



**INTELLECTUAL
PROPERTY INDIA**
PATENTS | DESIGNS | TRADE MARKS
GEOGRAPHICAL INDICATIONS



सत्यमेव जयते



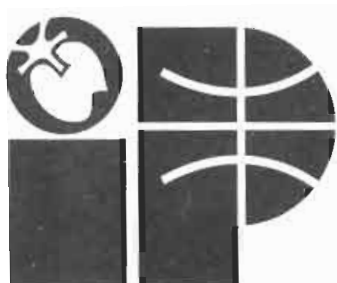
ANNUAL REPORT

2005 - 2006

150



**OFFICE OF THE
CONTROLLER GENERAL OF PATENTS, DESIGNS,
TRADE MARKS AND REGISTRAR OF GEOGRAPHICAL INDICATIONS**



INTELLECTUAL PROPERTY **INDIA**

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**ANNUAL REPORT OF OFFICE OF THE CONTROLLER GENERAL
OF PATENTS, DESIGNS, TRADE MARKS AND REGISTRAR
OF GEOGRAPHICAL INDICATIONS**



FOREWORD

Intellectual Property has now become a major source for economic and technological development. After formation of the WTO, it has gained more importance than ever before. Now, holding of Intellectual Property Rights for new innovations has become an important part of overall business strategy for most of the corporates across the world and in fact, increasingly becoming a basis of business success. The efforts are being made globally not only for creating and establishing a healthy environment for providing an effective protection to the Intellectual Property Rights. But also harmonizing the Intellectual Property regime. Up to the last decade, India used to be the Intellectual Property user but, in view of growing importance of new intellectual property regime, several initiatives have been taken in India to create a healthy environment in order to encourage innovative activities and thereby it had started becoming an intellectual property creator. It is evident from the India's success in the field of pharmaceutical and information technology that India has been successfully implementing its IP policy for sustainable development of Indian economy. Today, Indian economy is growing at the rate of about 8.5% of GDP. India's Pharma Industry alone is estimated to be worth of \$ 4.5 billions, which is growing at about 8 to 9 % annually and further, poised to grow at the rate of 13 to 14% annually.

It is evident that the protection of Intellectual Property Rights accentuates multilateral trade and increases opportunity for the participants in the society to create wealth. This synergistic effect is cognizable only with the synchronization of vivacious economy and strong Intellectual Property regime.

This year, Indian Patent System has completed 150 years of existence and has its origin from an Act called "The Exclusive Privileges Act, 1856". This Act came into force on 28th February 1856 just 150 years ago. The Act of 1856 was repealed and all the provisions were re-enacted in an Act of 1859. This Act was again amended in 1872 and in 1883. In 1888, all the previous Acts were repealed and replaced by a consolidated Act, the Inventions and Designs Act, 1888 that was further revised and replaced by the Indian Patents and Designs Act 1911. This Act was further replaced by the Patents Act, 1970.

Indian Govt. continued its efforts to strengthen IPR protection to nurture talents and encourage creativity, in order to achieve the goal of becoming a high-tech and innovative society. India also has become a creator of newer technologies in several fields especially in Bio-Technology, Pharmaceuticals etc. manifested by filing more national patent applications and also PCT International applications for patents.

The ultimate aim of re-structured IP Administration is not just to facilitate filing of more applications for the Intellectual Property being created now and all the traditional knowledge that India has, but to also create a greater confidence among global entities in Indian Patent system, which would indeed increase foreign investment in the country. Intellectual property rights are about the very things that make life safer, longer, more comfortable and fun with feeling of social well being and have an indelible impact on the quality of daily life of every citizen in India.

Government of India has taken several initiatives under the Modernisation Project in the Xth Five Year Plan to modernize and re-structure the IPR administration in the country. These include setting up of international standard infrastructure, amending the IPR legislations in conformity with the International Conventions and Treaties so as to bring at par with the International Standards. The said initiatives have already started taking shape in terms of quicker office action, reduction of IPR granting time, improved general efficiency and coping with handling increased number of applications in general. The Government would further continue its effort in the XIth Five Year Plan to further strengthen the IP Administration to achieve global standards.

It gives me immense pleasure in placing a consolidated Annual Report for the year 2005-06 in compliance with the provisions of IP Law. I hope this report would be useful to the public and in particular, the users of IP system.

S. CHANDRASEKARAN

Controller General of Patents, Designs & Trade Marks
and Registrar of Geographical Indications



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CHAPTER I – OVERVIEW OF IP ADMINISTRATION

Under the modernization project, the IP Administration in India has now been thoroughly overhauled. The IP Offices namely, Patent & Design Office, Trade Marks Registry, Geographical Indications Registry, which were functioning at different locations hitherto, have now been integrated and brought under one IP building at each place namely, Kolkata, Chennai, Delhi and Mumbai. In these efforts, this year the fully integrated IPR office building, at Dwarka, New Delhi, constructed by National Building Construction Company Limited (NBCC), a Government of India Undertaking, New Delhi, housing Patents, Designs and Trade Marks was inaugurated on 29th August, 2005 by Shri Kamal Nath, Hon'ble Union Minister of Commerce and Industry in the presence of Shri E.V.K.S. Elangovan, Minister of state for Commerce and Industry. A photograph of this integrated building is shown below:



In continuation of modernization of IP buildings, Shri Kamal Nath, Union Minister of Commerce & Industry further inaugurated the fully integrated IP Office Building at Guindy, Chennai, housing Patents, Designs, Trade Marks and Geographical indications on 21st January 2006, in the presence of Shri T.R. Balu, Union Minister of Shipping, Road Transport & Highways, Shri Dayanidhi Maran, Hon'ble Union Minister of Communication & Information Technology, Shri E.V.K.S. Elangovan, Minister of State for Commerce & Industry. A photograph of this integrated building is shown below:



Similarly, another IP Office building at Salt Lake, Kolkata, housing Patents, Designs & Trade Marks, was inaugurated by Shri Kamal Nath, Hon'ble Union Minister of Commerce & Industry in the presence of Shri Nirupam Sen, Hon'ble Minister In-charge of Commerce & Industry, Government of West Bengal on 28th October, 2005. A photograph of this integrated building is shown below:



In Mumbai, the fully integrated IP office building housing Patents & Designs, Trade Marks and Office of the Controller General is ready to usher in near Antop Hill, Mumbai and expected to be operational after inauguration. A photograph of this building is shown below:





With the increasing responsibility, the office of the Controller General of Patents, Designs and Trade Marks and Geographical Indications, a subordinate office of the Department of Industrial Policy & Promotion under the Ministry of Commerce & Industry, Government of India has taken all appropriate measures to administer the IPR laws more effectively so that more and more members of the public are increasingly attracted to create intellectual property assets. Under its control, laws relating to Patents, Designs, Trade Marks & Geographical Indications are being administered in the country. Additionally the Patent Information System (PIS) and the Intellectual Property Training Institute at Nagpur are also under its administrative control. Various functions of these offices under the Controller General are furnished herein.

PATENTS

The jurisdiction of Indian Patent Office is geographically divided into four regions namely, Northern Region (Patent Office Delhi), Western Region including Madhya Pradesh and Chhattisgarh (Patent Office Mumbai), Southern Region (Patent Office Chennai) and Eastern Region including rest of India (Patent Office Kolkata). Kolkata Office is functioning as the Head Office. The Patent Office administers the law concerning protection of inventions in the country by way of grant of Patent monopoly for a limited period of time to the applicants including inventors or their assignees. The grant of patent is governed by the Patents Act, 1970 as amended from time to time. The first amendment to this law was made in 1999 by the Patents (Amendment) Act, 1999 for the introduction of a provision for filing application on drugs/agrochemicals as products and also for a provision for grant of exclusive marketing rights on the same. The second amendment to this Act was made by the Patents (Amendment) Act, 2002 which came into force with effect from 20th May, 2003 covering comprehensive amendments including those which India was obliged under the TRIPS Agreement obligations. Further, on 26th December, 2004, the Patents (Amendment) Ordinance, 2004 was promulgated along with the Patents (Amendment) Rules, 2005 effective from 1st January 2005 to meet India's obligation towards complying with remaining provisions of the TRIPS Agreement, particularly, introduction of grant of product patent to the inventions relating to

pharmaceuticals, chemicals, drugs, agro chemicals and food. The said Ordinance was finally repealed and replaced by the Patents (Amendment) Act, 2005 which was notified on 5th April, 2005 and made effective from 1st January 2005. However, provisions relating to establishment of "Appellate Board" are yet to be implemented.

Under the new law attempts have been made not only for reducing the overall granting time but also simplifying the granting procedure as well as making the same user friendly. The provisions of Patent law have also been harmonized with the provisions of International Conventions and Treaties. Further, most of the time periods stipulated in the Patents Act, earlier, now have been shifted to the Rules. With the new law in place, it has now become important to create a good working environment in the office for effective administration of the law. With a view to achieve the best in terms of quality of service and capacity building, the Government of India has continued the modernization activities in establishing ideal infrastructure with properly trained manpower including Examiners in various subjects of specializations.

The Patent Office has received 24505 Applications for the grant of Patents during 2005-06 as compared to 17466 in the year 2004-05 thereby recording 40% increase in the filing. Similarly it has granted 4320 Patents in this financial year as compared to 1911 during 2004-05, thereby recording 125% increase in the grant of Patents.

The Patent Office has started publishing the "Patent Office Journal" with effect from January 2005 under Section 145 of the Act, which contains information relating to the patent applications, their publication u/s 11A, grant of Patents, revocation of Patents, opposition to the grant of patents, important official notices including other miscellaneous activities. This journal is being published weekly on Friday and also available on the IP office website i.e. www.ipindia.nic.in. The hardcopy including CD-ROM of the journal is also available in the Patent Offices for public inspection, sale and subscription. The Patent Office has also initiated the digitization of patent records.

DESIGNS

The Design administration is currently being done at the Head Office of Patent Office at Kolkata only.



However, filing of design applications is also facilitated through the Patent offices at Delhi, Chennai and Mumbai. The Designs Act, 2000 has replaced the earlier legislation of 1911 to provide for a wider ambit of coverage and incorporated several user-friendly features in order to harmonize the legislation with similar Acts in other countries. The modernized Design Office has been operational since June 2002. The thrust of the modernization programme for Designs wing includes a transition from the essentially paper based examination procedures to an IT based system supported by the computerization of existing records, on-line search facilities, setting up of a user-friendly environment, dynamic website and the creation of a digital library. The filing rate of design applications has also increased from 4017 in 2004-05 to 4949 in 2005-06, recording about 20% increase. Similarly, disposal rate has also increased from 3728 in 2004-05 to 4175 in 2005-06 thereby showing an increase of about 15%.

TRADE MARKS

The Trade Marks Registry (TMR) with Head Office at Mumbai and branches at Ahmedabad, Chennai, Delhi and Kolkata, administers the Trade Marks Act, 1999 and rules, thereunder in the country. This Act came into force, w.e.f. 15.9.2003 superceding the earlier Trade and Merchandise Marks Act, 1958. The role of the Trade Marks Registry in the administration of the Act has increased substantially as it includes *inter-alia* protection of trademarks for services, well known marks etc. In addition, the Trade Marks Registry closely monitors the developments in the International field and provides critical inputs on emerging issues relating to Domain name protection and International Proprietary names. During the year, the Registry discontinued paper publication of the Trade Marks Journal and the same is now being published through CD Rom Journal. More than 1,58,000 trademarks were published in CD Journal during 2005-06 and issued over 1,84,000 registration certificates. The Registry has also initiated digitisation of 1.4 million records as a Plan Project and is working on a total IT solution to establish a paperless office in the near future.

GEOGRAPHICAL INDICATIONS

The well-known Geographical names of goods are protected and registered under the Geographical Indications of Goods (Registration & Protection) Act,

1999, which has come into force on 15th September, 2003. The Geographical Indication Registry is established at Chennai under the control of the Controller General of Patents, Designs and Trade Marks who is also the Registrar of Geographical Indications. The objectives of the new law are to afford protection of intellectual property inherent in Geographical Indications & thereby prevent their misuse & also to foster growth of exports of goods bearing Geographical Indications and protection for the National Heritage Products. Since the implementation of Geographical Indications Registration Act, with effect from 15.09.2003, 53 applications have been filed and 28 have been registered. However, during this financial year, 16 applications have been filed and 27 have been examined. Out of them, 13 have been registered.

PATENT INFORMATION SYSTEM

Patent Information System at Nagpur has been functioning since 1980 disseminating patent information and providing Patent Search services to the users. It maintains a comprehensive collection of patent specifications and patent related literature on a world-wide basis and provides technological information contained in patent or patent related literature through search services and patent copy supply services to various users such as R&D establishments, government offices, Industries, business houses, inventors and other users within India.

INTELLECTUAL PROPERTY TRAINING INSTITUTE

Intellectual Property Training Institute (IPTI), Nagpur established in 2002 is conducting training programmes meant for personnel engaged in the field of Intellectual Property and also providing training to the Examiners of patents, designs and Trade Marks and other technical officials working in IP Offices. This institute also organizes awareness programmes for other users such as patent attorneys, scientists, researchers, etc.

