

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

**UNSTARRED QUESTION NO. 4552.
TO BE ANSWERED ON WEDNESDAY, THE 30TH MARCH, 2022.**

PATENT AND TRADE MARK APPLICATIONS

4552. SHRI AJAY NISHAD:

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

वाणिज्य एवं उद्योग मंत्री

- (a) the number of applications lying pending for patents and trade marks;
- (b) whether there has been sharp rise in the application lying pending for patents and trademarks;
- (c) if so, the details thereof including the proposed action plan for infrastructure development in all the Patents, Designs and Trade Marks offices of the country to reduce the above pendency; and
- (d) the other steps taken/proposed to be taken by the Government to deal with the rising number of applications relating to patents and registration?

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): As on 28.02.2022, desired statistical information is as under:

Patent Applications	208896
Trademark applications	641435

- (b) to (d): The Department has taken various initiatives to streamline and expedite the examination of a patent and Trademarks applications including 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 video-

conferencing, 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.

Further, based on stakeholders' feedback, appropriate amendments have been carried out for incentivizing e-filing with 10% fee concession *vis-à-vis* physical filing fees, benefit of patent fees reduction extended to educational institutions in addition startups, small entity and others, facility of expedited examination provided to startups, for applicants who have selected Indian patent office as ISA/IPEA, female applicants, small entity, Government departments, institution owned or controlled by the Government, and applicants under PPH, simplification of processes and reducing compliance burden through amendment in Section 8 for Form 27 and Rules 21 for filing of priority documents.

In Trademarks, 74 Existing Forms have been replaced by 8 consolidated Forms, single application form for all types of trademark applications have been provided, process for determination of well-known mark are laid out, express provision for filing applications for sound marks have been provided, procedures relating to registration as Registered User of trademarks have been simplified. Further, 50% fee concession for filing Trade Mark Applications is provided to individuals, start-ups and small enterprises and online filing of applications is encouraged through 10% rebate in fees.

Apart from initial induction, regular trainings are given to the technical manpower of patent office at Rajiv Gandhi National Institute of Intellectual Property Management (RGNIPM), Nagpur and foreign IP Offices, to improve their skills required for speedy examination and grant/registration of IP applications

In view of the above steps, average time taken for examination of a patent application has been reduced from an average 72 months in 2015 to 5 to 23 months at present, depending upon fields of technology, while period of examination of a trademarks application has reduced from 13 months to less than 30 days.
