

**COMPREHENSIVE POLICY ON VIDEO RECORDING, VIRTUAL HEARINGS AND
HANDLING OF RELATED DATA IN THE INTELLECTUAL PROPERTY OFFICE**

Office of the Controller General of Patents, Designs & Trade Marks (CGPDTM)

Department for Promotion of Industry and Internal Trade (DPIIT)

Ministry of Commerce & Industry, Government of India

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PART I – PREAMBLE, OBJECT AND LEGAL CHARACTER

1. Preamble

- a) The Intellectual Property Office (IP Office) discharges statutory, quasi-judicial and administrative functions under the Trade Marks Act, 1999, the Copyright Act, 1957, the Patents Act, 1970, the Designs Act, 2000 and the Geographical Indications of Goods (Registration and Protection) Act, 1999, the Semiconductor Integrated Circuits Layout-Design Act, 2000.
- b) To enhance efficiency, transparency and accessibility, hearings and official proceedings are increasingly conducted through virtual or hybrid modes. Such proceedings generate audio-video recordings and related electronic data, which constitute official government records.
- c) The creation, handling and disclosure of such recordings require a structured framework balancing transparency with confidentiality, privacy, data security, integrity of adjudicatory processes and statutory limitations on disclosure.
- d) Accordingly, in pursuance of the Office Order dated 02.02.2026, and after examination of applicable statutes, judicial pronouncements, government guidelines and best practices, this Policy is hereby issued for uniform application across the IP Offices.

2. Purpose and Nature of the Policy

2.1 This Policy governs:

- (a) video recording of hearings and proceedings in all IP statutes, internal recordings, meetings; trainings, reviews and
- (b) collection, storage, access, use, retention and deletion of recordings, while protecting confidentiality, data security and personal/sensitive information.

2.2 Recordings under this Policy:

- (a) are virtual proceedings;
- (b) are confidential by default, unless disclosure is required by law or court order.

2.3 For the purposes of this Policy, the competent authority in respect of all matters relating to video recording shall be The Controller General of Patents, Designs and Trade Marks (CGPDTM).

PART II – SCOPE AND COVERAGE

3. Applicability

3.1 This Policy applies to Audio-Visual hearings and proceedings conducted under:

- (a) the Trade Marks Act, 1999 & the Trademark Rules 2017;
- (b) the Copyright Act, 1957; the Copyright Rules, 2013;
- (c) the Patents Act, 1970; the Patent Rules, 2003;
- (d) the Designs Act, 2000; and the Design Rules, 2001;
- (e) the Geographical Indications of Goods (Registration and Protection) Act, 1999; the Geographical Indications of Goods (Registration and Protection) Rules, 2002;
- (f) the Semiconductor Integrated Circuits Layout-Design Act, 2000; the Semiconductor Integrated Circuits Layout-Design Rules, 2001.

3.2 It covers officers, staff, parties, advocates, patent and trade mark agents, and authorised representatives participating in such proceedings.

PART III – WHEN AND WHY RECORDINGS ARE MADE

4. Circumstances and Purpose

4.1 Hearings conducted via video conferencing or in rooms equipped with recording facilities may be recorded, subject to this Policy.

4.2 Recordings shall be made only for official purposes, including:

- (a) maintaining an authentic record of proceedings;
- (b) administrative review; and
- (c) training and capacity building (preferably anonymised).

PART IV – LEGAL STATUS AND EVIDENTIARY POSITION

5. Legal Nature of Recordings

5.1 Recordings are audio-visual records held by the IP Office and fall within the scope of the Right to Information Act, 2005, subject to exemptions under the Act.

5.2 **Recordings shall not be treated as evidence per se.** They are auxiliary records intended to assist in administrative, procedural or supervisory functions and do not, by themselves, constitute determinative evidence unless otherwise directed by the court of law.

PART V – NOTICE, CONSENT AND PROHIBITIONS

6. Notice and Deemed Consent

6.1 All participants shall be notified at the beginning of the hearing that the proceedings are being recorded.

6.2 Participation in a hearing is deemed consent, subject to the laws applicable.

7. Prohibition on Unauthorised Recording

7.1 Strictly prohibited and not limited to:

- (a) private or secret recording;
- (b) screen capture;
- (c) live streaming;
- (d) sharing or dissemination of recordings by any participant;
- (e) or by any other means.

7.2 Any unauthorised recording by any device shall constitute an offence and may attract disciplinary and/or legal action under applicable laws.

7.3 No person/entity (including print and electronic media, and social media platforms) other than an authorised person/entity shall record, share and/or disseminate live-streamed proceedings or archival data. This provision shall also apply to all messaging applications. Any person/entity acting contrary to this provision will be prosecuted as per law.

