

Nov 23, 2011

SUB: REVIEW OF ORGANISATIONAL STRUCTURE OF THE OFFICE OF THE CONTROLLER
GENERAL OF PATENTS, DESIGN, TRADE MARKS AND GEOGRAPHICAL INDICATIONS.

Please refer to the discussion paper available on the above subject matter.

1. Operational issues have been correctly identified (Refer Page 5).
2. Outsourcing of the prior art search to URDIP is questionable as it reflects the lack of expertise/ resources at the IPO itself, besides the fact that the CSIR itself is a one of the leading Indian entity to apply for the IP rights (Refer Page 8).
3. With the initiation of the steps such as e-filing of patent and Trade mark applications, additional manpower for examination work is not likely to be available. It cannot be expected that the human resources available for making manual entry in the Patent and Trade Mark Offices will be responsible for conducting the examination work. (Refer Page 8-9).
4. With the appointment of IPO as the only English speaking ISA/ IPEA for the entire Asian region, the organizational structure of IPO should match with USPTO and EPO and should not be inferior in any aspect to JPO and SIPO (Refer pages 9-16).
5. It is a flawed logic that the work in the Patent office is largely technical and scientific and that in the TM and GI registry is largely legal. In fact, all the IP rights conferred on the applicant are legal.

Therefore the qualifying level for the examiners and the controllers in the Patent Offices should not be lower than the Masters degree in Science/ Technology/ Engg. with Law degree.

The roles and the responsibilities of the TM and GI registry as described on Page 17 are equally applicable even to other IP registries. Accordingly, constitution of the separate TM and GI office from other IP offices is unacceptable.

Further, attention should be given to the salary structure of the persons employed for examination work. If their qualification levels in light of their job profile demands that they be in no way inferior to the qualification levels of the junior most scientist from a CSIR/ ICAR/ University/ IITs who largely constitute the Indian inventors from the Govt. sector, their salary structures ought to be at par with such people. That may attract reasonably good examiners and ensure their retention.

Disclaimer: Views expressed above should not be construed as the views of IOCL.