

**GOVERNMENT OF INDIA  
MINISTRY OF COMMERCE & INDUSTRY  
DEPARTMENT OF INDUSTRIAL POLICY & PROMOTION**

**LOK SABHA**

**UNSTARRED QUESTION NO. 2199.  
TO BE ANSWERED ON MONDAY, THE 1<sup>ST</sup> JANUARY, 2018.**

**PATENT APPLICATIONS**

**2199. SHRI JANAK RAM:**

Will the Minister of **COMMERCE AND INDUSTRY** be pleased to state:

**वाणिज्य एवं उद्योग मंत्री**

- (a) the number of patent and trade mark related applications pending at present;
- (b) whether the Government is taking any steps to expedite the disposal of the said applications; and
- (c) if so, the details thereof and the time by which the said applications are likely to be disposed of?

**ANSWER**

**वाणिज्य एवं उद्योग मंत्रालय में राज्यमंत्री (श्री सी.आर. चौधरी)**

**THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE & INDUSTRY  
(SHRI C.R. CHAUDHARY)**

- (a): As on 30.11.2017, 2,32,773 patent applications are pending at various stages of disposal, out of which 1,83,044 are pending at the examination stage. Also, 6,83,025 trade mark applications are pending at various stages of disposal, out of which 12,327 are pending at the pre-examination stage.
- (b) & (c): The Government has taken various measures to clear the pending applications, namely:
  - (i) To address the issue of lack of technical manpower for examination and disposal of patent and trade mark applications, available manpower has been augmented through creation of new posts and recruitment.
  - (ii) Recruitment has been completed to 458 posts of Examiners of Patents and Designs.
  - (iii) Further, 84 new posts of Examiners and 95 posts of Controllers have been sanctioned for Patent Office in the current year.
  - (iv) The number of Examiners of Trade Marks and Geographical Indications has also been augmented through 59 regular and 84 contractual Examiners. Also, 38 new posts of Examiners and 58 posts of hearing officers (Sr. Examiners and Registrars) have been approved for the trade mark registry this year.
  - (v) IP awareness and training programmes are regularly conducted at Rajiv Gandhi National Institute of Intellectual Property Management (RGNIIPM) Nagpur.

- (vi) Patent Rules have been amended and notified on 16.05.2016 to simplify procedures for disposal of patent applications. The salient amendments include:
  - a) For the first time, refund of fees in certain cases has been permitted, as also withdrawal of application being permitted without any fees.
  - b) Timelines have been imposed to ensure speedy disposal, while the number of admissible adjournments has been limited.
  - c) Applications can be transferred electronically from any of the Patent Office branches to another, utilizing specialized technical manpower more efficiently.
  - d) Expedited Examination is now permitted on certain grounds.
  - e) Hearing through video conferencing has been permitted.
- (vii) IPO website has been updated to make it more interactive, informative, user-friendly and transparent.
- (viii) In order to facilitate the examination work and optimise the speed and quality of examination, number of IT-enabled measures have been implemented.
- (ix) The process of registration and renewal of Trade Marks has been automated by uploading the registration certificate electronically in the electronic register and dispatching the same to the applicant's registered email id.
- (x) A 'Pre-Hearing Module' has been devised to ensure that show-cause hearings are not scheduled except in cases where the office objections cannot be waived off on the basis of the reply submitted by the applicant and material available on record.
- (xi) The Government has notified the new Trade Mark Rules, 2017 on 6<sup>th</sup> March, 2017 to streamline and simplify the processing of trade mark applications. Some of the salient features of the new Trade Mark Rules, 2017 are as under:
  - a) Number of Trade Mark (TM) Forms has been reduced from 74 to 8.
  - b) To promote e-filing of trade mark applications, a 10% rebate is provided for e-filing of trade mark applications vis-à-vis physical filing.
  - c) Modalities for determination and maintenance of well-known Trade Marks have been introduced.
  - d) The provisions relating to expedited processing of an application for registration of a trade mark have been extended right up to registration stage (hitherto, it was only up to examination stage).
  - e) Over all fees have been rationalized by reducing the number of entries in Schedule I from 88 to just 23.
  - f) Hearing through video conferencing on request has been introduced.
  - g) Number of adjournments in opposition proceedings has been restricted to a maximum of two by each party, which will help in timely disposal of matters.
  - h) Procedures relating to registration as Registered User of Trade Marks have also been simplified.

The disposal of patent and trade mark applications follows a chronological queuing system at various stages. This is a quasi-judicial process in which any person can file an opposition against the application. Therefore, no definite time line can be identified by which the said applications will be disposed of.

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