



**INTELLECTUAL
PROPERTY INDIA**

PATENTS/DESIGNS/
TRADE MARKS/
GEOGRAPHICAL
INDICATIONS.



सत्यमेव जयते

Government of India

Office of The Controller General
Patents, Designs & Trade Marks
Boudhik Sampada Bhavan,
S.M. Road, Antop Hill,
Mumbai-400 037, India.

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(Email): cgpdtm@nic.in
cgooffice-mh@nic.in

(website): www.ipindia.nic.in

No.CG/F/Order/2012-13/ 69

Dated: 7/6/12

OFFICE ORDER ¹² NO- OF 2012-13

In supersession of earlier orders a Section namely Vienna Codification Section (VCS) is re-constituted in Trade Marks Registry, Mumbai for codification of the figurative elements of trademarks as per Vienna Agreement.

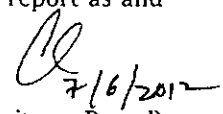
The following officers/official shall work in this section-

S.No	Name of the officer
1	Mrs. D.D. Prabhu Examiner of Trade Marks
2.	Mrs. Veena A. Gokarna Assistant Examiner of Trade Marks
3	Mr. D.T. Kamble Assistant Examiner of Trade Marks
4	Mrs. K. Bhatia Assistant Examiner of Trade Marks

Mrs. D.D. Prabhu Examiner of Trade Marks shall supervise the functioning of this Section.

Functions and responsibilities

1. The officials working in this Section will codify the figurative elements of the trademark appearing on the application for registration of Trade Mark, as per 'International Classification of the Figurative Elements of Marks under the Vienna Agreement' and enter the applicable codes in the specific module of the Trade Marks Automation System.
2. If a mark comprises several figurative elements, each of which is having its own distinctive characteristic these figurative elements should be codified in the appropriate different categories, divisions and sections. Maximum 6 codifications shall be done for a trademark.
3. The offices working in this Section shall, on daily basis, keep record of application numbers in respect of which they have done codification. They shall give their performance report as and when called for.


(Chaitanya Prasad)

Controller General of Patents, Designs & Trade Marks

Copy to:

1. All the officials, concerned.
2. Head of office
TMR, Mumbai/Delhi/Kolkata/Chennai/Ahmedabad
3. Office copy
4. NIC- for issuance of password to officials as per above order.



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No.CG/F/Order/2012-13/ 7 C

Dated: 7/6/2012

OFFICE ORDER NO- 13 OF 2012-13

In supersession of earlier orders the **Establishment, Accounts and Periodical Report (EAPR)** section is created in each office of the Trade Marks Registry (TMR) with following functions and responsibilities-

Regarding Establishments-

- Attendance and leave related matters
- ACRs of Group C
- Security & Maintenance
- Recruitment of staff through employment exchange
- Service matters and staff related issues
- Library
- Records pertaining to government residential quarters
- Any Other activities as and when directed or called for

Regarding Accounts

- Plan and Non-Plan budgeting
- Preparation of bills pertaining to Plan and Non-Plan
- Salary, I.A., LIC, Medical and other miscellaneous bills of employees
- Purchase and Stores
- Filing of returns
- Meeting arrangement
- TDS and IT returns
- Any other activities as and when directed

Regarding Periodical Report

- All periodical report relating to Plan, Non-plan and Establishment

1. This section will be manned by AO/DDO under supervision of the Head Of office.
2. The Head of office shall reallocate staff and provide other infrastructural support to all Sections established in his/her office equitably and as per requirement.
3. The Head of office shall organise the sitting arrangement of officials and staff of various Sections of the office so as to minimise the movement of records and increase the performance.
4. The Head of office shall provide additional staff, computer hardware and other necessary support in case of a special drive to achieve a particular target regarding any activity.
5. The Head of office shall prepare a plan proposal for completion of any activity as and when called for by the office of the CGPDTM.

6. A record of, computer hardware, stationery and all types of assets of the office shall be maintained by this Section as per Rules.


7/6/2012

(Chaitanya Prasad)
Controller General of Patents, Designs &
Trade Marks, & GI

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CG/F/Order/2012-13/72

Dated: 08/06/2012

OFFICE ORDER NO. 14 OF 2012

In supersession of the earlier order dated 26/4/2011, the **Examination/Publication and Registration Section (EPR)** is hereby reconstituted to deal with Examination of TM applications, Publication and Registration of trademarks in appropriate cases.