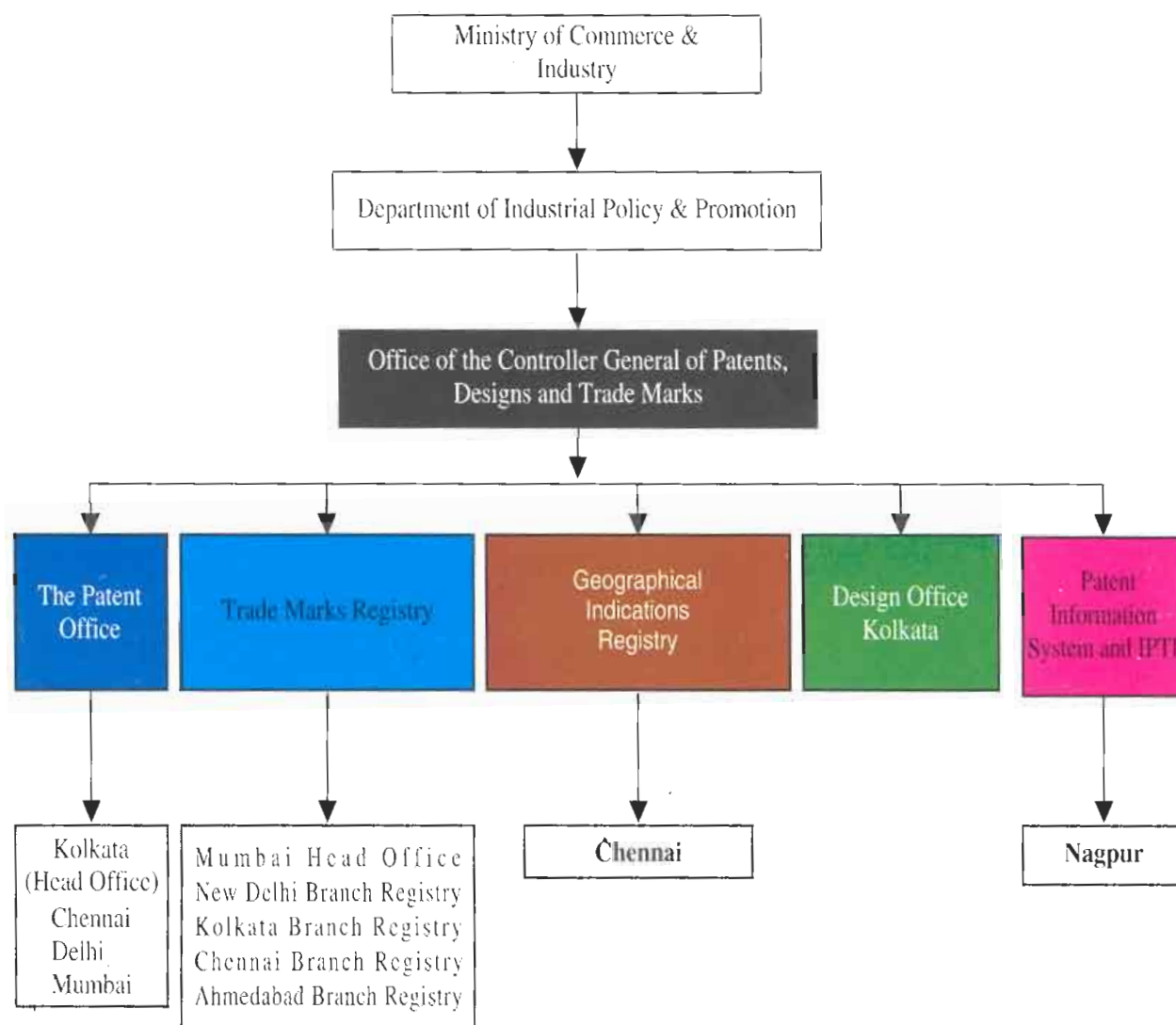
The offices under the office of the CGPDTM are already revenue generating. During the year **2005-2006**, through Intellectual Property (IP) administration, the Patent Office has generated an income of **Rs. 93.64 crores**, the Designs Wing **Rs.0.76 crores**, the Trade Marks Registry **Rs.49.75 crores**, Geographical



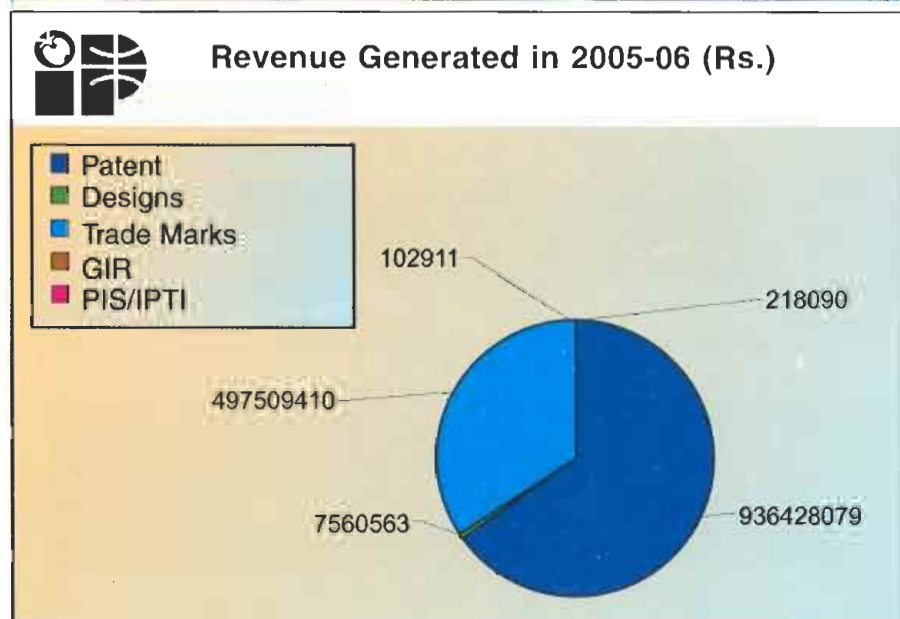
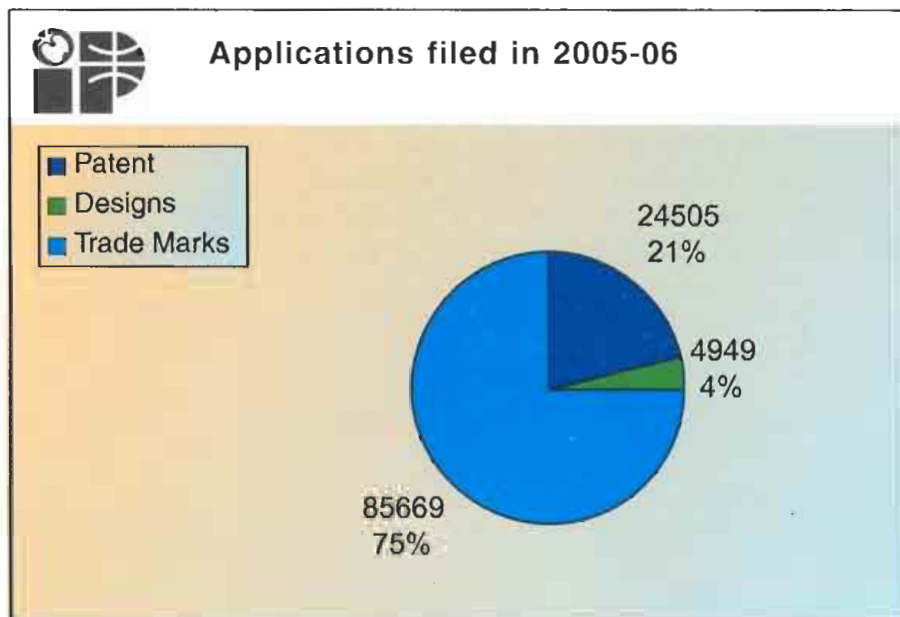
Indications Registry of **Rs. 2,18,090** and **PIS/IPTI of Rs. 1,02,911**. As against this, the **non-plan expenditure** by the Patent Office (including the Design Wing) was **Rs.5.78 crores** and **Rs.4.83 crores** by the Trade Marks Registry while by Geographical Indication Registry it was approximately **Rs.0.25 crore**. The PIS/IPTI has spent about Rs. 57.95 lakhs. Thus against a total revenue earned of **Rs144.18 crores** during 2005-2006, the actual

expenditure for Patents, Designs, Trade Marks, Geographical Indications Registry and PIS/IPTI was **Rs.11.43 crores** thereby providing a surplus revenue of **Rs.132.74 crores**. This surplus figure is about **190%** more than that of the last year amounting Rs. 69.31 crores, with total revenue figure was only **Rs. 79.33 crores**.

ORGANIZATION CHART



STATISTICAL DATA AT A GLANCE



IPR Applications status during year 2005-06

	Patents	Designs	Trademark	G.I.
Application filed	24505	4949	85699	16
Examined	11569	4719	77500	27
Granted/Registered	4320	4175	184325	13

PCT International applications filed during 2005-06

Individuals	Legal Entities	Total
130	352	482



**Comparison of the Revenue (Rs.) generated during the
year 2005-2006 and 2004-2005**

Year	2005-2006	2004-2005
Patents	93,64,28,079	40,72,54,457
Designs	75,60,563	64,59,282
Trade Marks	49,75,09,410	37,94,85,262
GIR	2,18,090	1,10,000
PIS/IPTI	1,02,911	-
Total	1,44,18,19,053	79,33,09,001

**Comparison of the Non Plan Expenditure (Rs.) during the
year 2005-2006 and 2004-2005**

Year	2005-2006	2004-2005
Patents (Including Designs)	5,77,88,309	5,25,00,000
Trademarks	4,82,77,958	4,58,00,000
GIR	24,98,738	1,80,000
PIS / IPTI *	57,95,463	50,78,229
Total	11,43,60,468	10,35,58,229

* IPTI incurred the expenditure only under Plan Head. For details relevant chapter can be seen.

CHAPTER II - PATENTS

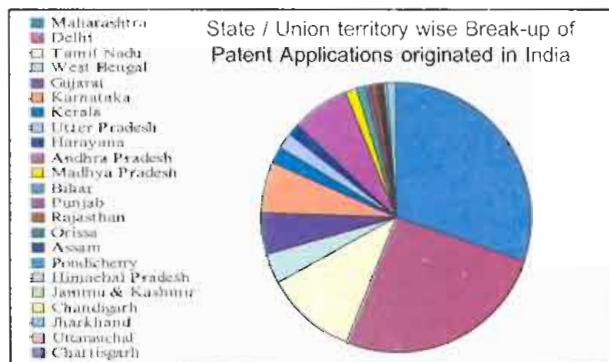
2.1 INTRODUCTION:

The Patents are granted for the inventions under the Patents Act, 1970. After the introduction of amendments in the patents law, the trend in the filing of patent applications has been increasingly growing. With the growing awareness in this area, the filing trend of applications originated from India has also started increasing.

2.2 PATENT APPLICATIONS A. FILED DIRECTLY

During this year, the number of applications for inventions which originated from India have increased to **4,521** from 3630 in 2004-05 and therefore contributing approximately **19%** increase in the total number of applications filed during the year. Similarly, number of applications filed directly by the foreign nationals (Non-residents) has also increased to 4517 from 3165 in 2004-05. A list of applications for patents received and classified according to the country and state of origin as against 2004-05 is shown in **Appendix 'A'**.

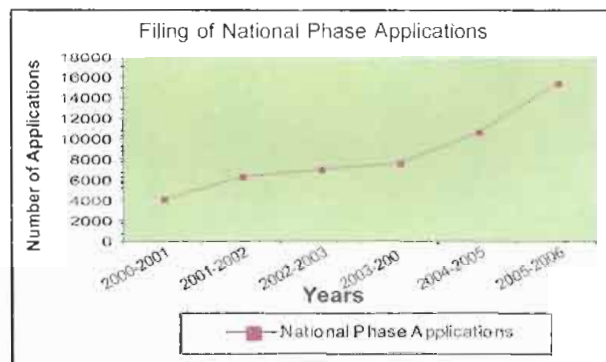
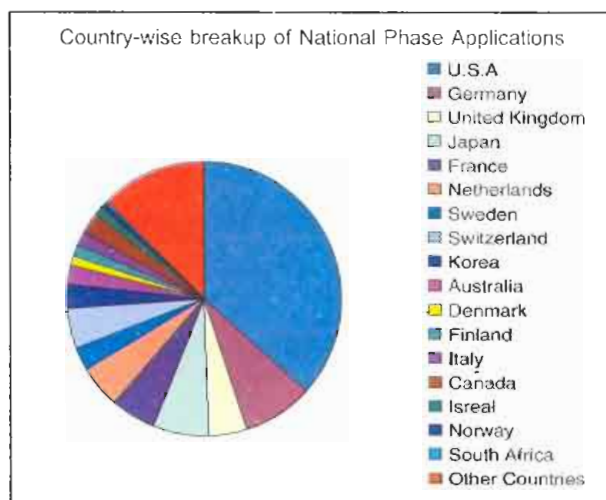
The number of applications for patents, received from Indian residents and non-residents during the period from 1996-1997 to 2005-2006, are shown in **Appendix 'B'**. Out of the total number of applications for patents, which originated from abroad, the United States of America contributed the largest number. Out of the **4,521** applications, which originated from India, Maharashtra accounted for the maximum applications, followed by Delhi, Tamil Nadu, Karnataka, Andhra Pradesh and Gujarat. The State / Union Territory wise break up figure is as shown in brackets. Maharashtra (1233), Delhi (1018), Tamil Nadu (433), Andhra Pradesh (408), Gujarat (203), Karnataka (428), West Bengal (214), Uttar Pradesh (193), Kerala (96), Haryana (93), Punjab (29), Madhya Pradesh (55), Rajasthan (17), Jharkhand (15), Assam (15), Himachal Pradesh (10), Bihar (29), Chandigarh (15) etc.



