

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

**UNSTARRED QUESTION NO. 2815.
TO BE ANSWERED ON WEDNESDAY, THE 15TH DECEMBER, 2021.**

GRANTING TRADEMARK UNDER STARTUP SCHEME

2815. DR. VISHNU PRASAD M.K.:

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

वाणिज्य एवं उद्योग मंत्री

- (a) whether the Government has made any provisions 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 awarded to the applicant on applying for the same;
- (c) whether there is any provision to take action against the officers not awarding 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 awarding trademark to women entrepreneurs from Thiruvannamalai District in Tamilnadu;
- (e) if not, the reasons therefor; and
- (f) the time by when trademarks will be awarded to all eligible entrepreneurs?

ANSWER

वाणिज्य एवं उद्योग मंत्रालय में राज्य मंत्री (श्री सोम प्रकाश)

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

- (a) & (b):** Processing of registration of a trademark application is a quasi-judicial process and is done in accordance with 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. 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): 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, action as appropriate is taken as per applicable Central Civil Services Rules.

(d) & (e): No such incidence has been noted till date.

(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.
