S. M. Road, Antop Hill, Mumbai – 400 037.

Jurisdiction: The State of Maharashtra, Madhya Pradesh, Chhattisgarh and Goa.

Ahmedabad: Trade Marks Registry, Near Chankyapuri Overbridge, Besides AMC City Civic Centre, Ghatlodia, Ahmedabad – 380 061.

Jurisdiction: The States of Gujarat and Rajasthan and the Union Territories of Daman, Diu, Dadra and Nagar Haveli.

Kolkata: Trade Marks Registry, Nizam Palace, 2<sup>nd</sup> MSO Building, 7<sup>th</sup> Floor, 234/4, A. J. C. Bose Road, Kolkata – 700 020.

Jurisdiction: Arunachal Pradesh, Assam, Bihar, Jharkhand, Orissa, West Bengal, Manipur, Mizoram, Meghalaya, Sikkim, Tripura and Union Territories of Nagaland, Andaman & Nikobar Islands.

New Delhi: Trade Marks Registry, Boudhik Sampada Bhavan, Plot No. 32, Sector 14, Dwarka, New Delhi – 110 075.

Jurisdiction: The States of Jammu & Kashmir, Punjab, Haryana, Uttar Pradesh, Uttarakhand, Himachal Pradesh, Delhi and the Union Territories of Chandigarh.

Chennai: Trade Marks Registry, Chennai, Intellectual Property Office Building, G.S.T Road, Guindy, Chennai – 600 032.

Jurisdiction: The States of Andhra Pradesh, Kerala, Tamil Nadu, Karnataka and the Union Territories of Pondicherry and Lakshadweep Island.

## **B. THE POWERS AND DUTIES OF ITS OFFICERS AND EMPLOYEES**

<b>Sl. No.</b>	<b>Name of Post</b>	<b>Duties</b>
	<b>Group 'A' Gazetted</b>	
1.	Controller General of Patents, Designs, and Trade Marks (CGPDTM)	The Controller General of Patents, Designs, and Trade Marks administers the laws

		relating to Patents, Designs, Trademarks Geographical Indications of Goods, Copyright Act, Semi Conductor Integrated Circuits and Lay Out Designs Act in India. CGPDTM heads the Patent Office, Trade Marks Registry, Geographical Indications Registry, the Patent Information System (PIS) & the Rajiv Gandhi National Institute of Intellectual Property Management (RGNIPM) Copyright Office and Semi Conductor Integrated Circuits and Lay Out Designs Registry
2.	Sr. Joint Registrar of Trade Marks and GI	Senior Joint Registrar of Trade Marks and Geographical Indications is the senior most technical officer having supervisory powers relating to administration of the Trade Marks Act, 1999 and Geographical Indications of Goods (Registration & Protection) Act, 1999 and the Rules there under. He/She may also have to act as Tribunal in the Trade Marks and Geographical Indications Registry. He/She may also have to discharge the functions of Registrar as delegated by the Registrar. He/She advises the Registrar on Trade Marks and Geographical Indications matters and may represent the Government in International forum like the WIPO and act as speaker/resource person at international seminars and meetings on Trade Marks and Geographical Indications matters. He/She can be assigned any other work relating to the subject by the Registrar as per the exigency of workload.
3.	Joint Registrar of Trade Marks and GI	He is in charge of day to day functioning of the office where posted. He functions as a Tribunal under the Act and Rules. He adjudicates contested matters, rectifications and any other matter connected thereto. He delivers the judgments. He also guides Deputy/Assistant Registrar on various Trade Mark litigation matters. He can be assigned any other work relating to the subject by the Registrar/Senior Joint Registrar as per the

