

# **CN Legal**

## **COMMENTS / SUGGESTIONS**

**On**

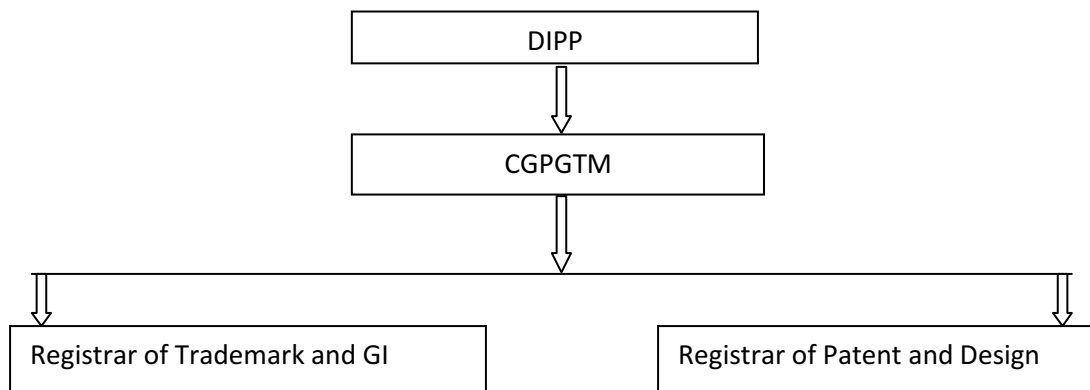
### **DISCUSSION PAPER: REVIEW OF ORGANISATIONAL STRUCTURE OF THE OFFICE OF THE CGPDTM**

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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?*

***Yes it is desirable to make separate registry and independent registrars***

2. *If so, what should be the organisational and reporting structure for each office?*



3. *Given the sensitivity of Patent law and practice in India and also the experience in other major IP Offices such as the USPTO, would it be appropriate to consider making the Office of CGPDTM autonomous? Is it possible to bifurcate the two offices and make the Trade Marks Registry and the Patent and Design Office two autonomous organizations?*

***It is desirable CGPDTM autonomous under that two independent office it is not needed a different two autonomous organizations***

4. *What legal changes are required? What changes are required to the rules?*
5. *Can the reorganization of the office of CGPTDM be taken up within the existing framework without seeking any amendments to the law? If so, what can be an ideal model ?*
6. *How should the office of the Controller be strengthened?*

***Make the new appointment***

7. *The Department had taken an initiative to outsource some part of the prior art search of the Patent office to CSIR. This project is proving to be beneficial. Which other organizations could be tapped for the purpose. Are there likely pitfalls that the department must take precautions against? What could be such precautions?*

***It is not advisable for a outsourcing the work better make a internal arrangement***

8. *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?*

***Trademark examination outsourcing can be consider under the strict control of the office***

9. *What other measures can be used to improve the base of examination of applications within the framework of the existing legislation?*

***Present examination system can be automated by a good and efficient software program***

10. *In spite of e-filing for patents etc. and streamlining of the examination process, is there a need for setting up additional offices?*

***It is not necessary to be a additional office the existing process and be make it as a fully online process expect the interaction for Hearing***

11. *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?*

***It should controlled by ministry not by the CGPDTM***

12. *The recruitment of officers has been delayed inordinately by the complicated, prolonged procedures involving interdepartmental approval. What could be the options to address this problem? Should a special dispensation be sought to address this issue. If so, what could be the possible course of action?*

*If CGPDTM makes as autonomous body the recruitment can be done without any delay and interdepartmental approval. The main point in appointment registrar and above positions persons should be an IAS officer*

13. *Since Trademark registration is a quasi judicial process involving opposition cases and hearings, what can be done to address the large number of vacancies for the post of Assistant Registrar and*

*above? If it is not possible to select new officers immediately, what can be done to remedy the situation?*

### **Appointments of temporary basic from Ex -judicial profile**

14. *Considering the importance of trademarks in India and the fact that a majority of the application are made by Indian applicants, should the size of the Registry be addressed in the XII Plan? What could be an appropriate structure?*
  
15. *In view of the fact that some innovations can qualify for different kinds of IPRs, would it be better to have a single window at the front end for applicants for all kind of IPRs while the specific IPR issues could be handled by different offices at the back-end ?*

### **General suggestion to improve the quality and quantity of the work in IPR**

- 1) The existing computerised and online system should be change with modern technology it will reduce the manpower**
  
- 2) All the forms filing should be online**
  
- 3) Avoid the showcase hearing for objection In trademark. if the reply and evidence submitted based on that the decision should take. The communication between the stakeholders and department should be online via email like USPTO**
  
- 4) To develop the software and online system instead of NIC make some other private agency under the control of CGPDTM NIC can be a governing body to specify and monitor the standard of the developer**