(Any unauthorised usage of the live stream will be punishable as an offence under the Indian Copyright Act, 1957, Information Technology Act, 2000, and other provisions of law, including the law of Contempt.)

PART VI – STORAGE, SECURITY AND ACCESS CONTROL

8. Storage and Security

8.1 Recordings shall be stored only on servers approved by the competent authority.

8.2 Recordings shall be protected through encryption, role-based access controls.

8.3 Access to the recordings shall only be provided on the written order of the VC committee as constituted under Part X of this policy document, and a record shall be maintained for all instances of access.

9. Permissible Use and Access

9.1 Recordings may be accessed only for:

- (a) official or administrative purposes;
- (b) internal inquiries or reviews;
- (c) training (preferably anonymised); or
- (d) compliance with court orders or legal requirements.

9.2 No copying, sharing or disclosure shall be made without approval of the competent authority.

PART VII – RETENTION, ARCHIVAL AND DELETION

10. Retention Period

10.1 The recordings shall be retained for a period of **one year**.

10.2 For the purposes of Clause 10.1, the expression “one year” shall be construed as a period commencing from the date of the hearing to which such recordings pertain.

PART VIII – PRIVACY AND DATA PROTECTION

11. Compliance with DPDP Act, 2023

11.1 Personal data shall be processed strictly for official purposes.

11.2 The IP Office shall act as the Data Fiduciary, and participants shall be Data Principals, within the meaning of the DPDP Act, 2023.

11.3 Reasonable security safeguards shall be implemented to prevent misuse, leakage or unauthorised access.

PART IX – HANDLING RTI APPLICATIONS FOR VIDEO RECORDINGS

12. RTI Coverage

12.1 Recordings are audio-visual and fall under the RTI Act, 2005; however, disclosure is not automatic and is subject to statutory exemptions.

13. No Automatic or Routine Disclosure

13.1 Recordings shall not be provided as a matter of routine.

13.2 Participation in a hearing does not confer an automatic right to receive a copy of the recording.

14. Grounds for Denial or Exemption under RTI Act

Disclosure may be refused, wholly or partly, if the recording involves:

- (a) commercial confidence, trade secrets or intellectual property – Section 8(1)(d);
- (b) information held in fiduciary capacity – Section 8(1)(e);
- (c) personal information unrelated to public activity or invading privacy – Section 8(1)(j);
- (d) information that may impede adjudication or investigation – Section 8(1)(h).
- (e) information the disclosure of which has been expressly forbidden by any court of law or tribunal, or which may constitute contempt of court – Section 8(1)(b).

15. Public Interest Override

15.1 Even where exemptions apply, disclosure may be made if a larger public interest outweighs the harm, in accordance with Section 8(2) of the RTI Act, supported by a reasoned written decision.

16. Decision-Making Process

16.1 No recording shall be released without:

- (a) due application of mind to statutory exemptions; and
- (b) with the prior written approval of the VC Committee, as constituted under Part X of this Policy.

PART X – VC COMMITTEE

17. VC COMMITTEE

17.1 A VC Committee is hereby constituted.

17.2 The VC Committee shall comprise five members:

- (a) **Chairperson** – not below the rank of Joint Controller of Patents and Designs or Joint Registrar of Trade Marks, GI & Copyrights;
- (b) **two members** not below the rank of Deputy Registrar/Assistant Registrar of Trade Marks, Copyrights and Geographical Indications; and
- (c) **two members** not below the rank of Deputy Controller/Assistant Controller of Patents and Designs.

17.3 The VC Committee may co-opt or seek the assistance of other officers, with the approval of the Competent Authority, as required.

18. Functions of the VC Committee

18.1 The VC Committee shall:

- (a) examine and approve requests for recording as mentioned in the section 2.1;
- (c) oversee compliance with this Policy; and
- (d) advice on appropriate processing, disclosure and safeguards.

PART XI – MANAGEMENT, COMPLIANCE AND REVIEW

19. Nodal Responsibility

19.1 The Head of Office (IT office) shall designate a nodal officer or unit responsible for:

- (a) recording systems;
- (b) data protection and compliance; and

20. Review and Amendment

20.1 This Policy shall be reviewed periodically and amended as per the laws with the approval of the competent authority.

PART XII – ISSUANCE, COMMENCEMENT AND SAVINGS

21. Issuance and Commencement

21.1 This Policy shall come into force with immediate effect.

21.2 All previous instructions inconsistent with this Policy shall stand superseded.

Issued with the approval of the Controller General of Patents, Designs and Trade Marks.

(Authority: Office Order No. CGPDTM/40/2025-CGOFFICE/16 dated 02.02.2026)