		exigency of workload.
4.	Deputy Registrar of Trade Marks & GI	He functions as a Tribunal under the Act and Rules. He takes hearings of contested matters. He adjudicates and issues speaking Order and Decision. He also attends Court Cases and briefs Central Government Counsel on Trade Mark matters, service matters, Litigation in CAT, High Court and Law Ministry under supervision of Joint Registrar, Senior Joint Registrar and Registrar. He can be assigned any other work relating to the subject by the Registrar and other senior officers as per the exigency of workload
5.	Assistant Registrar of Trade Marks & GI	He functions as a Tribunal under the Act and Rules. He is assigned to hear Show Cause Matters and authorized to accept trade Marks applications for registration. He also takes hearings of contested matters. He adjudicates and issues speaking Order and Decision. He attends Court Cases and briefs Central Government Counsel on Trade Mark matters, service matters, Litigation in CAT, High Court and Law Ministry under supervision of Joint Registrar, Senior Joint Registrar and Registrar. He can be assigned any other work relating to the subject by the Registrar and other senior officers as per the exigency of workload.
6.	Senior Examiner of Trade Marks & GI	He is assigned to hear Show Cause Matters and authorized to dispose trademarks applications. He also reviews the response to Examination Report in objected trademark applications and moves the application further as per law. Senior Examiner of Trade Marks also functions as officer in charge of specific section/units at TMR He is answerable to the Controlling Officer (Registrar / Sr. Joint Registrar / Joint Registrar / Deputy Registrar / Assistant Registrar. He can be assigned any other work relating to the subject by the Registrar and other senior officers as per the exigency of workload.

7.	Hindi Officer	To ensure accurate translation from English to Hindi and vice versa of various rules and regulations etc., and ensuring the implementation of the Official Language Policy of the Government of India and other instructions issued from time to time related thereto.
	<b>Group 'B' Gazetted</b>	
8.	Examiner of Trade Marks & GI	The primary duty of Examiner of Trade Marks is to examine new trademarks applications in accordance with the Act and Rules. He also reviews the response to Examination Report in objected trademark applications and moves the application further as per law. He is also responsible to put up noting and correspondence to senior officers. Examiner of Trade Marks also functions as officer in charge of specific section/units at TMR He can be assigned any other work relating to the subject by the Registrar and other senior officers as per the exigency of workload.
9.	Administrative Officer	He is entrusted the responsibility for handling matters relating to establishment including maintenance of service records of officers and staff and looking after general administration and any other work assigned in this regard.
10.	Assistant Library and Information Officer	Duties of Assistant Library and Information Officer include maintenance of Records, important Law books, journals both Foreign and Indian in the Library, Supplying of books for reference to the Officers / Staff and Public.
11.	Private Secretary	The duties of PS include maintenance of confidential papers of Head of Department/Head of Office, Maintenance of telephone registers, engagement diary with Sr. Joint/Joint Registrar of Trade Marks apart from typing decisions/orders of the Sr. Joint/Joint Registrar under the trademarks acts and rules, Marking letters addressed to Sr. Joint/Joint Registrar of Trade Marks to the concerned officers for necessary action

		and attending to such other matters as are assigned to him.
12.	Public Relation Officer	The duties of the Public Relation Officer include attending to public enquiries related to procedure for filing of trademarks application, the matters relating to registration of the trade marks agents and other connected works; supervising the work of diarizing and dispatch section including the work of telephone operator; Marking of letters received in the office to different section;
	<b>Group 'B' Non-Gazetted</b>	
13.	Superintendent	Superintendent is the head of the establishment/accounts and general sections. Their duties include supervision of the work of Assistant Superintendents, Upper Division Clerks and Lower Division Clerk and their sections like maintenance of service records of officers and staff, preparations of all kind of bills, preparation of budget, pay bills, purchase land maintenance of records of stationery, purchase of furniture, promotions, recruitments, maintenance of rosters, preparations of confidential reports forms, housekeeping etc.
14.	Library and Information Assistant	Duties of the Library and Information Assistant include Maintenance of Records, important Law books, journals both Foreign and Indian in the Library, Supplying of books for reference to the Officers / Staff and Public.
15.	Stenographer Grade-I	Duties of Stenographer Grade-I are to carry-out the dictation and typing work given by the officer in charge.
16.	Assistant Examiner of Trade Marks & GI	Assistant Examiner of Trade Marks is the first level junior official who puts up notings, brief summary of the case in the file for orders/directions of Examiner/Senior Examiner of Trade Marks. He also supervises the work of ministerial staff working in the concerned section. He can be assigned any other work relating to the