The Section will function in Trade Marks Registry (TMR) Mumbai and will be under the overall supervision of Shri. Amar Prakash, Deputy Registrar of Trade Marks. The Head of Office, TMR Mumbai shall provide required supporting staff to this section

(A) Examination of Trade Mark Applications

The following Examiners shall function in this Section-

1	Smt. M.M. Kadam
2	Shri. Devendra Kumar
3	Smt. Dipmala Mathapati
4	Shri. Dinesh Kumar Yadav
5	Shri. Atul Kumar Singh
6	Shri. Ashwin K. Khadapurkar
7	Shri. Javed Parkote
8	Shri. Lahane Sanjeev
9	Shri. M.S. Kamble
10	Smt. Neha Wakaria
11	Smt. Rajneesh Sharma
12	Shri. Rohit Motkari
13	Ms. Sarika Kadam
14	Shri. Suhas S. Amdorkar
15	Shri. Susheel Kumar Pandey
16	Ms. Priti Dhoatre
17	Shri. Parag Bhandarkar
18	Ms. Rajni Singh
19	Smt. Pavithra Bipin

Functions of the sub-section:

1. Examination of applications made for registration of trademarks, shall be done in accordance with provisions of the Trade Marks Act 1999 & Rules made thereunder and through the relevant module of the Trade Marks Automation System (TMAS).
2. As is being done on date, the Examiners shall examine new TM applications randomly allotted to them in lots of 20 applications at a time automatically through the electronic system.
3. Officials working in PARM sub Section as mentioned in Para B below, shall work as Supervisory Examiners.
4. All Examination reports proposing to accept the application or to advertise the application before acceptance (ABA) shall be sent through the system to Supervisory Examiners in random manner for their approval. Also, 20% of examination reports containing objections to acceptance of the application (**objected** cases) shall also be sent randomly through the system to Supervisory Examiners for their approval. It should not be clear either to the Examiners or to the Supervisory Examiners which reports are being sent in a random manner to the Supervisory Examiner.
5. The Supervisory Examiners shall dispose of cases received by them through the system, **on daily basis**. Where the examination is found to be defective, the Supervisory Examiner shall send through the system, the application to the concerned Examiner for re-examination with his/her remark.
6. It is clarified that since all objected cases will not be sent to the Supervisory Examiners, the supervision should be much more thorough and discerning for the cases which are sent to them and they should report repeated instances of poor quality of examination to higher officials.
7. 5% of the cases approved by the Supervisory Examiners shall be sent through the system to the officer overall in charge of the Examination Section for review. These cases will be reviewed thoroughly by officer in charge and his comments on them should be communicated with the daily report to CGPDTM.
8. Each examiner shall examine at least **50 applications per day**. Examination of application will be done through Examination module of the automated Trade Marks System from the cases allotted to him or her.
9. Where there are errors regarding data entry of applications, the application shall be sent to EDP Section through the system.
10. Where the application is accepted or ordered to be advertised before acceptance in the examination report (**accepted/ABA** cases) and the Supervisory Examiner approves the report, he/she shall transmit the application for publication through the system, so as to advertise the application in the forthcoming issue of the weekly Trade Mark Journal.
11. In all cases which have been sent to the Supervisory Examiners, the examination reports shall be released and put up on the website only after approval of examination reports by the Supervisory Examiners.
12. A copy of examination report containing objections to acceptance of the application or proposing to accept or to advertise the application before acceptance subject to compliance of any condition/requirement shall be communicated to the applicant/agent/attorney concerned.
13. Designated support staff shall take print-outs of finalized examination reports on a daily basis, get it signed by the Examiner concerned and despatch to the applicant/authorized agent maintaining e-records for despatch. Examination reports pending for despatch since earlier should also be printed-out from the system along with a covering letter notifying the applicant/agent to the effect that the time limit of one month applicable as per rule 38 (5) shall commence from the date of despatch. However, such despatch would not be required in cases where the replies to examination reports have been submitted by the applicants and is available in the system.