Number of convention applications filed was 3509, increased by about 40% over the last year total of 2529. A statement showing the distribution of applications filed on Chemical, Electrical, Mechanical and General fields during the period from 2001-2002 to 2005-2006 is shown in **Appendix- 'D'**.

B. FILING AS NATIONAL PHASE THROUGH PCT

The number of National Phase applications for patents filed during the year was 15,467. The United States of America led with the maximum number of applications followed by Germany, Japan and United Kingdom. The country wise break-up figures is as shown in brackets: USA (5874), Germany (1351), France (822) Japan (1060), Netherlands (817), Switzerland (752), United Kingdom (735), Sweden (467), Australia (339), Italy (293), Denmark (192), Republic of Korea (458), Israel (210), Canada (360), Finland (201), Norway (60), Belgium (140), Austria (85) etc.





2.3 PCT INTERNATIONAL APPLICATIONS:

India joined the Patent Cooperation Treaty on 7th December 1998. The Patent Office Kolkata acted as the only receiving office (RO/IN) of the international applications for India then. With the change of Rules with effect from 19th November 1999 the other offices at Chennai, Delhi and Mumbai also started receiving the applications on the regional basis. There has been an increasing trend in the international PCT filings over the years. During this year total filing was 482 as compared with 456 in the previous year. Statistics of filing PCT international applications for the last five years are given below:

Year	Individual	Legal Entity	Total
2001-2002	49	189	238
2002-2003	57	227	284
2003-2004	102	328	430
2004-2005	105	351	456
2005-2006	130	352	482

Major contributors for the PCT international applications during this year were CSIR, Sun Pharmaceuticals, Hetero Drugs, RPG Life Sciences, Hewlett Packard Development Co., Lupin Ltd, Biocon, Alembic, USV Limited, Cadilla Healthcare Limited, Matrix Laboratory, Reliance Life Sciences Pvt. Ltd., Dabur Pharma Ltd, Wockhard Ltd., Natco Pharma Ltd., Torrent Pharmaceuticals.

2.4 REVENUE AND EXPENDITURE

Patent Offices earned revenue of **Rs.94.41 crores** (including of Designs administration) by way of fees on various proceedings under the Act as applicable during this year out of which revenue on patent alone was about **Rs.93.65 crores**. The corresponding expenditure was **Rs.5.78 crores**. The details of revenue by way of collection of fees on patents are shown in **APPENDIX-F**.

2.5 MISCELLANEOUS PROCEEDINGS UNDER THE ACT

(a) **Patents granted:** Total number of patents granted during the year was 4,320. These included 140 patents granted on applications relating to Food, 457 to Drug or Medicine, 1448 to Mechanical, 451 to Electrical, 1140 to Chemical and 497 on General. (**Appendix 'E'** may be seen).

(b) **PATENTS IN FORCE:** 16,419 patents were in force on the 31st March 2006. Of these, 4,486 patents stood in the names of Indians. The number of applications made, applications deemed to have been abandoned, complete specifications accepted and applications on which patents were granted and other information for the years 1996-97 to 2005-2006 are shown in **Appendix 'C'**.

(c) **Inventions in the field of Atomic Energy:** 11 cases were referred to the Department of Atomic Energy during the period under review out of which 10 no. of cases were cleared during the year (including the previous year) and 4 cases were found to have attracted prohibition under the atomic energy, while 2 cases were pending at the end of said year. 9 applications were refused under atomic energy during the year.

(d) The details of applications referred to Defence Research & Development Organization, Ministry of Defence:

	Total number of cases referred to DRDO	No. of cases cleared	Pending at the beginning of the year
Patents	7	5	2
Designs	13	12	1



2.6 OTHER MISCELLANEOUS INFORMATION

Sl. No.	Particulars	No. of cases received	No. of cases disposed (including of previous years)
1.	No. of patents refused u/s -15	5	7
2.	Representation by way of opposition u/s 25(1)	155	100
	Opposition u/s 25(2)	6	4
3.	Permission Under Section 39	1029	972
4.	Direction of Controller u/s 35 and Consequential actions thereon	31	29
	(a) Continued	20	20
	(b) Revoked	5	5
5.	Review of Controller's Decision	3	11
5A.	Registration of Documents u/s 68 and Assignment etc. u/s 69	111	63
6.	Revocation of Patents u/s 64	4	4
7.	Rectification of register of Patents by High Court	3	3
8.	Appeals u/s 116 of Old Act	1	1
	(a) Under Section 15	1	1
	(b) Under Section 25	1	1
	(c) Under Section 27	-	-
	(d) Under Section 60	6	1
9.	Duplicate Patent u/s 154	1	1
10.	Number of Patent agents as on 31.3.2006	-	821
11.	Supply of Certified Copy u/s 72 & 147	232	232
	(a) Specification	910	890
	(b) Letter Patent	-	-
	(c) Others	7	7
12.	Supply of Photocopy	8728	8603
	(a) Specification	18408	18408
	(b) Letter Patent	1	1
	(C) Others	9	9



2.7 GENERAL INFORMATION

The Scientific & Technical Libraries of the Patent Office at Kolkata and Patent Offices at Mumbai, Delhi and Chennai provided facilities to the public for consultation and reference work. The inventors of different research and industrial organizations and other members of the public as well as the research scholars of different universities increasingly availed the facilities.

The Technical Library of the Patent Office, Kolkata continued to receive patent specifications of Patent Offices of United Kingdom, EPO, Australia (Microfiche) and Patent Abstracts of United States of America, Canada, Netherlands, New Zealand,

Republic of Korea etc. and Patent Office Journals of different countries. Recently, P.C.T. Journals & pamphlets on DVD and Official Gazettes in CD-ROMs were also received by the Patent Office library. During the year Patent Office received 6766 Gazettes, 2251 CD ROMs, 1071 Indian and Foreign books, 750 Indian and Foreign journals. About 8,430 persons visited the libraries of the Patent Office, Kolkata, Mumbai, Chennai and New Delhi to conduct searches through the patent specifications and other publications. The search rooms and libraries of these offices were appropriately utilized by the scientists/technologists etc.

**APPLICATIONS FOR PATENT FILED IN THE YEAR 2005-06 AS AGAINST 2004-05
CLASSIFIED ACCORDING TO COUNTRY / STATE OF ORIGIN**

Country/ State/ Union Territory	Number of Ordinary Applications		Number of Convention Applications		Number of National Phase Applications	
	2005-06	2004-05	2005-06	2004-05	2005-06	2004-05
1	2	3	4	5	6	7
Maharashtra	1233	1093	26	24	172	170
Delhi	1018	935	-	-	-	168
Tamil Nadu	433	397	-	-	-	-
West Bengal	214	131	-	-	-	-
Gujarat	203	179	1	-	1	-
Karnataka	428	216	-	-	-	-
Kerala	96	79	-	-	-	-
Uttar Pradesh	193	72	-	-	-	3
Haryana	93	48	-	-	-	3
Andhra Pradesh	408	254	-	-	-	-
Madhya Pradesh	55	45	-	2	-	1
Bihar	29	41	-	9	-	-
Punjab	29	27	-	-	-	-
Rajasthan	17	28	-	-	-	-
Orissa	-	12	-	-	-	-
Assam	15	6	-	-	-	-
Goa	-	2	-	-	-	-
Pondicherry (UT)	5	8	-	-	-	-
Himachal Pradesh	10	8	-	-	-	-
Jammu & Kashmir	4	-	-	-	-	-
Chandigarh	15	9	-	-	-	-
Jharkhand	15	35	-	-	-	-
Meghalaya	-	-	-	-	-	-
Uttaranchal	3	-	-	-	-	-
Union Territory Daman	-	-	-	-	-	-
Chattisgarh	3	5	-	-	-	-
Nagaland	2	-	-	-	-	-
TOTAL	4521	3630	27	35	173	345



COMMON WEALTH COUNTRY

1	2	3	4	5	6	7
*United Kingdom	11	29	50	31	735	370
*Australia	8	4	25	21	339	280
*Canada	20	5	116	43	360	241
*Ireland	-	-	1	-	35	21
*Sri Lanka	-	1	-	-	-	-
*New Zealand	-	2	1	8	40	32
TOTAL	39	41	193	103	1509	944

AMERICA

	2005-06	2004-05	2005-06	2004-05	2005-06	2004-05
1	2	3	4	5	6	7
*U.S.A.	393	134	1781	1078	5874	4053
*Mexico	-	-	-	3	9	-
*Venezuela	-	-	-	-	-	-
*Brazil	4	1	6	7	45	22
*Argentina	-	1	1	1	3	2
West Indies	-	-	-	-	5	1
Panama	-	2	1	7	1	1
Uruguay	-	-	-	-	-	2
B.V. Island	-	1	2	4	11	17
Burmuda	-	-	-	-	6	1
Barbados	-	-	-	1	7	3
Bahamas	-	-	1	-	5	-
Cuba	1	-	1	-	22	9
Costa Rica	-	-	-	-	-	-
Belize	-	-	-	-	1	-
TOTAL	398	139	1793	1101	5989	4111

APPENDIX "A" Contd...



EUROPE

	2005-06	2004-05	2005-06	2004-05	2005-06	2004-05
1	2	3	4	5	6	7
Germany	96	65	289	257	1351	1292
*France	22	34	178	155	822	671
*Switzerland	48	31	127	50	752	383
*Sweden	9	1	62	9	467	287
Russia	-		1	-	33	9
*Netherlands	8	13	12	7	817	520
*Italy	11	4	73	34	293	169
*Hungary	-		-	-	17	13
*Austria	1	3	14	11	85	52
*Belgium	3	6	9	4	140	64
*Denmark	1	2	4	7	192	112
Luxembourg	-		2	6	37	16
Yugoslavia	-		-	1	-	-
Norway	1		2	-	60	55
Spain	1		7	-	98	26
Finland	3	4	8	-	201	121
Liechtenstein	-		1	-	7	9
Iceland	7	8	-	-	4	1
Portugal	-		1	-	5	2
Cyprus	-		7	-	10	-
Channel Island	-		1	-	5	-
Turkey	1		-	-	3	3
Czech Republic	1		2	-	6	5
Poland	-		-	-	7	1
Estonia	-		-	-	-	-
Latvia	-		-	-	3	-
Romania	-		-	-	-	-
Slovenia	-		-	-	1	1
Slovakia	-		-	-	3	-
Monaco	-		-	-	3	-
Ukraine	-		-	-	4	1
Croatia	-		-	-	8	6
Greece	-		-	-	3	-
Bulgaria	-		-	-	3	-
Other European Countries	-		-	16	195	38
TOTAL	213	173	800	565	5628	3852

APPENDIX "A" Contd...