		subject by the Registrar and other senior officers as per the exigency of workload.
17.	Junior Translator	Hindi Translator carries out the translation work from Hindi to English and vice-versa.
	<b>Group 'C'</b>	
18.	Assistant Superintendent	The Assistant Superintendents are posted in different sections like Accounts, Administrations, Record, New Application section etc. Their duties includes supervision of work of Upper Division Clerks and Lower Division Clerks, maintenance of data of applications, regulating the numbering, record management and movement of files.
19.	Photography Assistant	To carry out the work of photocopying of documents and maintenance of machines.
20.	Cashier	Receive fees payable in connection with the Trade Marks applications and other incidental thereto and keep records of it. He deals with all financial matters relation to the office.
21.	Upper Division Clerk	Upper Division Clerks are posted in different section like Accounts, Administrations, Records, New Applications and other Section of Trade Marks Registry. Their duties include preparing pay bills, maintaining of all type of bills, GPF of employees and other clerical work and putting the case to their Section in charge.
22.	Lower Division Clerk	Lower Division Clerks are posted in different section of Trade Marks Registry and their duties are reporting to Upper Division Clerk/ Assistant Superintendent and Section in charge. Further their duties are to do the dispatch work and other clerical works. Lower Division Clerks also do the job of the Telephone Operator.
23.	Stenographer Grade – II	Stenographers carry out the dictation and typing work given by the senior officers.
24.	Data Entry Operator	Data Entry Operators attend to various typing and other data entry and processing related jobs, to attend any other work assigned to them by the Head of

		Office/Officers.
25.	Staff Car Driver	Staff Car Driver is responsible for driving the official vehicles provided to them or he/she may be required to drive official vehicles for conveyance. Proper cleanliness and maintenance of Car, maintenance of Log book, records of petrol consumed/taken and other prescribed records are also part of his/her duties. He/she is also responsible to get servicing/repair of cars done under his/her direct supervision, wherever required.
26.	Multi Tasking Staff	Duties of Multi-Tasking Staffs include storage and maintenance of paper records of the Section, general cleanliness & upkeep of the Section/Unit, carrying of files & other papers within the building, photocopying, sending of FAX etc, other non-clerical works in the Section/Unit, assisting in routine office work like diary, dispatch etc. including on computer, delivering of dak (outside the building), watch & ward duties, opening and closing of rooms, cleaning of rooms, dusting of furniture etc., cleaning of building, fixtures etc, work related to his ITI qualifications, if exits, upkeep of parks, lawns, potted plants etc, any other work assigned by the superior authority.

**C. THE PROCEDURE FOLLOWED IN THE DECISION MAKING PROCESS INCLUDING CHANNELS OF SUPERVISION AND ACCOUNTABILITY**

Applications for registration of trademarks submitted at different offices of the Registry are serially numbered with the help of computer system at the same time. The examination of the application is carried out and objections, if any, communicated to party. After dealing with replies to the objections, when hearing becomes necessary then the application is sent to the appropriate office where the designated Hearing Officers hear the case and give a decision. Examination, considering reply to examination reports, advertisement of accepted applications in the Trade Marks Journal and registration of the marks are done at Head Office.

Applications, if not filed online, are received and digitized, show cause and opposition hearings are conducted, and other functions under the Trade Marks Act and Rules, as notified by the Registrar from time to time are

conducted in branch offices. The Head Office also functions as branch offices in respect of cases pertaining to its local jurisdiction.

All records of registered trademarks are entered in the Register which is maintained electronically in Central Server of Trade Marks Registry. Under the Trade Marks Act 1999, the Registrar is authorized to keep the records wholly or partly in computer floppies, diskettes or in other electronic form subject to such safeguards as may be prescribed.

The provisions relating to the entries to be made in the Register are contained in Section 6 of Trade Marks Act 1999.

The entries in respect of each mark are made and maintained through a computer system. The applicant/proprietor of trademarks or the agent/attorney appointed by him shall fill application for registration of a trade mark for goods or services along with supported documents and prescribed fees as defined in Trade Marks Act, 1999. He has to apply for the registration in the appropriate office of the Registry under whose jurisdiction principal business address is given. A foreign applicant/proprietor has to apply in the appropriate office under whose jurisdiction the service address is given. The application for registration of trademark can also be filed online through comprehensive e-filing portal made available on the official website of the CGPDTM.

If the trade mark application is distinctive it may be accepted directly by the examiner during examination of the application. Otherwise, an examination report containing office objections is sent to the applicant/applicant's authorized concerned and the copy of the same is also made available at the website. The applicant is required to file response against office objections with supporting documents, if any such as evidence (i.e. affidavit, invoices, newspaper cutting etc.) to prove the use of the mark. Once the mark is accepted it goes to Trade Mark Journal for Publication. In case there is no opposition within the prescribed period as defined by the Trade Marks Act, 1999 the registration certificate is generated through the auto registration process and issued to the proprietor concerned.

