

**GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT FOR PROMOTION OF INDUSTRY AND INTERNAL TRADE**

RAJYA SABHA

**UNSTARRED QUESTION NO. 1175.
TO BE ANSWERED ON FRIDAY, THE 16TH DECEMBER, 2022.**

INORDINATE DELAY IN PROCESSING OF PATENT APPLICATIONS

1175. SMT. JEBI MATHER HISHAM:

Will the Minister of **Commerce and Industry** be pleased to state:

- (a) whether Government has noticed inordinate delay in processing of patent applications and the steps that have been taken to eliminate the pendency;
- (b) the data regarding pending applications, State-wise and sector-wise;
- (c) whether Government has taken measures to deploy adequate human resources, comprising experts as part of speedy processing of patent applications;
- (d) how much revenue has been generated by the Intellectual Property Office (IPO), the details from 2017 to 2022;
- (e) whether Government would open Patent Offices or IPOs in each State which would be helpful in reducing the time lag; and
- (f) which IPO generates the most revenue?

ANSWER

**THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE & INDUSTRY
(SHRI SOM PARKASH)**

- (a): The Department has taken various initiatives to expedite the process of patent applications and eliminate pendency that includes manpower augmentation from time to time, setting up of feedback mechanism and appropriate legislative amendments. These includes, modernization of the Intellectual property (IP) offices with steady switchover from manual to computerized system of processing of applications, improved management of intellectual property (IP) related information, creation of stronger public interface and revamping of the routine functioning of IP offices. Further, considering the COVID-19 pandemic, officers have been provided with VPN access to avoid any delay in examination process. Also, to facilitate early disposal of applications, hearing of contested cases is done through videoconferencing, thereby removing the requirement of visiting the office by the applicant.

Further, for patent office international patent classification tool, WIPO-IPCCAT has been implemented, which helps the examiners and controllers to accurately and consistently categorize the patents into their main and sub-group levels in IPC. An appropriate classification results in effective and efficient prior arts search. For trademarks, India has acceded to Treaties on International Classification (for trademarks and designs) including Nice Agreement, Vienna Agreement, Locarno Agreement, which helps to harmonise the classification systems for examination of trademark and design applications, in line with the classification systems followed globally. Apart from initial induction, regular trainings are given to the technical manpower of patent office at Rajiv Gandhi National Institute of Intellectual Property Management (RGNIIPM), Nagpur and foreign IP Offices, to improve their skills required for speedy examination and grant/registration of IP applications

- (b): The State-wise and sector-wise requisite information is at **Annexure-I**.
- (c): The Department regularly reviews the manpower strength of Patent Office with Controller General of Patents, Designs & Trademarks office. In addition to the existing manpower of 936 officers, 500 additional posts in the Patent Office have been created. Further, approval for recruitment of 200 contractual manpower to assist the Patent officers in expediting the examination of application has been given.
- (d): Revenue generated by Intellectual Property Office (IPO) from 2017 to 2022 is as below:

(Rs in lakh)

Year	2017-18	2018-19	2019-20	2020-21	2021-22
Patents	47706.62	51518.03	62177.00	62384.00	66749.31
Designs	615.92	605.77	690.00	655.00	769.12
Trade Marks	28611.35	34119.17	35230.95	39671.00	41776.58
GIR	8.31	7.31	13.73	5.00	8.35
PIS/RGNIIPM	30.91	42.70	24.15	12.35	20.48
Total	76973.12	86292.98	98135.83	102727.00	109323.84

- (e): No such proposal is under consideration. Patent Office has adopted centralized system of allocation of patent applications in which applications are allotted to officers irrespective of geographical location. All operations in the Patent Office have been digitized. Further, comprehensive e-filing system has been introduced which is available 24x7. Therefore, an applicant situated in any part of India can file his/her patent application without any requirement of visiting Patent Office.
- (f): Patent Office generates the most revenue among all the Intellectual Property Offices.

ANNEXURE-I**ANNEXURE REFERRED TO IN REPLY TO PART (b) OF THE RAJYA SABHA UNSTARRED QUESTION NO. 1175 FOR ANSWER ON 16.12.2022.****Data regarding pending applications, State-wise and sector-wise;****Applications pending State-wise/UT-wise**

Sl. No.	STATE	Applications Pending for FER issuance stage	Applications Pending for final Disposal stage
1	Andaman & Nicobar	0	13
2	Andhra Pradesh	44	624
3	Arunachal Pradesh	1	10
4	Assam	14	219
5	Bihar	9	131
6	Chandigarh	29	196
7	Chhattisgarh	6	90
8	Dadra and Nagar Haveli and Daman Diu	0	8
9	Delhi	116	3714
10	Goa	2	71
11	Gujarat	60	1430
12	Haryana	52	992
13	Himachal Pradesh	4	134
14	Jammu & Kashmir	7	121
15	Jharkhand	9	540
16	Karnataka	184	4384
17	Kerala	27	520
18	Madhya Pradesh	14	339
19	Maharashtra	283	8214
20	Manipur	0	13
21	Meghalaya	0	18
22	Mizoram	5	14
23	Nagaland	0	15
24	Orissa	17	349
25	Pondicherry	8	94
26	Punjab	37	769
27	Rajasthan	16	387
28	Sikkim	0	11
29	Tamil Nadu	245	5581

30	Telangana	72	1035
31	Tripura	1	24
32	Uttar Pradesh	84	1853
33	Uttarakhand	43	466
34	West Bengal	53	1426
35	Non Indian	2371	110426
Total		3813	144231

Sector-wise pendency:

Sector-wise pending applications				
Groups	Applications Not Allocated	Pending for FER issuance stage	Pending for final disposal stage	Total
BIOTECHNOLOGY	7240	345	4873	12345
CHEMISTRY	995	731	12936	14562
ELECTRICAL	4216	2021	80705	86742
MECHANICAL	388	690	45717	46595
Total	12839	3787	144231*	160857

*34619 applications in respect of which FER has been issued and reply from the applicant is awaited are not added in to this figure.