AFRICA

	2005-06	2004-05	2005-06	2004-05	2005-06	2004-05
1	2	3	4	5	6	7
South Africa	-	2	4	3	48	48
Swaziland	1	6	11	32	29	149
Mauritius	-		-		2	
Tanzania	-		-		-	
Malta	-		-		-	
Total	1	8	15	35	79	197

ASIA

1	2	3	4	5	6	7
	2005-06	2004-05	2005-06	2004-05	2005-06	2004-05
Japan	137	131	358	365	1060	626
Republic of China	32	4	60	40	132	100
South Korea	76	155	145	102	458	243
Israel	5	5	7	14	210	133
Taiwan	98	63	86	32	11	10
Hong Kong	3	6	7	4	9	5
United Arab Emirates	-		-		1	1
Thailand	4	4	4	8	-	
Malaysia	3	3	7	10	10	4
Singapore	-	3	4	4	47	30
Philippines	-		-		1	1
Saudi Arabia	-	1	-		3	6
Kazakhstan	-		-		4	1
Indonesia	-		2		-	
India	4521	3630	-	31	334	384
Lebanon	-		-	-	1	-
Uzbekistan	-		-		1	
Egypt	-		-		3	
Mali	-		-		-	
Indonesia	-		-		-	
Kuwait	-		-		-	
Nepal	-		-		-	
Other countries	1		1		9	17
TOTAL	4878	4044	681	600	2304	1564
GRAND TOTAL	5529	4399	3509	2396	15467	10671


APPENDIX - 'B'
TABLE SHOWING THE NUMBER OF APPLICATIONS FOR PATENT FROM RESIDENTS AND NON -RESIDENTS YEAR-WISE FROM 1996-97 TO 2005-2006

Applicants 1	1996-1997 2	1997-1998 3	1998-1999 4	1999-2000 5	2000-2001 6	2001-2002 7	2002-2003 8	2003-2004 9	2004-2005 10	2005-2006 11
Residents	1661	1926	2247	2206	2179	2371	2693	3218	3630	4521
Non Residents	6901	8229	6707	2349	2160	1870	1723	1678	3165	Ordinary 1008 Conventior 3509
										Total 4517
National Phase Application under PCT	-	-	-	269	4164	6351	7049	7717	10671	15467
GRAND TOTAL	8562	10155	8954	4824	8503	10592	11466	12613	17466	24505

APPENDIX-"C"
STATEMENT GIVING MISCELLANEOUS INFORMATION RELATING TO PATENT DURING THE PERIOD FROM 1996-97 TO 2005-2006

Year	No. of Applications filed	Total number of requests made for examination	No. of applications deemed to have been abandoned due to non-filing of complete specification Sec. 9(1)	No. of applications deemed to have been abandoned due to non-compliance under Sec. 21(1)	Number of Patents granted		No. of patents in force	
					Indian	Foreign	Indian	Foreign
1	2	3	4	5	6	7	8	9
1996-97	8562		375	675	293	614	2003	7202
1997-98	10155		59	803	619	1225	2047	6882
1998-99	8954		820	804	645	1155	2088	6691
1999-00	4824		262	1954	557	1324	2200	6458
2000-01	8503		89	460	399	919	1495	6530
2001-02	10592		325	1031	654	937	1578	6742
2002-03	11466		290	1633	494	885	1479	6519
2003-04	12613	12362	933	1695	945	1524	2075	4331
2004-05	17466	19001	267	775	764	1147	2200	4657
2005-06	24505	21926	414	894	1396	2924	4486	11933



APPENDIX - D

**NUMBER OF PATENT APPLICATIONS FILED DURING LAST FIVE YEARS
FROM 2001-02 TO 2005-2006 UNDER VARIOUS FIELDS OF INVENTIONS**

Year	Chemical	Drug	Food	Electrical	Mechanical	Computer/ Electronics	Biotechnology	General	Total
2001-2002	778	879	110	731	1,174		2	569	4,241*
2002-2003	776	966	119	690	1,257		46	562	4,416*
2003-2004	2952	2525	123	2125	2717		23	2148	12613
2004-2005	3916	2316	190	1079	3304	2787	1214	2659	17466
2005-2006	5810	2211	101	1274	4734	5700	1525	3150	24505

APPENDIX - E

**NUMBER OF PATENTS GRANTED DURING LAST FIVE YEARS
FROM 2001-02 TO 2005-2006 UNDER VARIOUS FIELDS OF INVENTIONS**

Year	Chemical	Drug	Food	Electrical	Mechanical	Computer/ Electronics	Biotechnology	General	Total
2001-2002	483	320	36	139	311			302	1,591
2002-2003	399	312	67	118	228			255	1379
2003-2004	609	419	110	396	539			401	2469
2004-2005	573	192	67	245	414	71	71	278	1911
2005-2006	1140	457	140	451	1448	136	51	497	4320

**PATENT FEES RECEIVED DURING 2005-2006 IN RESPECT OF VARIOUS PROCEEDINGS UNDER THE ACT AND THE RULES**

Fees collected in respect of 1.	Total Amount Received (Rs.) 2.
(1) Application for Patents- U/S 5(2), 7, 54 or 135.and PCT national phase application u/r 20(1)	474167784
(2) On request for Examination of application for Patent under Section 11(B) (a) Rule 24(B)(1)(i) (b) Rule 20(4) (ii)	211632000
(3) Request for extension of time under various proceedings except u/r 138	26365700
(4) (i) Claim U/S 20(1)	2235500
(4) (ii) Request for direction U/S 20(4) or 20(5)	-
(5) Notice of opposition to the grant of Patents under section 25	98000
(6) Giving notice that hearing before the Controller will be attended under rule 62(2).	99000
(7) Application U/S 28(2), 28(3), 28(7)	18000
(8) Request for publication under section 11-A(2) and Rule 23-B	6683000
(9) Application U/S 44 for amendment of Patent	88000
(10) Renewal Fees in respect of granted Patents U/S 53.	130722400
(11) Application for amendment of application for Patent/ Complete specification and other documents U/S 57.	6554600
(12) On application for restoration of a Patent under Section 60 including additional fees where applicable.	223000
(13) Application for registration of a document in the register of Patent under Section 68	-
(14) On application for the entry in the register of Patents of the name of a person entitled to a Patent or as a share or as a mortgage or licensee or as otherwise or for a entry in the Register of Patents of notification of a document under Sections 69(1) or 69(2) and rule 74(1), 74(2) or 74(3).& Rule 90(1) & 90(2)	527000
(15) On application for alteration of an entry in the register of Patents or Register of Patent Agents under rule 94(1) or rule 118	476200
(16) On request for entry of an additional address for service in the register of Patents under rule 94(3)	167000



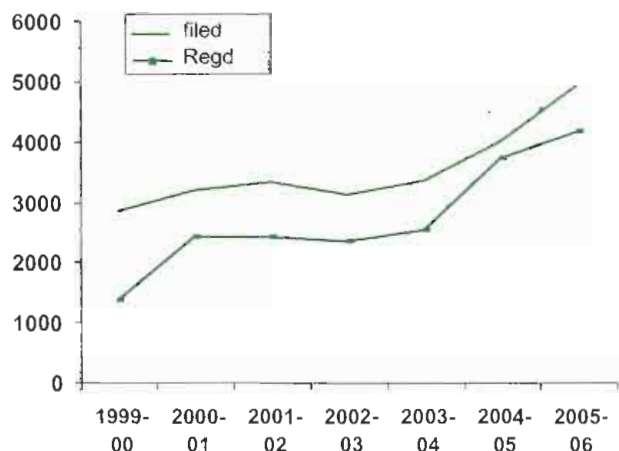
Fees collected in respect of 1.	Total Amount Received (Rs.) 2.
(17) On application for registration as a Patent agent under rules 109(1) or 112	216000
(18) On request for appearing in the qualifying examination under rule 109(3)	536000
(19) Continuation fee for continuation of the name in the Register of Patent Agents	535000
(20) On request for correction of clerical error Under Section 78(2)	97000
(21) On application for review or setting aside the decisions/ order of the Controller Under Section 77(1) (f) or 77(1)(g)	268000
(22) On application for permission for applying patent outside India under section 39 and rule 71(1)	3582000
(23) On request for certified copies Under Section 72 or for certificate Under Section 147 and rule 133	4974000
(24) On request for inspection of register Under Section 72, inspection under rule 27 or rule 38 or rule 74-A	453800
(25) On Request for information Under Section 153	163300
(26) Petition u/r 137, 138 and not otherwise provided for.	58819000
(27) Transmittal Fee for International Applications.	2947800
(28) For preparation of certified copy of Priority document and for transmission of the same to the International Bureau.	1164500
(29) For supplying of Xerox copies of the documents Per Page	883624
(30) Receipts on Postal Charges	15477
(31) Supply of Printed Specification	6540
(32) Supply of Annual Report	28400+36 USD
(33) Supply of Gazette Of India	91030
(34) Supply of Official Journal	1097500
(35) Miscellaneous receipts	490304
TOTAL	936426459+36 USD



CHAPTER III - DESIGNS

3.1 INTRODUCTION:

The Designs Act, 2000 is administered through the Design wing of the Patent Office Kolkata. It provides for the registration and protection of industrial designs as an element of intellectual property rights. This includes extension of copyright duration of the existing registered designs and miscellaneous post-registration work. It recognizes activities, which are the creation of features of new shape, configurations, including surface pattern, ornamentations & composition of lines & colors applied to articles to enhance their visual appeal. A modernization project relating to the administrative set up was initiated. It also involved the re-engineering of work processes. The said modernization project is to cover activities relating to infrastructure upgradation, creation of a digital CD-ROM based design library, integration of information technology in the work processes, creation of awareness generation and human resources development initiatives. The technical assistance of the World Intellectual Property Organization (WIPO), Geneva was also obtained in this initiative. These initiatives have shown an upward increasing trend in the filing as well as in registration of design applications as given below:

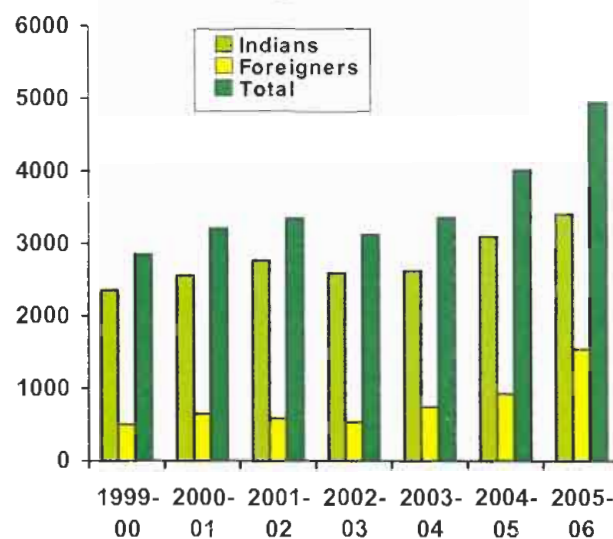


In order to generate awareness about Design related Intellectual Property Rights, a public awareness programme was taken up and the officers were sent in different workshops / Symposia organized by different agencies. Information brochures were also prepared in collaboration with the National Institute of Designs, Ahmedabad. It is to be mentioned that after taking up the different awareness programmes /workshops, filing of design applications have been increased substantially.

3.2 Applications Filed & Designs Registered

The number of applications for registration of designs filed during the year increased to 4949 from 4017 in the year 2004-05. This represents an increase of more than 18% in the filing. Out of these applications, 3407 applications were filed by the applicants in India while the remaining 1542 applications were originated abroad. During the year 285 applications were filed for the registration of textile designs.

Applications filed by Indian & Foreign Nationals



In the case of applications originating abroad, 434 applications were received from U.S.A., 230 from Japan, 193 from Germany, 153 from U.K., 82 from Switzerland, 73 from Italy, 68 from France, 57 from Korea, 44 from Finland, 38 from Netherlands, 29 from Sweden, 14 each from Australia, Hong Kong, & Canada, 11 from Belgium, 10 each from Taiwan & Denmark, 8 from Singapore, 7 each from China, Thailand, Brazil and Spain, 5 from Bulgaria, 4 each from Norway & Ireland, 3 each from Israel and New Zealand, 2 each from Bahamas, Malaysia and Tunisia, 1 each from Saudi Arabia, Indonesia, Mexico, Turkey, Austria, Scotland and West Indies. There were 1267 applications claiming priority under the reciprocal arrangements between India and other convention countries out of 1542 applications which were originated from abroad.



4664 applications were filed for the registration of non-textile designs in 2005-2006. Applications originating in India were 3122 while the remaining 1542 applications were filed by overseas applicants in respect of non-textile designs. Applications for registration of designs in the non-textile filed related mostly to commercial, industrial and domestic articles.

3.3 EXAMINATION OF DESIGN APPLICATIONS

All the applications filed during this year, along with 220 pending applications brought forward from the previous year were taken up for examination during the year. 221 applications have not been registered on grounds of abandonment and refusal under the Designs Act and the Rules. The number of designs registered in 2005-2006 were 4175 including of applications filed in 2004-2005. Of the designs registered, 3439 applications originated in India and the remaining 736 received from abroad. A total of 450 applications remained pending at the end of the year which were filed in the month of March'2006.

3.4 MISCELLANEOUS PROCEEDINGS

540 applications for extension of copyright in registered designs were received during the year. 51 applications remained pending at the end of the year under review.

During the year, 44 applications for restoration of copyright were filed. 21 applications remained pending at the end of the year under review.

51 requests for furnishing information regarding existence of copyright in designs were received by the offices which were accompanied by representations of article in order to identify the existence of similar registered designs. All the requests were disposed off during the year.

The number of registered designs in force at the end of the year was 39,388 out of which, 37,557 designs were registered in the names of Indians.

Applications for the cancellation of the registration of 139 designs were filed during the year while 149 applications were pending at the end of the previous year. 5 applications out of these 288 applications were disposed of during the year. Rest of the applications are under processing as per Sec.19 of the Designs Act, 2000. 6 hearings were held in respect of the registration of designs under the Act, during the year.

During the year 90 photocopies were supplied and received postal charges in 10 cases. The Register of Designs was inspected 21 times during the year under review.

356 requests for correction of clerical errors & notice for alteration under rule 31 in respect of design were filed in 2005-2006. These include 352 numbers of notice for alteration of names and address, and address for service and notice of application under rule 31 etc. All these requests were processed during the year.

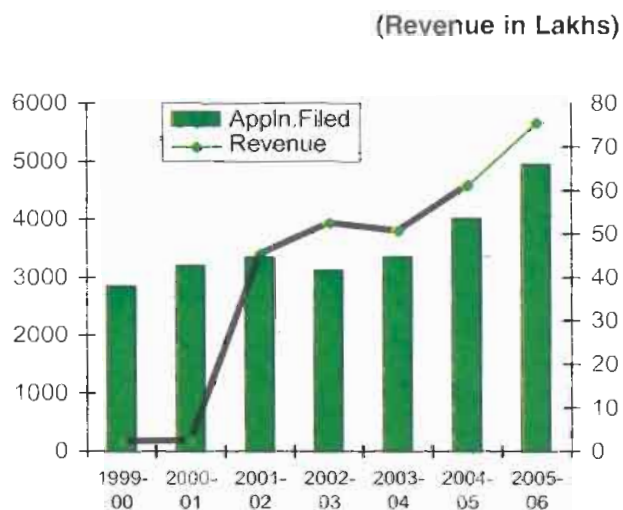
During the year, 73 requests for assignment under section 30 & 30(3) of the Act were filed while 41 requests were pending from the previous year. Out of these 114 cases, 5 requests were disposed. Remaining requests are under processing.

