

 बौद्धिक संपदा भारत Intellectual Property INDIA O/o CGPDTM	Title: Refund of Fee in Case of Duplicate Payments in Trademark Applications	Document Identifier: <i>(to be filled by Quality Division as per the numbering scheme)</i>
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Bibliographic Details

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1. Purpose

The purpose of this Standard Operating Procedure (SOP) is to establish a uniform, transparent, and time-bound mechanism for processing refund requests arising from duplicate payment of statutory fees in respect of trademark applications filed through the IP India e-filing portal.

This SOP aims to ensure:

- prompt verification of duplicate payments;
- prevention of fraudulent refund claims;
- proper accounting and audit trail; and
- timely refund to the applicant.

2. Scope

This SOP shall apply to all requests for refund of duplicate statutory fees paid in relation to Trademark applications, including but not limited to:

- Filing of new trademark applications;
- Renewal applications;
- Opposition proceedings;

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- Rectification/Cancellation applications;
- Assignment/Transmission requests;
- Any other trademark-related service for which statutory fees are payable through the e-filing system.

This SOP shall apply only where:

- the same fee has been paid more than once for the same transaction; and
- the duplicate payment has not been utilized against any other application or service.

3. Definitions

Duplicate Payment

A payment shall be treated as duplicate where:

- identical statutory fee is received twice or more;
- both payments relate to the same application/service;
- only one payment has been utilized.

Applicant

Includes applicant, proprietor, agent or attorney authorised to seek refund.

4. Authorities Involved

Authority	Responsibility
Applicant	Submission of refund request
IT Office	Receipt of refund request, preliminary scrutiny, verification of duplicate payment, initiation and processing of refund file
Finance Section	Financial verification and preparation of refund bill
Competent Authority	After Approval, CGPDTM shall sanction refunds, and such authority shall not be further delegated.
PAO/Finance	Release of payment

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5. Documents Required

The applicant shall submit:

1. Refund application.
2. Details of Trademark Application Number.
3. Transaction ID(s).
4. Payment Reference Number(s).
5. BharatKosh Receipt(s).
6. Date and amount of payment.
7. Reason for duplicate payment.
8. Bank details (Cancelled cheque/passbook copy).
9. PAN, if required.
10. Authorization, where filed by an agent.
11. Any additional document sought by the Registry.

6. Time Limit

The refund application should preferably be submitted within **one year** from the date of duplicate payment.

7. Workflow

Step 1 – Submission of Refund Request

The applicant shall submit the refund request to the IT Office through the designated email or by physical application where an online facility is not available.

Upon receipt of the request, the IT Office shall initiate the refund file.

Step 2 – Preliminary Scrutiny

The IT Office shall examine whether the refund application is complete by verifying:

- Trademark application number;
- payment particulars;
- transaction reference numbers;
- supporting documents;
- applicant/agent details;

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- bank account details; and
- any other relevant information.

Where the application is incomplete or deficient, the applicant shall be given **15 days** to furnish the required information or documents.

Step 3 – Technical Verification by IT Office

The IT Office shall examine the refund request and verify the eligibility of the claim by checking:

- Trademark Application Number;
- payment particulars;
- Transaction ID(s) and Payment Reference Number(s);
- BharatKosh receipt(s);
- supporting documents;
- applicant/agent details and authorization, wherever applicable;
- bank account details;
- e-filing system records;
- BharatKosh payment details;
- payment gateway transaction logs;
- receipt generation records;
- transaction status;
- whether both payments were successful;
- whether both payments relate to the same trademark application or service;
- whether only one payment has been utilized in the system;
- whether the duplicate payment has been adjusted against any other application or service; and
- whether any refund has already been processed against the same payment.

Where the refund request is found to be incomplete or deficient, the applicant shall be given 15 days to furnish the required information or documents.

Upon completion of verification, the IT Office shall prepare a Technical Verification Report, indicating whether the duplicate payment is eligible for refund, and shall forward the complete refund file along with the report to the Finance Division for financial verification.

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Step 4 – Financial Verification

The Finance Division shall verify:

- receipt of Government funds;
- accounting head;
- reconciliation with BharatKosh records;
- availability of duplicate credit;
- previous refund history, if any; and
- compliance with applicable financial rules.

The Finance Division shall record its findings and submit the file for approval.

Step 5 – Approval

The complete file shall be placed before the CGPDTM. The

Competent Authority shall examine:

- the Technical Verification Report of the IT Office;
- the Financial Verification Report of the Finance Division;
- eligibility of the refund under the applicable rules; and
- any other relevant facts.

The Competent Authority may approve or reject the refund request by recording reasons in writing.

Step 6 – Preparation of Refund Bill

After approval:

- Refund sanction order shall be issued.
- Refund bill shall be prepared.
- Payment advice shall be generated.
- Refund shall be transferred electronically through PFMS/approved Government payment system.
- That, the refund shall be made to the applicant/agent, as applicable, based on the original payee who made the payment. The requisite NEFT/bank details shall be

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obtained from the concerned applicant/agent

8. Cases Where Refund Shall Not Be Allowed

Refund shall not be processed where:

- duplicate payment cannot be established;
- transaction failed without debit;
- amount has already been refunded by BharatKosh/payment gateway;
- refund has already been granted;
- claim is fraudulent;

9. Records to be Maintained

The Finance Division shall maintain:

- Refund Register;
- IT Verification Report;
- Accounts Verification Report;
- Sanction Order;
- Refund Bill;
- PFMS/BharatKosh acknowledgement;
- Applicant correspondence;
- Audit records.

All records shall be preserved for at least **five years** or such longer period as prescribed under Government record retention rules.

10. Time Line to Process refund

That Upon receipt of all requisite documents from the applicant, the technical verification shall be completed within 7 days, followed by financial scrutiny within 7 days and approval within a further 3 days. Thereafter, the file shall be forwarded to the Pay and Accounts Office (PAO) for necessary processing and release of the refund.

11. Review of SOP

This SOP shall be reviewed periodically or whenever there is a change in the applicable financial rules, BharatKosh procedures, Government instructions, or internal administrative requirements.

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12. References:

- This SOP for SOP has been developed in accordance with ISO 9001:2015

13. Annexure:

- Template for SOP

Signature of Approver :

14. Revision History:

Version	Author	Implementation date	Revision information (what was revised)

End of Document