### **NORMS SET FOR DISCHARGE OF ITS FUNCTIONS**

The mission of the Registrar is to administer the Trade Marks Act by providing quick, efficient and error free service. The Registrar of Trade Marks is accountable for registration of the trade mark. He has discretionary power to withdraw any mark from the register after opportunity of being heard to the applicants, if he finds it is a prohibited mark as per Central Govt. directions.

### **NORMS OF COMPREHENSIVE E-FILING SERVICES FOR TRADE MARKS**

Trade Marks Registry has developed the e-filing system so as to cover comprehensive e-filing for Trade Marks. For further details about e-filing services please see [User Manual](#).

## **Norms of Transparency**

### **(i) Dynamic Utility**

In order to enhance the transparency in the trade marks registration system a dynamic utility has been launched to allow the public to see on real time basis the detail of (month-wise and date-wise):

- Examination
- Show cause hearing
- Publications
- Registrations
- Other disposals
- Notices generated

## **Norms of Quality Policy of TMR**

- The office aims at providing qualitative, speedy and transparent services related to examination, e-publication, e-registration and post-registration activities including e-renewal.
- The office adopts a fair, impartial, responsive, prompt and same day disposal of cases approach (wherever possible) in the handling of complaint received by it.
- The office has implemented a transparent and user-friendly automation system, which responds positively to the needs of users.
- The Trade Marks Registry provides professional guidance to applicants/users shorn of all legal jargons.
- The office adheres to a time bound processes in the handling of cases. It channelizes its internal synergy to deliver results with promptitude.

- Feedback on the working of the office will be welcomed where it is made in a constructive manner and efforts made to incorporate suggestions in improving the functioning of the office.

**D. THE RULES, REGULATIONS, INSTRUCTION MANUALS AND RECORDS HELD BY IT OR UNDER ITS CONTROL OR USED BY ITS EMPLOYEES FOR DISCHARGING ITS FUNCTIONS**

Trade Marks Registry is administered by CCS (Conduct) Rules and other regulations framed by Central Government. TMR possesses copies of relevant Rules, Regulations, Instruction Manuals, & other record required by it and also maintains the same for its regular activities. These are also distributed to the employees for regular use for discharging its function. Officers of the office can also access to the official website ([www.ipindia.nic.in](http://www.ipindia.nic.in)) which contains, *inter alia*, the relevant Act and Rules, office annuals etc.

Trade Mark Registry regularly publishes Trade Marks Journal. This journal is officially published electronically by the Registrar of Trade Marks on weekly basis on every Monday. It mainly contains the following particulars:

- Particulars relating to applications for registration of trademarks accepted or before acceptance.
- Particulars of international registrations under Madrid Systems where India has been designated for protection
- Corrigenda and notifications in respect of published trademark applications
- List of Trade Marks Registered.
- Registered users of registered trademarks entered in the register with limit of period.
- Names, addresses, and descriptions of the registered users altered in the register.
- Correction in the entry of the register under Section 58
- Subsequent proprietors registered.
- List of Registration renewed.
- Trade Marks removed from the Register for non-payment of renewal fees.

- Notification relating to amendment of the Act and Rules.
- Miscellaneous notices relating to trade marks.

**E. A STATEMENT OF THE CATEGORIES OF DOCUMENTS THAT ARE HELD BY IT OR UNDER ITS CONTROL**

The Registry maintains indexes of registered trademarks and the trade marks in respect of which the registration is pending **in electronic format** which is available to public for inspection. In addition to the indexes the following categories of documents are held by Trade Marks Registry.

- Files of application for registration, evidence, if any filed in connection therewith and all correspondence relating thereto.
- Notice of opposition, application for rectification, counter statement thereto and affidavits and affidavits and documents filed by the parties in any proceedings before the registrar.
- All regulations deposited under Section 74 and applications for varying such regulations.
- Indexes of registered trademarks and trademarks in respects of which applications for registration are pending.

