

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

**STARRED QUESTION NO. 342.
TO BE ANSWERED ON WEDNESDAY, THE 18TH MARCH, 2020.**

GRANTING TRADEMARK UNDER THE STARTUP INDIA

***342. DR. DHAL SINGH BISEN:**

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

वाणिज्य एवं उद्योग मंत्री

- (a) whether the Government proposes to provide employment by granting trademark to people under the Startup India Scheme and if so, the details thereof;
- (b) the details of the provisions for granting trademark;
- (c) the time taken for granting trademark to an applicant after filing application for the same;
- (d) whether there is any provision to take action against the officers who do not grant trademark within the time limit;
- (e) if so, the details of the action taken against the erring officers;
- (f) if not, the reasons therefor;
- (g) whether some women entrepreneurs of Seoni (Madhya Pradesh) have not been granted trademark so far; and
- (h) if so, the reasons therefor along with the time by which trademark is likely to be granted to them and the action taken against the officers, if any, responsible for deliberately not granting the trademark?

ANSWER

वाणिज्य एवं उद्योग मंत्री (श्री पीयूष गोयल)

**THE MINISTER OF COMMERCE & INDUSTRY
(SHRI PIYUSH GOYAL)**

(a) to (h) A Statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION
NO. 342 FOR ANSWER ON 18TH MARCH, 2020.**

- (a): The Department for Promotion of Industry & Internal Trade (DPIIT), in order to facilitate trademarks for Startups, provides 50 % concession in statutory fees for filing trademarks applications. Also, under the startup facilitation scheme, a list of facilitators is provided at Trade Marks Offices' website (www.ipindia.nic.in) whose services may be availed by the startups for application for registration of trademark and the professional charges of such facilitators is reimbursed by the government.
- (b): Processing of registration of a trademark application is done in accordance with The Trade Marks Act, 1999 and The Trade Marks Rules, 2017. The brief steps/stages for granting a trademark are as under:
- Application can be submitted offline or electronically through comprehensive e-filing module,
 - After receipt of the application, the application is queued for examination,
 - During the examination, applications are examined and an examination report is issued to the applicant with or without objections as per law. Presently examination is being done in about one month's time from the date of filing.
 - If no objection is noted as per law, the application moves to publication. After publication of the application details in Trade Mark Journal, any person may file opposition against the published mark within 4 months.
 - If any objections are noted, the applicant is required to submit his response within one month from the receipt of examination report.
 - If response is received, the same is considered by the authorised officer and the application is accepted or refused after providing due opportunity of hearing to the applicant.
 - After acceptance and publication of the application in Trade Mark Journal, if no opposition is received within the prescribed period of 4 months from the date of publication, registration certificate is issued to the applicant within three weeks from the expiration of 4 months' statutory period.
 - However, if the application is opposed by any person within 4 months of publication of the application, the opposition is required to be disposed in accordance with due process of law, which is a quasi-judicial proceeding.
- (c): The registration certificate for trademark is normally granted to the applicant within seven months from the date of filing of application, if no office objections are noted in examination and no opposition is

received after publication of the trademarks application in the Trade Marks Journal. However, examination is being done in around one month time from the date of filing of the trademarks application.

- (d):** There is no strict time limit for granting a trademark, since the procedure for trademark registration is a quasi-judicial process as per the Trade Marks Act, 1999. Internal guidelines are issued from time to time for quick disposal of applications, and, if any deliberate dereliction of duty is found on the part of any officer, appropriate action is taken as per the CCS Rules.
- (e) & (f):** No such incidence has been noted till date.
- (g) & (h):** Trademark application No. 3383863 was filed by Mrs. Deepmala Nandan of Seoni (Madhya Pradesh) on 05.10.2016 for registration of a trademark "EXLDE" was accepted and subsequently, published in Trade Mark Journal on 26.12.2016. The application has been opposed on 25.04.2017 by Exide Industries Limited and at present the matter is sub-judice.
