

Office of CGPDTM, Mumbai
Govt. of India

PUBLIC NOTICE

Dated 18th May, 2020

Whereas this office has issued Public Notices regarding timelines/periods as prescribed under the IP Acts and Rules administered by the O/o CGPDTM towards completion of various acts/proceedings, filing of reply/document, payment of fees, etc. in the matters of any IP applications, falling due between the lockdown period, i.e. 25-03-2020 to 17-05-2020.

Whereas, on 11-05-2020 in the matter of *IPAA & Anr., vs. CGPDTM & Anr.*, the Hon'ble High Court of Delhi stated that no Court, Tribunal or any authority can act contrary to the order of the Supreme Court dated 23-03-2020 passed in exercise of its powers under Article 141 and Article 142 of the Constitution; and under Article 144 of the Constitution, all authorities whether civil or judicial, located in the territory of India are required to act in aid of the orders passed by the Supreme Court. Therefore, the Hon'ble High Court suspended the operation of the public notice dated 04-05-2020 and ordered that the respondents (i.e. the CGPDTM 7 Anr.) shall act in accordance with the order of the Supreme Court dated 23-03-2020 referred to above.

Whereas, on 23-03-2020, the Hon'ble Supreme Court of India in the matter of *Suo Motu Writ Petition (Civil) No(s). 3/2020* ordered that a period of limitation in all such proceedings, irrespective of the limitation prescribed under the general law or Special Laws whether condonable or not shall stand extended w.e.f. 15-03-2020 till further order/s to be passed in present proceedings.

Whereas, on 06-05-2020 in the same matter (*Supra*), the Hon'ble Supreme of India, ordered that in case the limitation has expired after 15-03-2020 then the period from 15-03-2020 till the date on which the lockdown is lifted in the jurisdictional area where the dispute lies or where the cause of action arises shall be extended for a period of 15 days after the lifting of lockdown.

Whereas, MHA vide Order No. 40-3/2020-DM-I(A) dated 17-05-2020 issued guidelines/directives for further lockdown and as per those guidelines/directives, by and large, functioning at work places has been permitted with necessary safeguards therein. All the IP offices under administrative control of O/o CGPDTM have already been functioning w.e.f. 20-04-2020.

In view of above, the due dates, with respect to the timelines/periods prescribed under the IP Acts and Rules administered by O/o CGPDTM towards completion of various acts/proceedings, filing of any reply/document, payment of fees, etc. in the matters of any IP applications filed with the offices under the administrative control of O/o CGPDTM, falling due from 15-03-2020 to 17-05-2020, shall be 01-06-2020.

Further, the rights of individuals or applicants seeking extension of time/condonation of delay under various provisions of the relevant Acts and Rules in respect of these applications will remain unaffected.

Sd/-
Controller General of Patents, Designs & Trade Marks