**F. THE PARTICULARS OF ANY ARRANGEMENT THAT EXISTS FOR CONSULTATION WITH OR REPRESENTATION BY, THE MEMBERS OF PUBLIC IN RELATION TO THE FORMULATION OF ITS POLICY OR IMPLEMENTATION THEREOF**

Public Relation Officer is appointed in Head Office as well as all Branch Offices to coordinate between members of public and the authority with regards to any issues raised in the process of registration of trade marks. Seminars, workshops, etc are conducted from time to time in connected with registration of trade marks.

**G. A STATEMENT OF THE BOARDS, COUNCILS, COMMITTEES AND OTHER BODIES CONSISTING OF TWO OR MORE PERSONS CONSTITUTED AS ITS PART OR FOR THE PURPOSE OF ITS ADVICE**



**AND AS TO WHETHER MEETINGS OF THOSE BOARDS, COUNCILS, COMMITTEES AND OTHER BODIES ARE OPEN TO THE PUBLIC OR THE MINUTES OF SUCH MEETINGS ARE ACCESSIBLE TO PUBLIC**

Meetings of the senior level officers take place in the office whenever necessary to settle any dispute/question relating to administration of Trade Marks law to bring uniformity in practice. The members of the public are also informed of the same whenever necessary.

**H. DETAILS IN RESPECT OF THE INFORMATION, AVAILABLE TO OR HELD BY IT, REDUCED IN AN ELECTRONIC FORM**

Information to the maximum possible extent has been made available online to the public *viz.* information relating to Trade Marks applications, status of the applications, examination reports and other documents. Processing of a trade mark application is a multi-stage process, involving filing of an application, electronic data processing; verification, classification, examination, publication, opposition etc. (*see www.ipindia.nic.in*). Some key information available in electronic form has been noted as under:

- Trade Marks Application & Related Documents
- Trade Mark Journal
- IP Acts & Rules
- Annual Reports
- Revised Draft Manual of Trade Marks Practice and Procedure
- International Non Proprietary Names (INN)
- Work flow chart
- Reservation Rosters of Group A, B & C employees
- Classification of Goods & Services
- Hearing Board of Show Cause and Contested matters
- Office Circulars
- Returned Registration Certificate
- List of Removed Trade Marks
- Hearing & Adjournment Details
- Opposition & Renewal Details

## **I. THE PARTICULARS OF FACILITIES AVAILABLE TO CITIZENS FOR OBTAINING INFORMATION, INCLUDING THE WORKING HOURS OF LIBRARY OR READING ROOM, IF MAINTAINED FOR PUBLIC USE:**

### **Public Search Interface**

An easy & powerful search interface has been developed to conduct a search for trademarks and its is available to public free of cost

The said interface is divided in 3 Parts

#### (a) Categories

You can select from three different Categories

- Wordmark
- Vienna Code
- Phonetic

#### (b) Criteria, Keyword & Condition

- Criteria refine your search. It changes on the selection of Categories.
- For WORDMARK you have {'WORDMARK', 'CLASS', 'GOODS-SERIVCE', 'DESCRIPTION'}
- For VIENNA MARK you have {'VIENNA CODE', 'CLASS'}
- For PHONETIC you have {'WORDMARK', 'CLASS'}

#### (c) Search Button

- After entering keywords & selecting your conditions click on 'Start Search' button.

### **WIPO Depository Library**

WIPO Depository Library serves as reference sources for the general public. WIPO is the world's most comprehensive source of data on the intellectual property (IP) system, as well as of empirical studies, reports and factual information on IP. Those wishing to consult WIPO publications may visit to library located in the Offices at all five locations. The **Madrid Monitor** of the WIPO website current provides details of all international registration under Madrid System. The WIPO under **Global Brand database** compiles details of all trademarks registered or pending for registration at local offices of

Countries/Organization of Countries and the same is available to the public free of cost.

### **Other Information**

For the purpose of knowledge to general public for filing trademark applications free information booklets are distributed on request (also available on official website [www.ipindia.nic.in](http://www.ipindia.nic.in)). This booklet contains relevant information whatever necessary for filing & further processing of trademark applications directly.

Additionally members of the public may obtain direct preliminary information on the necessary formalities for filing trademark applications and/or other details by visiting any of the Trade Marks Registry. Above services including library facilities are available in the office on working days (Monday to Friday) during 9:30 AM to 6:00 PM. The complete information about Department is available in the official website ([www.ipindia.nic.in](http://www.ipindia.nic.in)).