1944 requests for extension of time & condoning irregularity, for furnishing evidence etc. were received under Rule 15, 46, 47 & 29(9).

243 requests were received for certified copies under section 17(2), 26 and rule 41. 201 requests were disposed during the year and the rest are in process.

46 requests were made during the year for rectification of register of Design under section 31 and all have been disposed off. No requests were made for notice of application under rule 40. During the year 4 requests have been filed to proceed as an applicant or joint applicant u/s. 8(1). During the year 4 requests were filed for supply the Gazette and 20 requests were filed for miscellaneous proceeding like postal charges etc .

Applications filed & revenue generated





3.5 Revenue

The income of the Patent Office during the year 2005-2006 from fees in respect of design applications and other proceedings under the Designs Act, 2000 and Designs Rules, 2001 amounted to Rs. **75,60,563/-** (Rupees Seventy five Lakhs sixty Thousand five hundred sixty three only). The Patent Offices (Delhi, Mumbai & Chennai) received 195 applications with

fees in cash out of the total applications filed. The statement showing the details of fees received in respect of designs is furnished in **Appendix "A"** to this chapter. Trend of applications filed and registered has been shown in **Appendix "B"** and trend of applications filed and registered by origin has been shown in **Appendix "C"**.



DESIGNS FEES RECEIVED DURING 2005-2006 APPENDIX - 'A'

Description of Documents	No.	Fees (Rs.)	Amount (Rs.)
Application for registration of Designs under section 5 & 44 of the Designs Act, 2000. [4949 applications filed during the year out of which 195 nos of application with fees in cash have been received by Patent Offices Delhi, Mumbai and Chennai]	4754	1000	4754000
To proceed as an applicant or Jt. Applicant Sec 8(1)	4	500	2000
Application to extend copyright under section 11(2)	540	2000	1080000
Restoration of Lapsed design Sec. 12(2)	44	1000	44000
Design Search, Sec 18 when Design No. supplied		500	
Design Search, Sec 18 when Design No. not given	51	1000	51000
Design Cancellation Sec. 19	139	1500	208500
Notice of intended exhibition or publication of un-registered designs Sec 21		500	
Registration of a document in R/D Assignment Sec. 30(3)	20	10000	500
In respect of one design for each additional design	8	200	1600
Entry of name of proprietor or past proprietor. Sec. 30.	29	500	14500
In respect of one design for each additional design	16	200	3200
Entry for mortgage or license in Register of Design Sec. 30.		500	
in respect of one design for each additional design		200	
Entry of notification of a document in the R/D Sec. 30 & Rule 37		500	
In respect of one design for each additional design		200	
Correction of Clerical Error Sec. 29	4	500	2000
Request for Cert. U/s 26 & Rule 41	91	500	45500
Certified copy of Design Sec. 17(2)	152	500	76000
Request for Rectification of Register of Design Sec. 31	46	500	23000
Petition for extension of time for filing priority documents under rule 15.	747	200	359600
Notice of application under Rule 40		100	
Notice of intention to attend hearing under rules 29 & 40.	6	500	3000
Request to alter name, address or address for review of the Regd. Prop. under			
Rule 31	352	200	70400
Gazette	4		10950
Supply of Photocopy of Designs	90	4 per page	360
Petition under Rule 46,47 & 29(9),29(4)	1197	500	598500
Inspection of Register of Designs (rule 38)	21	250	5250
Miscellaneous charges like postal Charges etc	20		2203
Fees received by patent offices of Delhi, Chennai & Mumbai for Design applications in cash	195	1000	195000
Grand Total			75,60,563



APPENDIX 'B'

TREND OF APPLICATIONS FILED AND REGISTERED

Year	Filed	Registered
1999-00	2851	1382
2000-01	3207	2430
2001-02	3350	2426
2002-03	3124	2364
2003-04	3357	2547
2004-05	4017	3728
2005-06	4949	4175

APPENDIX 'C'

TREND OF APPLICATIONS FILED AND REGISTERED BY ORIGIN

Year	Filed		Registered	
	Indian	Foreign	Indian	Foreign
1999-00	2352	499	1031	351
2000-01	2558	649	1930	490
2001-02	2766	584	1969	457
2002-03	2589	535	1974	390
2003-04	2619	738	2004	543
2004-05	3093	924	3166	562
2005-06	3407	1542	3439	736



CHAPTER IV - TRADEMARKS

4.1 INTRODUCTION

The objective of trademark legislation is to provide better protection of trade marks for goods and services and prevention of the use of fraudulent marks on merchandise in the country. The registration of a trademark confers certain statutory rights on the Registered Proprietor, which enables him to sue for infringement of the trademark irrespective of whether or not the mark is used. This is in addition to the common law right to sue for passing off.

With the growing awareness about IPR in general and trade marks in particular in the country, the role and responsibilities of Trade Marks Registry has progressively increased. This role is expected to further expand with the introduction of protection of trademarks for services, well known marks, collective marks, provision for multi-class filing etc under the Trade Marks Act, 1999.

The Registry is also entrusted with the responsibility to closely follow at the international level the deliberations of the WIPO Standing Committee on Trade Marks and provide inputs on emerging issues relating to protection of Domain names and International Non-Proprietary names. The registry continued to provide inputs to the Department of Industrial Policy & Promotion in matters relating to issues before different committees of the World Intellectual Property Organization and the World Trade Organization relating to different International Conventions and Agreements as well as matters of policy of national importance.

4.2 OPERATIONAL HIGHLIGHTS

Activities	2004-2005	2005-2006
Applications filed For Registration	78,996	85,669
Number of Applications advertised in the Trade Marks Journal	1,47,490	1,58,665
Number of trade marks registered	45,015	1,84,325
No. of marks in respect of which registration was renewed	11,173	7,805
Request for search	1,17,344	1,17,388
Request for preliminary advice regarding distinctiveness	49	49
Certificates issued under Section 45(1) of the Copyright Act of 1983	2,240	2,242
Revenue (Rs)	37,94,85,262	49,75,09,410

4.3 FILING TREND

The trend of application being filed for registration of trademarks in India has shown a steady increase. In 2005-06 the number of applications filed by Indians was 73,308 and applications originating from abroad was 12,361. There has been a steady decline in application received from abroad.

Trend of Applications filed 2001-02 to 2005-06

Year	Indian Applicants	Foreign Applicants	Total
2001-02	79,746	10,490	90,236
2002-03	88,190	5,930	94,120
2003-04	76,801	15,450	92,251
2004-05	63,906	15,090	78,996
2005-06	73,308	12,361	85,669

As in the previous year the largest number of applications for registration of trademarks were received in respect of goods in Class 5 (Pharmaceuticals, Veterinary And Sanitary Substances etc). A statement showing the class wise distribution of the applications is given in the Appendix 'A' of this chapter.

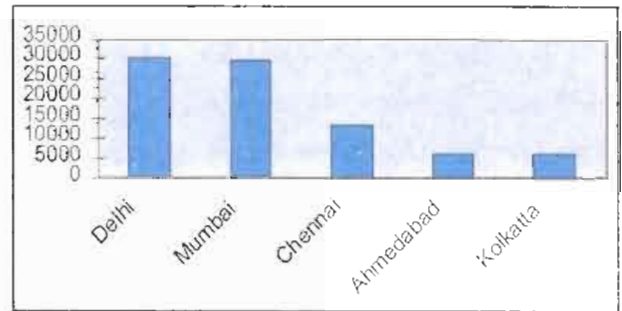
Trends in applications filed for different types of trade marks

Particulars	2004-05	2005-06
Word Marks	53,653	66,828
Device Marks	24,551	18,218
Number Marks	115	203
Letter Marks *	519	391
Letter And Numeral Combination Marks	159	29
Total	78,996	85,669

In comparison there has been an increase of 6,673 number of applications filed over the previous year. The volume of work has increased considerably.

The maximum number of applications have been filed at Delhi branch of the Registry (30,259) followed by the Head Registry at Mumbai (29,633), and branches at Chennai (13,276), Ahmedabad (6,326) and Kolkata (6,175).

Trade Mark applications filing trend branch wise in 2005-06



During the year, the Registry received 1,17,388 request for search of trade marks. All requests were disposed of. The number of requests seeking the Registrar's preliminary advice under section 133(1) of the Act and rule 23 during the year was 49. All 49 such requests were disposed of by the Registry.

1,58,665 Applications for registration of trade marks were advertised in the Trade Marks Journal compared with 1,47,490 during the preceding year.

4.4 LEGAL PROCEEDINGS

The Registry also dealt with legal proceedings which were primarily opposition and rectification proceeding under the Act and rules. 23501 Notices of Opposition to registration of trade marks and 217 applications for rectification of the register were filed. Out of these 6994 Notices of Opposition and 52 applications for rectifications of the register were filed at the Head Office at Mumbai and the rest at the branch offices at Kolkata, Chennai, New Delhi and Ahmedabad.

During the year, 4274 hearings were posted in respect of opposition, rectification and interlocutory petitions and 113078 hearings were posted in respect of applications for registration of trade marks. Out of this 1270 opposition, rectification and interlocutory petitions and 78249 applications for registration of trade marks were finally disposed of.

Details of hearings posted at the Trade Marks Registry, Mumbai and its branch offices at Kolkata, Chennai, Ahmedabad and Delhi are given in Appendix 'B'.

97 Appeals against orders of the Registrar and Hearing Officers were filed. With the coming into force of the Trade Marks Act, 1999 appeals from the orders and decision of the Registrar and other Hearing Officers lies with the Intellectual Property Appellate Board located at Chennai.



8 complaints under section 81 regarding false representation of trade marks as registered were received during the year under report. All cases have been disposed of.

4.5 REGISTRATION

During 2005-06, the number of trade marks registered was 184325 as against 45015 during the preceding year. Classwise statement of the number of marks registered during the year total number of trade marks registered in last five years and as on 31st March 2006 are given in Appendix 'C' and 'C1'

The number of registered trade marks renewed during the year was 7805. Assignment of 407 trade marks with or without goodwill of business were recorded in the register. During 2005-06, 699 entries were made in the register involving alteration of names, business address etc. The number of assignments and other alterations notified in the Trade Marks Journal was 1106.

Further, 2003 certificates were issued on request for use in legal proceedings or for obtaining registrations abroad. Under Section 45(1) of the Copyright Act, 1957 (as amended by Act No. 23 Of 1983), 1461 certificates were issued for registration of artistic work as copyright during the year. Both these activities are currently centralised and done from Mumbai office. The details of post-registration processes have been given in Appendix 'D'.

4.6 REVENUE AND EXPENDITURE

The income of the Trade Marks Registry during 2005-06 was Rs. 49,75,09,410/- as against Rs. 37,94,85,262/- during the previous year. The expenditure for this year was Rs. 4,82,77,958/- as against Rs. 4,58,29,015/- during the previous year.

**Revenue and Expenditure (Non-Plan)
in last five years are given below.**

Sl.No	Year	Revenue Rs. (in crore)	Expenditure Rs. (in crore)
1	2001-02	4.85	4.16
2	2002-03	4.75	4.09
3	2003-04	27.06	4.49
4	2004-05	37.95	4.58
5	2005-06	49.75	4.83

4.7 MISCELLANEOUS INFORMATION

During the period under report, 3,10,660 letters were received and 3,19,102 letters were issued by the Trade Marks Registry. The number of persons who called at the Registry during the year for information relating to filing of applications for registration of trade marks and other proceedings was 11702.

During the year under the report the number of requests received under the Right to Information Act, 2005 was 20 and number of requests have been disposed off was 20.

4.8 MODERNIZATION PROJECT

To strengthen the infrastructure of the Trade Marks Registry, Government had approved a Project at a cost of Rs. 8.59 Crores. In all, a sum of Rs. 5.17 Crores was utilized under the IXth Plan. Further a Xth Plan project for modernization of the Trade Marks Office in the country was initiated with an outlay of Rs.843 lacs. Considerable progress was made particularly in the component relating to Liquidation of Backlog. A mid-term review of the Xth Plan was made and the Plan outlay for Trade Marks Registry was enhanced to Rs.16 Crores with the objective of implementing a Total IT solution for the Trade Marks Registry which would provide for E-commerce, payment gateway and establishment of web enabled services. Adequate safeguards have been taken to ensure successful implementation including service level agreement and payment in a phased manner. The total IT solution is expected to be completed by March, 2007 during the Xth Five year plan.

In order to provide outreach services through the electronic media, the Trade Marks Registry has been linked to IPO website i.e. www.ipindia.nic.in. This provides valuable information to the users relating to (A) The Trade Marks Act, 1999, (B) The Trade Marks Rules 2002 (C) Application Forms and Procedure for Registration (D) Details about Trade Marks Registry and its offices etc. (E) Hearing Notice and also provides a frequently asked questions page. This website is proposed to be upgraded over a period of time to include processing of on-line requests and facilitate on-line filing of applications.

