

**Patent Office Staff Association**  
IPO Building, CP-2, Sector V,  
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Dated, the 30<sup>th</sup> November, 2011.

**RESPONSE TO THE DISCUSSION PAPER**

**REVIEW OF ORGANISATIONAL STRUCTURE OF THE OFFICE OF THE CONTROLLER  
GENERAL OF PATENTS, DESIGNS, TRADE MARKS AND GEOGRAPHICAL INDICATIONS.**

The Present problems faced by the IPOs in India have been elaborately discussed in the Discussion Paper circulated by the DIPP of Ministry of Commerce and Industry, Govt. of India and views have been invited in this regard from the stakeholders.

This Association, members of which have long working experience in one of the IPOs, thinks it fit to mention the following suggestions for consumption and consideration of the concerned policy makers in the DIPP :-

- 1) So far the Patent Office including Design wing have been functioning separately in all respect except that the Controller General of Patent, Designs & Trade Marks is the Head of Department for both the Patent Offices and Trade Marks Registries.
- 2) The main problem faced by the Patent Offices is non-availability of adequate number of Patent Examiner. Though posts of Examiners have been created long ago and vacancies to the posts persists for long time, measure to fill up the vacant posts of Examiners was delayed. Since the major problems were not addressed properly in time, the resultant effect of accumulation of huge backlog occurred. Hence, the need of the hour is to augment adequate number of Patent Examiner in the IPOs immediately.
- 3) Vacancies in different categories of supporting staff are also remained in the IPOs. Moreover, the number of sanctioned strength of supporting Staff is inadequate and there is no rationale proportion in the number of Supporting Staff vis-à-vis the number of Patent Examiner for which in most of cases, smooth function of the offices suffered.

- 4) This organization is a surplus Revenue generating organization as explained in the Discussion Paper. Our considered opinion is that the revenue earned by this organization should be part of the Consolidated Fund of India so that the surplus revenue can be utilized in development of the Country. The proponents of the converting this office from Govt. establishment to Autonomous organization may only think of utilizing the entire revenue so collected annually to spend at their will. Hence, the mis-appropriation of Govt. revenue may occur. Further, the National requirement may be kept in consideration while taking any such decision.
- 5) In the Indian context the problems faced by any organization may be dealt with keeping in view of the Country's requirement. Copying Model of other developed countries model may not be desirable in this regard.

For and on behalf of the members of Patent Office Staff Association.

Dated this 30<sup>th</sup> November, 2011.

M. Bhattacharya  
General Secretary