



सत्यमेव जयते

भारत सरकार

वाणिज्य और उद्योग मंत्रालय

व्यापार चिन्ह रजिस्ट्री

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INTELLECTUAL
PROPERTY INDIA
Patents/Designs/Trademark
Geographical Indications

CG Office/Public Notice/2020

dated: 20/02/2020

Public Notice

In pursuant to the public notice dated 12/12/2019, there were 25 representation received in this office. All grievances and relating suggestions have been considered carefully and office response relating thereto, is attached with this public notice for reference to the stakeholders / public in general (as annexure –I).

Sd/-
Controller General of Patent, Design and Trade Marks

Annexure I**A brief summary of the compiled suggestion and office response in reference to the stakeholder Meetings held at Delhi on 11/12/2019, at Mumbai at 17/12/2019 and at Chennai on 23/12/2019 and several representation / comment received against public notice dated 12/12/2019.**

Sr. No	Suggestion received	Office response
1	It is suggested that a nodal officers for solving the issued in time bound manner be nominated at each branches of TM registry. It is further suggested that any commendation send to nodal officers be confirmed by receipt of the same.	Suggestions accepted and an office order dated 03/01/2020 issued in this regard.
2	An issued relating to streamline of disposal of TM-M is also rose.	It has been informed to the stakeholders that processing of TM-M is already streamlined and that TM-M is taken up for disposal by the same officer who is dealing with the application at particular stage. The system has been designed as such that form filed in the application is moved with the application and the officer dealing with application shall require to dispose the pending form also to proceed further in the application. However, again a direction to show-cause hearing officers has also been issued to take up the amendment request for disposal at the time of hearing vide office order dated 03/01/2020.
3	An issue raised in regard to hearing u/r 45(2) where service of the counterstatement has not been served properly.	It has been informed to the applicant that notices have been issued in only those matters where the office is having dispatch details of counter-statement. However if any issue exists in particular matter, same may raised to the concerned hearing officer in the matter.
4	A request is made to provide additional opportunity to upload document at hearing stage which is limited one time at present.	It is informed to the stake-holders that opportunity to upload reply to the applicant has been provided stage-wise. There is space constraint exists as present, however, due care will be given at the time of implementation of the new eTMR system.
5	A suggestion is made to put application related to similar trademark before same officers.	It is informed that presently office is clubbing the matter related to same agent for particular period for scheduling of hearing. Fixation of similar trademark related to same application before same office required further discussion in regard to limitation and challenges.
6	Applicant / opponent email id should be visible to each other.	Request Accepted. Necessary change will be effected soon.
7	A suggestion is made to provide opportunity to update email ID in application filed before 6 th march, 2017.	A Public Notice dated 03/12/2019 was issued to provide said opportunities.

9	A suggestion made to upload opposition / show-cause cause list in time. It is also requested to send hearing notices in at least 30 days advance.	Request accepted. Necessary effort will be made to upload cause list at least a month before w.e.f from 01/04/2020. As far as dispatch of notices in concerned, it is issued 30 days in advance only. However, if any delay exists in this regard in some matter, necessary steps will be taken.
10	Additional space may be provided for uploading documents	Currently there is space contract in present TM System. However, this request will be considered after the implementation of new eTMR.
11	Multi-class application should be advertised in respective classes against the present practice of class 99.	Suggestions accepted and will be done by making changes in the system.
12	Daily order sheet be arranged to uploaded in the application details of e-register	It was informed that this is already under consideration. Presently not possible due to limitation of present TM system. However Will be done after the implementation of eTMR.
13	Display board of hearing matters, Scheduling of hearing be done slot-wise to avoid the long waiting for hearing	Accepted, and will be implemented w.e.f 01/04/2019.
14	Multi class search facility be provided.	The present system is having its limitation and this sort of changes may not be possible in the same. However, it is further informed that this requirement will be available in new eTMR.
15	Display of Hearing Board related to show cause hearing in Advance.	Show-Cause hearing scheduled in bulk and the same is divided among the present authorised hearing officer for the purpose. In case hearing officer take leave then with a view to avoid inconvenience to the parties, hearing officer wise board decided by system on the same day. However, Slotting of the matter in to two parts i.e. pre-lunch and post lunch is under consolidation.
16	Processing of Registered user request on TM-U, Partial Assignment.	At present there is no such module exist for processing of such request, however same will be come in existence with implementation of eTMR.
17	FAQ be updated	The office is in process to update the same and updated version will uploaded at official website shortly.
18	Request for dispatch of Physical copy of Registration certificate.	In view of the making office environment friendly, we stared reducing the use of papers. A policy decision is taken to shift on issuance of digital registration certificate. Applicant can always print a physical copy.
19	Some suggestion received in regard to processing of TM-P and branch by single officer.	It may be noted that processing of post registration amendment required is done as such, all request related to single application processed by the same officer. The office is committed to dilute the pendency in this area and dispose such request within three month from the date of filing. It is further clarified that hearing, if required, is provided at the branch under which jurisdiction the original application filed. However normal processing is done by which officers or at

		which location should not be area of concern to the applicant.
20	Early publication of the Annual report.	It is inform to the stakeholders that Annual Report is published after the approval of the competent authority and placement in the parliament only. However, possible measure may be taken to reduce delay in future.
21	GI should not be registered as TM.	There is Statutory provision for restriction of registration of TM of registered GI. However, if some discrepancy noted specifically, may be brought is the knowledge of the office.
22	Request made to avoid discrepancy in regard to filing of letter / correspondence.	It was inform to the stakeholder that specific nomenclature is given for speedy allotment or processing of application such as reply to examination report, reply to formality check fail, etc. Everyone should take proper care to file the document properly. However, in some specific cases, office may be consulted, if required.

Note 1:

Some suggestion received relating to structural changes in the system, such as visibility of classes of opposition in case of multiclass application, display of email ID in opposition BAR, image search, multiclass search, display of daily order sheet, etc. will be considered at the time of implementation of new eTMR system as the office is in process to finalize and implement new eTMR system for electronic processing in near future. Due consultation / testing will also be done with representative of associations before implementation of the same.

Note 2:

Some general queries rose without any suggestion in this regard. It is to inform that FAQ document will be updated shortly covering all such queries.

Note 3:

Some concern rose in regard to pendency in processing of application. It is to inform that presently considerable pendency exists in the area of tribunal processing i.e. show-cause hearing and opposition hearing only. This exists due to limited number of officer however; office is trying hard to reduce these pendency. It may further be noted that in last 4 years pendency has already been brought down considerably in following area:

- Examination: less than a month from 17-18 months previously exists,
- Consideration reply: around 1-2 months from more than 2 years previously exists,
- Processing of amendment request in Post registration is reduced to less than 10 thousand from more than 80 thousand,
- In Issuance of Registration certificate / processing renewal request, pendency is virtually nullified against 7 -8 months previously exists.

_____End of Documents_____