**STATEMENT SHOWING CLASS-WISE DISTRIBUTION OF
APPLICATIONS FOR REGISTRATION OF TRADE MARKS
FROM 1ST APRIL, 2005 TO 31ST MARCH, 2006**

Class as per the IVth Schedule TM, Rules 2002	GOODS	Number of applications Filed	Percentage of total filing
1	Chemical products used in industry, science, photography, agriculture, horticulture, forestry, manures etc.	1548	1.80
2	Paints and Varnishes	856	0.99
3	Perfumery, cosmetics etc.	3758	4.38
4	Industrial Oil and Greases (Other than edible Oil) etc.	576	0.67
5	Medicinal, Pharmaceuticals, Veterinary and Sanitary substances etc.	13687	15.97
6	Un-Wrought and partly-wrought common metal and their alloys etc.	1515	1.76
7	Machines and Mechanic Tools, Motors, etc.	2741	3.19
8	Hand Tools and Instruments etc.	528	0.61
9	Scientific, Nautical, Surveying and Electrical apparatus etc.	5484	6.40
10	Surgical, Medical, Dental And Veterinary Instruments, apparatus etc.	957	1.00
11	Installation for Lighting, Heating etc.	2033	2.37
12	Vehicles and their parts, apparatus, Locomotion by land, air & water	1888	2.20
13	Fire arms, ammunition and projectiles, etc.	230	0.26
14	Precious metals and their alloys, etc.	1242	1.44
15	Musical instruments (other than talking machines and wireless apparatus)	225	0.26
16	Paper and Paper Articles, Stationery, Printed Matters etc.	3323	3.87
17	Gutta Percha, India Rubber etc.	1058	1.23
18	Leather and Imitation of Leather etc	762	0.88
19	Building Materials etc.	1694	1.97
20	Furniture, Mirrors etc.	829	0.96
21	Small Domestic Utensils etc.	1038	1.21
22	Ropes, Strings etc.	310	0.36



Class as per the IVth Schedule TM, Rules 2002	GOODS	Number of applications Filed	Percentage of total filing
23	Yarns and threads	431	0.50
24	Tissues (Piece goods) etc	1644	1.91
25	Clothing including Boots, Shoes and Slippers	4524	5.28
26	Laces and embroidery, Ribbons and braids etc.	479	0.55
27	Carpets, rugs, mats etc.	315	0.36
28	Games and Playthings etc.	704	0.82
29	Meat, Fish, Poultry etc.	1933	2.25
30	Coffee, Tea, Cocoa etc.	5320	6.20
31	Agricultural, Horticultural and Forestry Products and Grains not included in other classes	1670	1.94
32	Beer, Ale and Port, Mineral and Aerated Waters and Other Non-Alcoholic drinks not included in other Classes	1373	1.60
33	Wines, Spirits and Liqueurs	818	0.95
34	Tobacco, Raw or Manufactured, Smokers Articles, Matches.	1681	1.96
35	Advertising, business management, business administration, office functions	3530	4.12
36	Insurance, financial affairs; monetary affairs, real estate affairs	1286	1.50
37	Building construction; repairs; installation services	1233	1.45
38	Telecommunications	921	1.07
39	Transport, packaging and storage of goods; travel arrangement	1023	1.19
40	Treatment of materials	405	0.45
41	Education; providing of training, entertainment; sporting and cultural activities	3648	4.25
42	Providing of foods and drink; temporary accommodation, medical, hygienic and beauty care; veterinary and agricultural services; legal services; scientific and industrial research, computer programming; services that cannot be classified in other classes	6449	7.52

**LEGAL PROCESSES (OPPOSITIONS/RECTIFICATION/INTERLOCUTORY PETITIONS AND HEARINGS) 1ST APRIL 2005 TO 31ST MARCH, 2006**

SR. No.	Place of Hearing	Oppositions/ Rectifications Interlocutory Petitions	Applications	TOTAL
1	Mumbai	7046	14668	21714
2	Kolkata	1892	19448	21340
3	Chennai	2489	15367	17856
4	Delhi	8593	43878	52471
5	Ahmedabad	3698	19717	23415
TOTAL		23718	113078	136796

**TRADE MARKS REGISTERED BY CLASS I PART "A" OF THE REGISTER FROM
1ST APRIL 2005 TO 31ST MARCH, 2006**

CLASS	TOTAL	Percentage of total registered
1	4684	2.54
2	2256	1.22
3	8588	4.65
4	1526	0.82
5	35403	19.20
6	3187	1.72
7	7292	3.95
8	1508	0.81
9	15447	8.38
10	2282	1.23
11	5392	2.92
12	6106	3.31
13	513	0.27
14	2763	1.49
15	459	0.24
16	13794	7.48
17	2661	1.44
18	1788	0.97
19	3594	1.94
20	2070	1.12
21	2940	1.59
22	631	0.34
23	1114	0.60
24	4677	2.53
25	10384	5.63
26	984	0.53
27	676	0.36
28	2023	1.09
29	4797	2.60
30	10819	5.86
31	3821	2.07
32	3401	1.84
33	2127	1.15
34	3588	1.94
35	2325	1.26
36	1184	0.64
37	809	0.43
38	606	0.32
39	732	0.39
40	229	0.12
41	1877	1.01
42	3268	1.77
TOTAL	184325	

1) Total Number of Registered Trade Marks as of 31 st March, 2006	4,42,860
2) Total Number of Registered Trade Marks in last 5 years	2,86,496

LAST FIVE YEARS – BREAKUP

Sl. No.	Year	Numbers of Trade Marks Registered
1	2001-2002	6204
2	2002-2003	11190
3	2003-2004	39762
4	2004-2005	45015
5	2005-2006	184325
Total		286496

DETAILS OF POST REGISTRATION PROCESS FROM 1ST APRIL 2005 TO 31ST MARCH 2006

Entries made in the Register

1.	Assignments	407
2.	Alterations made for Names, business address and address for service	693
3.	Marks altered	01
4.	Cancellation of marks	02
5.	Rectification	Nil
6.	Specification of goods amended	03
7.	Corrections	Nil

Notification in Trade Marks Journal

1.	Assignment and Transmissions	407
2.	Alterations of names and business addresses	693
3.	Marks altered	01
4.	Rectification	Nil
5.	Correction	Nil
6.	Cancellation of marks	02
7.	Specification of goods amended	03



CHAPTER V - GEOGRAPHICAL INDICATIONS

5.1 INTRODUCTION

The Geographical Indications Registry is established at Chennai under the control of the Controller General of Patents, Designs and Trade Marks who is also the Registrar of Geographical Indications. In order to protect the well known geographical indications in India, the Geographical Indications of Goods (Registration and Protection) Act, 1999 was enacted in December 1999 and came into force on 15th September 2003 with the objectives to provide better protection of intellectual property inherent in geographical indications, giving impetus to Indian exports of goods bearing geographical indications and meeting the country's obligations regarding protection of geographical indications under the TRIPS Agreement.

5.2 FILING AND REGISTRATION

Since the implementation of the said Act, the Geographical Indications Registry has received 53 Applications, out of which 41 Applications have been accepted by the Consultative Group and 37 Applications have been advertised in the GI Journal. 28 products have been Registered by the end of this financial year and four oppositions have been filed, out of which two have been disposed of. The details of applications filed are given below:-

5.3 MODERNISATION PROJECT

Modernization of Geographical Indications Registry under Plan is in progress. The modernization project envisaged the objectives namely, Development of Information Technology Application System, Promotion of registration of Indian Geographical Indications by holding awareness programmes/seminars and development of documentation and library.

(a) Development of Information Technology Application system:-

This development activity involves (i) System Study (ii) Development of System and (iii) Additional requirement of Hardware and Software which has been completed and the C-DAC, Bangalore was identified to develop the Software of Geographical Indications Registry to facilitate Online Search, E-Commerce, Electronic Fee Transfer Facility leading to a paperless office. The Software Development Activity is completed and online filing facility is available. The operational software for the Geographical Indications Registry also has been installed and the office work flow has been computerised. The training for the entire staff and

Total No. of Applications Filed		Consultative Group		Total No. of Examination Reports issued	Total No. of Applications Advertised in GI Journal	Total No. of Applications Registered
		Recommendation Made	Activity in Progress			
GIR	53	41	12	41	37	30
Textile and Textile Goods	19					
Tea	02					
Handicraft Items	06					
Horticulture Product	03					
Rice	03					
Others	19					
Convention Country Application PISCO	01					



officers of the Registry has been completed and this activity (Information Technology Application System) of the project has been completed in all respect. The Registry has started publishing the Geographical Indications Journal in the CD format from January 2006. A website www.girindia.in with interactive option also is in place.

(b) Promotion of registration of Indian Geographical indications:-

This activity involves holding awareness programmes/seminars. The Geographical Indications Registry has taken several steps to conduct awareness programmes by holding seminars, workshops etc. to create awareness in India. The details of such awareness programmes had been given in the Chapter IX under "Public Awareness Activities".

(c) Development of documentation and library:

A committee to identify the books to be purchased to strengthen the library and benefit Examiners, Hearing Officers and experts have been constituted, comprising of three members. The books have been identified and the list of books is being forwarded to Ministry for approval.

5.4 APPLICATION STATUS:

The status of the applications filed, examined and registered during this year is given below:

Activities	Numbers (including applications received in previous years)
Applications received	16
Applications examined	27
Applications advertised	25
Applications registered	13

The Geographical Indications Registry is also publishing a bi-monthly Journal. So far, 12 issues (One Mega Journal consisting of Issue Nos.8 to 11) have been published.

5.4 REVENUE GENERATED:

The details of revenue generated by the Geographical Indications Registry under various activities and expenditure incurred during this year is given below: -

Sl. No.	Revenue	Amount (Rs.)
1.	G.I. Application Fees	95,000
2.	G.I. Agent Fees	44,000
3.	Opposition Fees	16,900
4.	G.I. Journal (It is a bi-monthly Journal)	62,190
	TOTAL	2,18,090

Expenditure Statement

Sl. No.	Non-Plan Heads	Amount Spent (Rs.)
1.	Salaries	7,00,472
2.	Office Expenses	11,41,664
3.	T.A.	4,62,562
4.	Rent	1,94,040
	TOTAL	24,98,738



CHAPTER VI - PATENT INFORMATION SYSTEM AND INTELLECTUAL PROPERTY TRAINING INSTITUTE

6.1 INFORMATION SYSTEM:

The office of the Patent Information System (PIS) was established in 1980 in the city of geographical center of the country, at Nagpur. It maintains a comprehensive collection of patent specifications and patent related literature on a world-wide basis and provides technological information contained in patent or patent related literature through search services and patent copy supply services to various users of R&D establishments, government offices, industries, business houses, inventors and other users within India.

6.2 SERVICES PROVIDED:

A. Patent Search services

Office of PIS provides patent search services on payment basis. In brief, following are the search services.

1. State of Art Search

This service provides bibliographic data and abstract of patent document retrieved under particular field of technology as requested by the user.

2. Bibliographic Search

This search provides only bibliographic data of patent documents retrieved.

3. Patent family search/ English equivalent Patent Search

This service provides global picture of protected invention and also provides English language equivalent of the desired patent.

4. Assisted Search:

This search assists the potential users in conducting in house state of art search and bibliographic search.

B. Patent Copy Supply Service

1. PIS, Nagpur is providing the full text of patent documents of foreign countries at the rate of Rs. 300/- per patent document (irrespective of page) available in the PIS, Nagpur.
2. Patent documents of a particular country which are not available in PIS Nagpur, are procured from WIPO, Geneva, on demand per document Rs.30/-.

3. Xerox copy of Indian patent specification are provided at the rate of Rs. 30/- + Rs. 4/- per page.

Statement showing the performance of the office of the Patent Information System, Nagpur for the period from 1st April, 2005 to 31st March, 2006.

1. Actual expenditure under Non-plan	Rs.57,95,463/-
2. Revenue generated	Rs. 99,161/-
3. Supply of Patent copies	197
4. Patent searches of various types	171
5. Data Entry for Indian Patents	3430
6. No. of training programmes conducted	1

During the period from 1st April 2005 to 31st March 2006 PIS supplied copies of 197 patent specifications and conducted 171 patent searches. The expenditure incurred during this period is Rs. 57,95,463/- and the revenue earned during this period is Rs. 99,161/-. Financial sanction received from Ministry towards the maintenance of electrical equipments on 31.03.2006.

6.3 INTELLECTUAL PROPERTY TRAINING INSTITUTE, NAGPUR:

INTRODUCTION

Many complex issues are involved in creation, utilization and meaningful exploitation of Intellectual Property Rights. As such, there is a need for an effective means for improvement in knowledge on IPR. Therefore, Intellectual Property Training Institute has been set up at Patent Information System, Nagpur by Ministry of Commerce & Industry, Government of India in Aug 2002. It is a National Training Center, the first of its kind in the country, created for catering to the need of providing quality Training and Education in the Intellectual Property Rights to various User-Groups so as to enable them to develop Intellectual Property System.



