

**Pending patents and trademark applications**

3679. SHRI DEREK O'BRIEN: Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) the number of pending patents and trademark applications;
- (b) whether the Ministry is taking any steps to expedite these applications; and
- (c) if so, the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF COMMERCE AND INDUSTRY (SHRIMATI NIRMALA SITHARAMAN): (a) As on 01.03.2017, 247824 patent applications are pending at various stages of disposal, out of which 206836 are pending at the examination stage. Also, 753471 trademark applications are pending at various stages of disposal, out of which 45043 are pending at the examination stage.

(b) and (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.
- (ii) Recruitment has been completed for 459 posts of Examiners of Patents and Designs, of which 396 new appointees have started examination work after undergoing training, in addition to the existing 130 Examiners.
- (iii) Further, 76 new posts of Patent Controllers have also been created.
- (iv) The number of Examiners of Trade Marks and Geographical Indications has also been augmented through 100 Examiners on contract.
- (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) Provisions have been included for condonation of delay due to war/natural calamities.
  - (b) For the first time, refund of fees in certain cases has been permitted, as also withdrawal of application being permitted without any fees.
  - (c) Timelines have been imposed to ensure speedy disposal, while the number of admissible adjournments has been limited.
  - (d) Applications can be transferred electronically from any of the Patent

Office branches to another, utilizing specialized technical manpower more efficiently.

- (e) Expedited Examination is now permitted on certain grounds.
- (f) 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 measures *viz.*, computerised work-flow, automation and IT enablement in the functioning has been implemented.
- (ix) The process of registration and renewal of Trademarks 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 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 6th 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.