

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

LOK SABHA

**STARRED QUESTION NO. 238.
TO BE ANSWERED ON WEDNESDAY, THE 10TH MARCH, 2021.**

GRANTING TRADEMARK UNDER STARTUP SCHEME

***238. DR. DHAL SINGH BISEN:**

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

वाणिज्य एवं उद्योग मंत्री

- (a) whether the Government has made any provision for providing employment by giving trademarks to the people under Startup scheme and if so, the details thereof;
- (b) the provisions in place to give trademark including the time period after which trademark is given to the applicant on applying for the same;
- (c) whether there is any provision to take action against the officers not giving trademark within the time limit;
- (d) if so, the names and details of the officers against whom action has been taken including the dates on which action has been taken, State-wise including for not giving trademark to women entrepreneurs from Seoni district in Madhya Pradesh;
- (e) if not, the reasons therefor; and
- (f) the time by which the trademark will be given to all eligible entrepreneurs?

ANSWER

**वाणिज्य एवं उद्योग मंत्री (श्री पीयूष गोयल)
THE MINISTER OF COMMERCE & INDUSTRY
(SHRI PIYUSH GOYAL)**

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

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (f) OF THE LOK SABHA STARRED QUESTION NO. 238 FOR ANSWER ON 10TH MARCH, 2021.

(a): The Government of India has been taking various legislative and policy reforming steps to strengthen the Intellectual Property Rights regime in the country keeping in view our developmental needs.

In this regard, in order to give impetus to the Start-up ecosystem in the country, definition of 'Start-up' was incorporated by Government of India, through an amendment in Trade Mark Rules, 2017. Facility for expedited examination of a trademark application under Rule 34 is also provided to Start-ups. Further, statutory fees paid for trademark applications filed by a Start-up has been reduced to 50% vis-à-vis large entities. A further concession of 10% in prescribed fee is provided for online filing of applications. Till 28th February, 2021, 13,703 trademark applications filed by Start-ups have availed benefit of reduced fee. The State-wise details of the Trademark Applications received and granted under the Startup India Scheme as on 28.02.2021 is attached at *Annexure-A1*.

In addition to the above, since the Start-ups have limited resources and expertise in IPR processing, Government of India launched "*Scheme for Facilitating Startups Intellectual Property Protection*" (SIPP), on pilot basis in 2016 for one year, to help Start-ups in filing and subsequent processing of their applications in Patents, Designs and Trademarks. The Scheme was in force up till March 31, 2020 and has been further extended till March 2023. Under the Scheme, the Government of India bears the entire cost of the facilitator who assists the Start-up to file any number of Patents, Trademarks or Designs. For effective implementation of the Scheme, facilitators have been empanelled by the Controller General of Patents, Designs and Trademarks (CGPDTM). As on 28th February, 2021, more than 900 facilitators have been registered with the office of CGPDTM; of which 392 have been registered for facilitation for Trademarks under the Scheme. A list of facilitators is provided at Trade Marks Offices' website (www.ipindia.nic.in) whose services may be availed by the Start-ups for application for registration of trademark and the professional charges of such facilitators is reimbursed by the government. As on 31st December, 2020, 2,546 applications have been filed by Start-ups through facilitators, details are as per *Annexure A-2*.

(b): Processing of a trademark application is a quasi-judicial process and is done in accordance with provisions of The Trade Marks Act, 1999 and The Trade Marks Rules, 2017. 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.

(c): As mentioned in response to point (b) above, if all the compliances are made as per the provisions of Trade Mark Rules, 2017 and no

opposition are received during the publication period, registration certificate for trademark is granted within seven months of filing of applications. However, if any opposition is received when the application is put for publication then timelines get stretched since the entire process of registration of Trademark application is quasi-judicial and thus, before disposing of the opposition, following the principles of natural justice, an opportunity of being heard is provided to both the opposing party and the applicant to make their submissions.

Notwithstanding to the above, internal guidelines are being 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.

Along-with these guidelines, procedural reforms and re-engineering in trademark processes have been introduced including updated Online Search Facility for Classification of Goods and Services for Trademarks, automatic allotment of applications for examination, automation of process for registration and renewal so that registration and renewal Certificates are automatically processed and dispatched to designated email-id of the applicant and also get uploaded in the Electronic Register, providing details of hearing notices and adjournments on the website, etc. These measures have brought in significant improvements in the functioning of the Trademark Registry.

(d) & (e): In continuation to response at (c) above, no such incidence has been noted till date. Trademark application **No. 3383863** was filed by Mrs. Deepmala Nandan of Seoni (Madhya Pradesh) on 05.10.2016 for registration of trademark. Said application was advertised in Trade Mark Journal on 26.12.2016 as per provisions of Trade Mark Act, 1999 giving an opportunity to others to file their opposition (if any) to said application within four months of date of advertisement by giving a notice of opposition. The application has been opposed on 25.04.2017 by Exide Industries Limited and at present the matter is sub-judice.

(f): Processing of registration of a trademark application is a quasi-judicial process and is done in accordance with the provisions of The Trade Marks Act, 1999 and The Trade Marks Rules, 2017. 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.

ANNEXURE- A1

**ANNEXURE REFERRED TO IN REPLY TO PART (a) OF THE LOK SABHA
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**Start-up Applications - Filed and Granted (Trademark)
as on 28th February, 2021**

Name of the State	Trade Marks Applications Filed	Trade Marks Granted
Andaman & Nicobar	1	1
Andhra Pradesh	115	44
Assam	34	17
Bihar	97	29
Chandigarh	79	12
Chhattisgarh	52	20
Daman & Diu	4	2
Delhi	2295	1095
Goa	16	9
Gujarat	768	372
Haryana	988	406
Himachal Pradesh	25	2
Jammu And Kashmir	29	9
Jharkhand	35	11
Karnataka	2309	1230
Kerala	228	94
Madhya Pradesh	172	74
Maharashtra	3162	1526
Manipur	1	N/A
Meghalaya	1	N/A
Orissa	160	65
Pondicherry	9	7
Punjab	84	47
Rajasthan	418	172
Tamil Nadu	813	395
Telangana	683	284
Tripura	1	N/A
Uttar Pradesh	1055	396
Uttarakhand	69	34
Total	13703	6353

ANNEXURE- A2

**ANNEXURE REFERRED TO IN REPLY TO PART (a) OF THE LOK SABHA
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Startup applications filed through facilitators (for Trademarks)

Year	Startup applications filed through facilitators
2016-17	30
2017-18	642
2018-19	1103
2019-20	981
2020-21 (April to December)	1443
Total	2546