6.4 TRAINING PROGRAMMES:

The Intellectual Property Training Institute, Nagpur conducts number of training programmes on Intellectual Property Rights, Patents, Designs and Trade Marks, keeping in view the requirements of actual and potential users of patents and other intellectual property rights systems. The beneficiaries are business professionals, Law professionals & prospective patent/IPR agents, scientific/technical/R&D organizations engaged in research, Managers and technocrats in industries, Small and medium Entrepreneurs, University professionals, Central and State Govt./Public sector professionals, inventors and interested public.

Training courses are mainly categorized into following sections with emphasis on patent system in 1 to 5 days duration training courses.

(a) **Training programme for Patents, Designs & Trade Marks Examiners**

These courses aim to improve the legal and technical ability of Patents, Designs & Trade Marks Examiners and to enhance the qualitative level of the examination.

(b) **5-days training programme for public**

The course aims to offer to officials of middle management level comprehensive theoretical as well as practical knowledge concerning industrial property. The course fee is Rs.1250/-

(c) **3 –Day training programme**

These courses aim to offer to officials the background knowledge and perspectives on intellectual properties and specifically on patent system. The course fee is Rs.750/-

(d) **2-Day training programme**

These courses are condensed courses for all the above-mentioned user groups. The course fee is Rs. 500/-.

(e) **1-Day training programme**

These courses aim to offer preliminary knowledge on intellectual properties, patent information basics to Educational Institutions, University Teachers, Research Students, Inventors and Members of public. The course fee is Rs 150/-

6.5 FACULTIES:

The Faculties for Training Courses are Experts in Intellectual Property Rights from Patent Office & Trade Marks Registry and also from well-known organizations in the country.

6.6 REVENUE AND EXPEDENDITURE:

Intellectual Property Training Institute has conducted 1 training programme during the year 2005-2006. It has generated an income of Rs.3,750/- against the plan expenditure of Rs.3,16,051/- .



CHAPTER VII - LEGISLATIVE DEVELOPMENTS

7.1 INTRODUCTION

The Government of India had already taken initiatives to amend the legislations relating to Intellectual Property Rights after joining World Trade Organisation in order to meet the obligations under the TRIPS Agreement. Accordingly, the Patents Act, 1970 was amended in 1999 by way of Patents (Amendment) Act, 1999 and in 2002 by way of Patents (Amendment) Act, 2002. Similarly, the Designs Act of 1911 was repealed and replaced by the Designs Act, 2000 and the Trade and Merchandise Marks Act, 1958 was replaced by the Trade Marks Act, 1999. Further, a new law to protect well known geographical names of goods was enacted in 1999 known as "The Geographical Indications of Goods (Registration and Protection) Act, 1999".

7.2 PATENT LEGISLATION

The Patents Act, 1970 was further amended on 26th December, 2004 by way of Patents (Amendment) Ordinance 2004 which was promulgated along with the Patents (Amendment) Rules, 2005 effective from 1st January, 2005 to meet India's obligations towards compliance with the provisions of the TRIPS Agreement particularly, those relating to introduction of grant of Product Patents to the inventions relating to pharmaceuticals, chemicals, drugs, agrochemicals and food. The said Ordinance was repealed and replaced by the Patents (Amendment) Act, 2005 which was notified on 5th April, 2005 and made effective from 1st January, 2005.

The highlights of the Patents (Amendment) Act, 2005 are given below:

- i) The new definitions have been added for the words, such as on "Budapest Treaty", "Opposition Board", "new invention" and "inventive step". However, the definitions relating to the words "food", "medicine or drug" have been omitted. Further, the definitions for the words "Convention Application", "Government Undertaking" etc. have been modified.
- ii) The provisions of Section 3(d) have been modified to exclude patentability of mere discovery of a new form of a known substance, which does not result in the enhancement of known efficacy etc. with appropriate explanation.
- iii) Section 5 had been omitted in order to provide product patent to the inventions relating to chemicals, food, drugs or agrochemicals to meet the obligations under the TRIPS Agreement.
- iv) Section 7 has been modified to clarify the filing date of a National Phase applications through PCT route.
- v) The provisions of Section 10(4)(ii) have been modified for deposition of biological material only in the authorized International Depository Authorities.
- vi) The provisions of Section 11A have been modified to provide the provisions relating to early examination of the applications before the prescribed period
- vii) The provisions relating to provisional protection have also been modified from the date of publication of the application under section 11A instead of date of notification of acceptance of the complete specification.
- viii) The provisions have also been modified in respect of right of patentee in respect of applications made under section 5(2) to the extent that the said rights shall accrue from the date of grant of Patent provided that patent holder shall only be entitled to receive reasonable royalty from such enterprises which have made significant investment and were producing and marketing the concerned product prior to the first day of 2005 and which continue to manufacture the product covered by the Patent on the date of grant without any infringement proceedings against such enterprises.
- (ix) The provisions of section 25 have also been modified with a view to streamline the opposition procedure by having both pre-grant and post-grant opposition in the Patent Office.
- (x) The provisions of section 39 have been further modified to obtain permission for first filing abroad for all kinds of inventions, where controller shall not grant permission for defence or atomic energy, related applications without prior consent of the Central Government.



- | | | | |
|---------|--|-----|--|
| (xi) | The provisions relating to request for sealing have been omitted. Now, the Patent will be granted directly if the application is found in order for grant without any pre-grant opposition. | 1. | Enlarges the scope of definition of the terms "article" & "design" and introduction of definition of the term "original". |
| (xii) | The provisions of Compulsory Licence have also been modified for enabling the grant of Compulsory Licence for export of pharmaceutical product to the countries which have insufficient or no manufacturing capacity to meet emergent public health situations. This provision is in compliance with the paragraph 6 of Doha Declaration on TRIPS and Public Health. | 2. | Amplifies the scope of 'prior publication'. |
| (xiii) | The provisions relating to National Security have been amended and strengthened to guard against patenting abroad the inventions relating to Dual Use technologies. | 3. | Introduces provision for delegation of powers of the Controller to other officers and stipulating statutory duties of Examiners. |
| (xiv) | The provisions have also been amended to extend the jurisdiction of revocation of patent to Intellectual Property Appellate Board. | 4. | Provides for identification of non-registrable designs. |
| (xv) | Certain provisions have also been amended with a view to harmonizing them with the Patent Cooperation Treaty and other International Conventions. | 5. | Provides for substitution of the name of the applicant before registration of a design. |
| (xvi) | The provisions relating to timelines have also been amended with a view to reducing the processing time for patent applications and to simplify the procedures. | 6. | Substitutes Indian classification by internationally followed system of classification. |
| (xvii) | The provisions have also been made for publication of Official Journal in place of Gazette of India. | 7. | Provides for inclusion of a register maintained on computer as a Register of designs. |
| (xviii) | The provisions relating to grant of Exclusive Marketing Rights (EMR) have been omitted. However, transitional arrangements have been made for the already granted Exclusive Marketing Rights or pending applications therefor. | 8. | Provides for restoration of lapsed designs. |
| xix) | The provisions relating to imposition of penalties in respect of certain offences under the Act have been strengthened. | 9. | Provides for appeal against orders of the Controller before the High Court instead of Central Government. |
| | | 10. | Revokes the period of secrecy of two years of a registered design. |
| | | 11. | Provides for compulsory registration of any document for transfer of right in the registered design. |
| | | 12. | Permits introduction of additional grounds in cancellation proceedings and provides for initiation of cancellation proceedings before the Controller in place of High Court |
| | | 13. | Enhances quantum of penalty imposed for infringement of registered design. |
| | | 14. | Provides for grounds of cancellation for defence in infringement proceedings to be initiated in any court not below the court of the District Judge. |
| | | 15. | Enhances initial period of registration from 5 to 10 years, to be followed by a further extension for a period of five years. |
| | | 16. | Provides for allowing priority to other convention countries and countries belonging to a group of countries or inter-governmental organizations apart from United Kingdom and other Commonwealth countries. |

7.3 DESIGNS LEGISLATION

In the year 2005-06, there has been no amendment in the Designs Act. However, following are the main features of the Designs Act, 2000 which has come into force from June 2002.



17. Provides for avoidance of certain restrictive conditions for the control of anti-competitive practices in contractual licences.

7.4 TRADE MARKS LEGISLATION

The Trade Marks Act, 1999 has come into force from 15th September, 2003. The main Features of The Trade Marks Act, 1999 are given below:

- Inclusion of services in the definition of trade mark.
- Provision for registration of collective mark.
- Establish a single register of trade marks instead of two parts Part-A And Part-B at present
- Provision for single application for registration in more than one class of goods and/or services
- Increase in initial term of registration of trade mark from 7 to 10 years
- Providing a grace period of six months for payment of renewal fees
- Amplification of circumstances in which validity of registration can be contested
- Delegation of powers to the Registrar for disposing off certain applications
- Harmonizing penal provisions of the trade marks law with copyright law
- Provisions for establishment of an Appellate Board

7.5 GEOGRAPHICAL INDICATIONS LEGISLATION

The Government of India has enacted the Geographical Indications of goods (Registration and Protection) Act , 1999 to protect the well known geographical indications and names of goods in India to prevent their misuses and also to foster growth of export of goods bearing geographical indications. This Act also affords the protection for the national heritage products. The said law has come into force with effect from 15th September, 2003. However, there has been no amendment in the year 2005-06.



CHAPTER VIII - HUMAN RESOURCES IN INTELLECTUAL PROPERTY OFFICE

8.1 INTRODUCTION

The Government of India, under the Modernization Project has sanctioned various posts of technical officers and non-technical staffs in order to re-structure and strengthen the functioning of Intellectual Property Offices so as to enable the IP Offices handling the enhanced workload efficiently. The technical officers of the IP Offices have also been sent abroad to attend training programmes conducted by various Intellectual Property Offices namely, USPTO, EPO, JPO etc. and also the training programmes conducted by World Intellectual Property Organisation (WIPO) in order to provide them international exposure to upgrade their skill and knowledge.

8.2 PATENT & DESIGN OFFICE

The sanctioned and working strength of Patent and Design Office, Kolkata and Patent Office, Mumbai, Delhi and Chennai are shown in Appendix 'A' of this chapter.

8.3 TRADE MARKS REGISTRY

The Trade Marks Registry has a sanctioned staff strength of 293. This includes 27 posts of Examiners on contract basis sanctioned in 2002 for strengthening the Registry as part of the administrative support for the office. Details of sanctioned posts and actual working strength as on 31st March 2006 is indicated in Appendix 'B' and 'B1'. There are 32 Group 'A' Posts and 57 Group 'B' Posts, 142 Group 'C' Posts and 62 Group 'D' Posts which are distributed between the Head Office at Mumbai and branch offices at Kolkatta,

Chennai, New Delhi and Ahmedabad. In order to provide technical support for the IT related components four senior posts for the EDP Section have been sanctioned and which are placed at the disposal of the Director General of the National Informatics Centre (NIC) for providing computer professionals for the Registry. Under the Trade Marks Act, 1999 the new posts created by the Government includes 3 Group 'A' Posts, 6 Group 'B' Posts, 6 Group 'C' Posts and 1 Post of Group 'D'.

8.4 GEOGRAPHICAL INDICATIONS REGISTRY

The Geographical Indications Registry is established at Chennai in order to implement the law relating to Geographical Indications. This office is housed in the newly constructed Intellectual Property office building at Chennai. This office has one Senior Joint Registrar; one Asst. Registrar and one Senior Examiner of Geographical Indications. However, the details of staff strength as on 31st March, 2006 is given in Annexure 'C' of this chapter.

8.5 PATENT INFORMATION SYSTEM AND INTELLECTUAL PROPERTY TRAINING INSTITUTE

The details of the officers and staff strength working as on 31st March, 2006 at Patent Information System and Intellectual Property Training Institute are given in Appendix 'D' of this chapter.

