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To,
FICCI,
New Delhi

Dear Madam / Sir,

IPASI is an association inaugurated and founded on the 26th April 2011 World IP Day, to promote the understanding, unity and development amongst all persons practicing in the field of Intellectual Property including Trademarks, Patents, Copyright, Industrial Designs, Geographical Indicators, Valuations, Licensing, Commercialisation of IP and such other fields.

Pursuant to a full house meeting of IPASI members, the following responses to the 16 questions in the DIPP paper were prepared. We request you to kindly include our responses for deliberations while finalising the policy for “*Restructuring the Intellectual Property Office*”.

Please feel to write to us for further discussions, inputs or deliberations if need be.

We remain sincerely yours,

M. S. Bharath

Secretary,

IPASI

Intellectual Property Association of South India

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**IPASI's RESPONSE TO 16 Questions listed by DIPP in their note for
Restructuring the Intellectual Property Office**

1. Yes
2. Trademark, GI and Copyright should be under one head at five locations as in Delhi, Mumbai, Chennai < Ahmedabad and Calcutta. Patent and Design under separate Head with Design also to have in all five stations.
3.
 - i. The present body is different from bodies such as SEBI and IRDA. We agree with conclusion in paragraph 32 that the CGPDTM need not be statutory status.
 - ii. The two office of Trademark and Patents can and should be bifurcated as independent offices but need not be autonomous.
4. All necessary changes to bring about bifurcation of the 2 offices of Trademark and Patents, such as Section 73 Patents Act and Section 3 of the Design Act with a need two separate Controllers General.
5. Refer to answer to Question 4 above.
6. The Controllers of the respective office should have appropriate qualification and more importantly experience from the respective Departments or fields.
7. The outsourcing of the limited prior art search to third parties should continue only if there is no conflict. In other words the organization to which the prior art search is outsourced should not be the applicant for the patents for which the prior art searches are conducted.
 - i. It is recommended that the National Institute IP Management, Nagpur be developed into destination for outsourcing prior art searches with revenue generation for the Institute.
 - ii. On a long term basis, the Patent Office should be independent by increasing the number of examiners with better quality and qualifications and with better pay scales to retain them.
8. Given the fact that the examiners of trademarks require legal background, the outsourcing of the examinations cannot be done. Instead the TMO should continue to have temporary staff or retired staff on contract basis, who would have benefit of guidance from the permanent experienced staff to clear backlogs.
9. Finalise the drafts trademarks manual / guidelines and give adequate and regular training to permanent and temporary examiners.

10. There is no need for additional offices. However it is suggested that the strength of the examiners in all the offices be substantially increased.
11. The National Institute of Intellectual Property Management could continue as one of offices of CGPDTM. The Institute should be given better infrastructure, research tools and facilities to be on par with any other International Institute and possibly relocated to one of the four cities of Mumbai or Delhi or Chennai or Kolkata where the IP offices are located for better coordination and on job trainings. It is also recommended that the Institute be developed into destination for outsourcing prior art searches with revenue generation for the Institute.
12. Since this is purely an administrative function there is no suggestion on addressing this question.
13. Since this is purely an administrative function there is no suggestion on addressing this question.
14. Yes it should be addressed in the XIIth plan. Suggestion: Fill vacancies, increase staff and salaries.
15. NO.
16. Any other views on the subject:
 - i. Time bound, orders to be passed for procedural application such as renewals, assignment recordals, change of name and address of applicant and such other applications.
 - ii. Electronic communications such as emails to be sent in case hearings posted are adjourned.
 - iii. Hearings to be commence at the stipulated time indicated in the hearing notice with priority to be given to counsels who are present.
 - iv. Hearings and other proceedings should not be fixed during the period when important international conferences such as INTA, AIPPI and APAA.