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Sub: Views/ suggestions on discussion paper on Review of Organisational Structure of the O/o the Controller General of Patents, Designs, Trade Marks and GIs.

Sir,

Please find our suggestion on the above cited subject as follows:

1. Given the radically different skill requirements of trade mark and patent office staff, the operational difficulties and the present challenges being faced by the O/o CGPDTM, is it desirable to establish an independent office for the Trade Marks and GI registry?

VIEWS: Trade Marks/ GI Registry function independent of Patents and Design Officials. The Registrar of a Trade Mark say for example at Delhi is no where connected with Deputy Controller Patents at Delhi as far as functioning, powers, procedure to be followed etc., so if the administratively the authorities are independent of each other, it is not desirable to establish independent offices.

2. What legal changes are required? What changes are required to the rules?

VIEWS: Laws and rules are fine as of now. A rule can be specifically brought that if any Intellectual Property Office whether Trade Marks or Patents receive an application that was supposed to be filed in other appropriate office, then the IP office receiving the application will forward the application to the concerned IP office having right jurisdiction. Sometimes, an applicant may file application in wrong jurisdiction, in such cases fee should not be forfeited and application should not be rejected. In such cases a penalty of maximum Rs 500/- can be imposed for filing the application in wrong jurisdiction.

3. Is a similar outsourcing (including employment of temporary but qualified personnel) exercise possible in case of trademarks where more than 400000 trademark applications are pending at various stages? If so, what could be the safeguards that should be put in place?

VIEWS: Trademark documents become online as soon as they are filed or within some days of filing of Trade mark Application. So, the issue of confidentiality is not much relevant in case of Trade Marks. Anyway, only trained manpower can do the Trade mark search. So, if any institute is selected for this purpose, proper training be imparted before outsourcing the work.

4. The National Institute of Intellectual Property and Management, which is housed in Nagpur, is at present under the supervision of the CGPDTM. This institute needs to be developed into a world class institution for research and training in the field of IP. Would it be better for such an institution to be directly controlled by the Ministry or should it continue as one of the offices of CGPDTM?

VIEWS: The institute can be made autonomous, as we need to impart IPRs training to every professional, academicians, Business houses and other relevant citizens which is indeed a big task. So, quick decision making is desirable in such institutes.