DETAILS OF STAFF STRENGTH OF PATENT OFFICE AS ON 31ST MARCH , 2006

Sl. No	Name of Post	Category	Sanctioned Strength (Regular)					Working Strength (Regular)					Posts under Modernization Project									
			Sanctioned Strength					Working Strength					Sanctioned Strength					Working Strength				
			CAL	MUM	CHE	DEL	TOT	CAL	MUM	CHE	DEL	TOT	CAL	MUM	CHE	DEL	TOT	CAL	MUM	CHE	DEL	TOT
1.	Superintendent	Group C	5	3	3	3	14	5	3	3	3	14	-	-	-	-	-	-	-	-	-	
2.	Library Information Assistant	Group C	1	1	1	2	5	1	1	1	1	4	-	-	-	-	-	-	-	-	-	
3.	Hindi Translator	Group C	2	1	1	1	5	2	-	-	1	3	-	-	-	-	-	-	-	-	-	
4.	Photography Assistant	Group C	1	1	1	1	4	1	1	-	1	3	-	-	-	-	-	-	-	-	-	
5.	Assistant	Group C	13	8	9	10	40#	16	8	7	9	40#	-	-	-	-	-	-	-	-	-	
6.	Stenographer Grade - I	Group C	-	3	-	-	3	-	2	-	-	2	-	-	-	-	-	-	-	-	-	
7.	Upper Division Clerk	Group C	32	5	4	6	47	38	2	4	3	47	3	-	3	4	10	7	1	-	2	
8.	Stenographer Grade - II	Group C	4	-	1	2	7	4	-	1	2	7	-	-	-	-	-	-	-	-	-	
9.	Junior Stenographer Grade - III	Group C	1	1	1	-	3	1	1	1	-	3	-	-	-	-	-	-	-	-	-	
10.	Lower Division Clerk	Group C	28	6	5	8	47	16	4	12	13	45	2	-	2	4	8	2	-	2	4	
11.	Hindi Typist	Group C	1	1	-	-	2	1	1	-	-	2	-	-	-	-	-	-	-	-	-	
		Total	88	30	26	33	177	85	23	29	33	170	5	-	5	8	18	9	1	2	6	

NOTE: # Original sanctioned posts under non-plan -26; Converted from plan to non-plan in the year 2005-06 w.e.f. 01/03/2006 - 14; Total posts of Assistant -40



DETAILS OF STAFF STRENGTH OF PATENT OFFICE AS ON 31ST MARCH , 2006

Sl. No	Name of Post	Category	Sanctioned Strength (Regular)					Working Strength (Regular)					Posts under Modernization Project															
			CAL	MUM	CHE	DEL	TOT	CAL	MUM	CHE	DEL	TOT	CAL	MUM	CHE	DEL	TOT											
																		Sanctioned Strength					Working Strength					
1.	Record Keeper	Group D	1	-	-	-	1	1	-	-	-	1	-	-	-	1	-	-	-	1	-	-	-	1	-	-	-	
2.	Duftry	Group D	13	2	1	3	19	13	2	1	3	19	1	-	-	1	1	1	1	3	1	-	-	1	-	-	-	3
3.	Peon / Messenger	Group D	23	4	3	3	33	23	4	3	3	33	2	-	-	2	2	2	2	6	2	-	-	2	-	-	-	6
4.	Farash	Group D	3	-	-	-	3	3	-	-	-	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5.	Durwan	Group D	1	-	-	-	1	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
6.	Mali	Group D	1	-	-	-	1	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
7.	Chowkidar	Group D	1	-	-	-	1	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8.	Watchman-cum-Durwan	Group D	-	1	1	-	2	-	1	1	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
9.	Safaiwala	Group D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
10.	Safaiwala-cum-Farash	Group D	-	1	1	1	3	-	1	1	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		Total	43	8	6	7	64	43	8	6	6	63	3	-	3	4	4	3	10	3	-	-	3	4	4	10	10	



APPENDIX 'B'
DETAILS OF STAFF STRENGTH OF TRADEMARK OFFICE AS ON 31ST MARCH 2006

Sl. No	NAME OF POSTS GROUP 'A' (GAZETTED)	SANCTIONED STRENGTH						WORKING STRENGTH					
		HEAD OFFICE		BRANCHES				HEAD OFFICE		BRANCHES			
		MUM	KOL	CHEN	DEL	AHMEDA BAD	TOTAL	MUM	KOL	CHEN	DEL	AHMEDA BAD	TOTAL
1.	Joint Registrar of Trade Marks	1	-	1	1	-	3	1	1				2
2.	Deputy Registrar of Trade Marks	2	1	1	1	-	5	-	1	-	-	-	1
3.	Assistant Registrar of Trade Marks	5	1	1	1	1	9	1	-	1	2	1	5
4.	Senior Examiner of Trade marks	8	1	1	1	-	11	2	1	1	-	2	6
5.	Principal System Analyst	1	-	-	-	-	1	-					-
6.	Senior System Analyst	1	-	-	-	-	1	1	-	-	-	-	1
7.	System Analyst	2	-	-	-	-	2	2	-	-	-	-	2
	Total	20	3	4	4	1	32	7	3	2	3	17	



DETAILS OF STAFF STRENGTH OF TRADEMARK OFFICE AS ON 31ST MARCH 2006

Sl. No	NAME OF POSTS	SANCTIONED STRENGTH						WORKING STRENGTH					
		HEAD OFFICE		BRANCHES				HEAD OFFICE		BRANCHES			
		MUM	KOL	CHEN	DEL	AHMEDA BAD	TOTAL	MUM	KOL	CHEN	DEL	AHMEDA BAD	TOTAL
1.	Examiner of Trade Marks (Gazetted)	27(*) 20	1	1	1	1	27(*) 24	00(*) 12	2	1	0(*) 2	00(*) 2	19
2.	Administrative Officer	1				1		1					1
3.	Public Relation Officer	1				1		-	-	-	-	-	-
4.	Sr. Librarian	1				1		-	-	-	-	-	-
5.	Personal Asstt.	2				2		-	-	-	-	-	-
6.	Hindi Officer	1				1		-	-	-	-	-	-
	Total	53	1	1	1	1	57	13	2	1	2	2	20
1.	Superintendent	4	-	1	1	-	6	-	-	-	-	-	-
2.	Asstt. Superintendent	7	1	1	1	1	11	6	1	1	1	1	10
3.	Asstt. Examiner	14	2	2	2	1	21	10	1	2	3	1	17
4.	Jr. Hindi Translator	2					2	2					2
5.	Cashier	1	1	1	1	-	4	1	1	1	1	-	4
6.	Librarian	1					1	1	-	-	-	-	1
7.	Photography Asstt.	1					1	1	-	-	-	-	1
8.	Stenographer Gr.I	2		1			3	2	-	1	-	-	3
9.	Stenographer Gr II	3	1	1	1	1	7	2	1	1	1	1	6



APPENDIX 'B'
DETAILS OF STAFF STRENGTH OF TRADE MARK OFFICE AS ON 31ST MARCH 2006

Sl. No	NAME OF POSTS	SANCTIONED STRENGTH						WORKING STRENGTH					
		HEAD OFFICE		BRANCHES				HEAD OFFICE		BRANCHES			
		MUM	KOL	CHEN	DEL	AHMEDA BAD	TOTAL	MUM	KOL	CHEN	DEL	AHMEDA BAD	TOTAL
10.	Stenographer Gr.III	-	1	1	1	-	3	-	1	1	-	3	
11.	Upper Division Clerk	27	4	3	5	3	42	27	3	3	3	41	
12.	Lower Division Clerk	20	6	7	2	3	38	18	6	6	2	34	
13.	Hindi Typist	1					1	-	-	-	-	-	
	Total	83	16	18	14	09	140	70	14	16	14	122	
1.	Record Keeper	2	1	1	1		5	2	1	1		5	
2.	Gestatner Operator	1					1	1				1	
3.	Daftary	8	3	2	2	1	16	8	3	2	1	16	
4.	Peons	17	3	3	3	2	28	16	3	3	2	27	
5.	Farash-Safaiwala	2	1	1	1	1	6	2	1	1	1	6	
6.	Chowkidar	2	1	1	1	1	6	2	1	1	1	6	
	Total	32	9	8	8	5	62	31	9	8	5	61	
	A, B, C & D	188	29	31	27	16	291	121	28	27	18	220	

* Appointed 27 Examiners on Contract basis w.e.f. 1.03.2006
@ 1 Post of Asst.Registrar, 1 post of Examiner and 1 post of L.D.Clerk have been transferred to GIR, Chennai



**WORKING STRENGTH AS ON 31ST MARCH, 2006 IN GROUPWISE**

Sl. No.	Group	Total Employees	Remarks
1.	'A'	17*	*Three employees of NIC
2.	'B'	20	
3.	'C'	122	
4.	'D'	61	
	Total	220	

**DETAILS OF STAFF STRENGTH OF GEOGRAPHICAL INDICATIONS REGISTRY
AS ON 31ST MARCH, 2006.****Group – 'A'**

- | | |
|--|-----|
| 1. Senior Joint Registrar | One |
| 2. Assistant Registrar of Geographical Indications | One |
| 3. Senior Examiner of Geographical Indications | One |

Group – 'B'

NIL

Group – 'C'

- | | |
|---------------------------|-----|
| 4. Stenographer Grade 'D' | One |
| 5. Lower Division Clerk | One |

Group – 'D'

- | | |
|---------|-----|
| 6. Peon | One |
|---------|-----|

Total : Six.

**STATEMENT SHOWING THE SANCTIONED AND WORKING STRENGTH OF
OFFICE OF THE PATENT INFORMATION SYSTEM, NAGPUR**

	NAME OF POST	SANCTIONED	WORKING STRENGTH AS ON 31.03.2006
	Gazetted		
1.	Deputy Chief Executive Officer	1	Vacant
2.	Senior Documentation Officer	2	2
3.	Senior Programmer	1	1
4.	Reprography Officer	1	1
	Total	5	4
	Non-Gazetted		
1.	Superintendent	1	Vacant
2.	Senior Documentation Assistant	1	1
3.	Junior Documentation Assistant	1	1
4.	Junior Reprography Assistant	3	3
5.	Assistant Superintendent	1	1
6.	Store Assistant	1	1
7.	Stenographer	2	2
8.	Junior Hindi Translator	1	Vacant
9.	Shelf Assistant	1	1
10.	Upper Division Clerk	4	4
11.	Receptionist	1	1
12.	Lower Division Clerk	4	4 (1 post on ad-hoc basis given to Gr. 'D' official)
13.	Hindi Typist	1	1
14.	Data Entry Operator	2	2
15.	Daftry	2	2
16.	Peon	4	4
17.	Farash	1	1
	TOTAL	31	28
	Total of Gazetted & Non-Gazetted	36	32



CHAPTER IX – PUBLIC AWARENESS ACTIVITIES

9.1 INTRODUCTION

Although Intellectual Property System in India is existing for last 150 years, there has been lack of awareness among the public to protect the Intellectual Properties created in India. This lack of awareness has deprived the creators of the benefits due to them. Therefore, there is a strong need for creating public awareness about the new regime of Intellectual Property and also, development taking place at global level. Accordingly, the Government of India has taken initiative not only at national level in cooperation with Industry Associations such as, FICCI, CII and ASSOCHAM but also at international level in association with WIPO to organize seminars and workshops in India. In this series, the Government has organized in the past several seminars in connection with Patent Cooperation Treaty (PCT) and also, Interactive Session while amending the Patent Legislation.

9.2 PATENT OFFICE

The activities of the Patent Office for the entire year were brisk and vital. The officials of the Patent Office also conducted seminars and delivered lectures on 'Patenting System in India' organized by ITM, Ministry of Defense, Mussorie, Natesan Institute of Co-operative Management and TANUVAS at Chennai, National Teachers Training Institute, Chandigarh, Small Industries Services Institute, Okhla in collaboration with SISI, TIFAC in collaboration with Dept. of Science & Technology, Government of West Bengal, Polytechnic Institute, Narsingarh, Tripura, All India Radio Station Kolkata. Engineering College, Gopeswar, Uttaranchal., Thapar Engineering College, Patiala, North Maharashtra University, Jalgaon (M.S.), Forward Market Commission, Hilton Towers, Mumbai, Indo-Danish Tool Room, Adityapur, Jamshedpur, Dept. of Biotechnology, University of Himachal Pradesh, Simla organized by Min. of Science and Technology, BHEL, Hyderabad.

Further, training Programme on Patents Protection and Regional Seminar on "Patents' Protection, Valuation & Commercialization" was held at Bhubaneswar, Organised by NRDC in collaboration with Patent Office, IPR workshop on herbs & herbal products at India International Centre organised by Fragrance & Flavour Development Centre, New Delhi; patent awareness programme was also conducted at Torrent Pharmaceuticals Ltd., Ahmadabad. Apart from this several awareness programmes were held at Mahindra & Mahindra, Mumbai, Periyar College of Pharmaceutical Sciences for Girls, Trichy. Along with these, interactive seminar on "DNA & Patent issues" was also organized at Mumbai.

Awareness programmes about Design related Intellectual Property Rights, were also organized and the officers were sent in different workshops / Symposia organized by different agencies. Information brochures were also prepared in collaboration with the National Institute of Designs, Ahmedabad.

9.3 TRADE MARKS REGISTRY

The officials from the Trade Marks Registry have also participated in various seminars / workshops during this financial year and delivered lectures on the issues relating to protection of Trade Marks, Service Marks and Well known Marks. These seminars were organized by WIITS, NRDC and other Industry Associations.

9.4 GEOGRAPHICAL INDICATIONS REGISTRY

The Geographical Indications Registry has organised about nine awareness programmes, trainings, workshops, seminars since 2003. Steps have been taken to create awareness throughout India in a phased manner during the entire plan period and to promote registration of the Indian GIs in the rural area there by improve the income of the agriculturists. The focus would be on coir, handlooms, power looms, garments, rubber, cashew, handicrafts, food processing, sericulture, wool development, leather, pottery, other cottage industries, agriculture, horticulture, aquaculture, floriculture, dairying, agro-processing, textile industry and jute industry. About 10 places have been identified to organise seminars/workshops in the current financial year.

The Registry has played a leading role in organizing the national seminar in Delhi in co-ordination with the European Union on 23rd and 24th of November 2005. The Seminar was attended by the people from all walks of life and the level of awareness generation was increased. The officials from the Geographical Indications Registry have also delivered lectures in the seminars organized by NRDC in the year 2005-06.

9.4 INTELLECTUAL PROPERTY TRAINING INSTITUTE

The Intellectual Property Training Institute at Nagpur is also organizing public awareness programmes and training programmes for the duration of 1-5 days either at the institute or at the campus of Universities and Institutions.



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