(B) Considering Reply to Examination Report (Pending Application Record Management- PARM)

Following officials will work in this sub-section. They will also function as Supervisory Examiners as defined above:

1	Shri. J.T. Anthony, Examiner of Trade Marks
2	Shri. M.B. Sadare, Examiner of Trade Marks
3	Shri. S.B. Kale, Examiner of Trade Marks
4	Shri. D.A. Vardham, Examiner of Trade Marks
5	Shri. S.U. Bore, Examiner of Trade Marks
6	Shri. M.J. Bhatwadekar, Examiner of Trade Marks
7	Shri. R.D. Kamtekar, Examiner of Trade Marks
8	Smt. Archana Singh, Examiner of Trade Marks
9	Shri. V.B. Anjarlekar, Examiner of Trade Marks

Functions of the sub Section:

1. The replies to the examination report with supporting documents, if any, received from the Agent/Attorney/Applicant shall be considered by this sub-section. This sub Section shall also deal with withdrawal & abandonment of a TM Applications.
2. The cases wherein replies to the examination report have been received shall be allotted to officials working in this Sub Section through the system. Each officer shall take up **at least 75 such cases per day**.
3. After considering a reply to an examination report and supporting documents, if any, the officer concerned will accept the application, or send the application for advertisement before acceptance, as the case may be. In such cases he/she shall move the application for publication through the system.
4. If the objections raised in Examination Report cannot be waived, the application shall be set for hearing through the system.
5. In case of withdrawal of application on behalf of the applicant, the officer concerned shall verify the genuineness of the withdrawal letter by comparing the signature with the signature on the application for registration. In case of doubt of the withdrawal request, the matter may be sent to the Show Cause Hearing section with a suitable remark.
6. In case where the consent letter from a proprietor of a previously registered mark is part of the reply to examination report, such matter shall also be referred to Show Cause Hearing with a note. However, if the consent letter is filed through a Trade Mark Agent with the PA of the consenting prior registered proprietor, such reference to the show cause section is not required. In cases where such consent letter is subsequently found to be forged or fraudulently submitted, action should be taken against the Trade Mark agent under Rule 157 and 158 of the Trade Mark Rules 2002.
7. In case of applications where no reply is received within the period of one month of the dispatch of the examination report, a notice under Section 132 of the Trade Marks Act, 1999 shall be generated through the system and sent to the applicant/agent/attorney concerned. When no response to the notice issued under Section 132 is received the application shall be treated as abandoned and attorney/agent/applicant concerned shall be informed accordingly.

(C) Backlog PARM

Initially trademark applications were processed manually and orders were made on paper files although some application softwares were used as tools in examination & sometimes in further processing of applications. At present, when the applications have to be processed only through the TMAS, it is found that the status of many of the applications is not updated and due to this these applications don't move further in the system. A Backlog PARM section is therefore constituted to deal with such cases.

The following officers shall constitute the sub Section and they will work from their existing locations-

1	Shri. S.M. Togrikar, Head of Office, TMR Mumbai
2	Shri. I.S. Juneja, Head of Office, TMR Delhi
3	Shri. Ratan Shalya, Head of Office, TMR Kolkata
4	Shri. V. Natarajan, Head of Office, TMR Chennai
5	Shri. S.B. Palo, Head of Office, TMR Ahmedabad

Functions of the sub Section:

1. A list of old cases which have not been processed or updated through the system has been sent to Heads of offices of the respective Branches. The officials concerned shall take up physical files of these cases and get all their records digitised & uploaded in the system. The status change shall only be effected based on sufficient reasons to be entered in the system and after uploading necessary supporting documents on the system. Separate guidelines will be issued for this purpose and they should be followed strictly. This should also form a part of daily report submitted to the CGPDTM by the overall in charge of the Section.
2. They will update the status of these applications as per physical file, and move these applications for further processing through the system.
3. A list of cases in which status has been changed and applications have been moved further shall be prepared and report thereof shall be given in the monthly performance report by the officers concerned.
4. The functions of this sub section shall be completed latest by 30th September 2012. The above-mentioned officials shall take all necessary steps to meet the deadline.

(D) Publication

Shri K. Mahapatro, Librarian and Information officer of the TMR Mumbai will be in charge of this Section. The following matters shall be published in the weekly journal.

1. Public Notices and other notifications
2. Accepted/ABA Trade Mark applications
3. Corrigenda and re-advertisements
4. List of trademarks registered during the period
5. List of trade mark renewed during the period
6. List of removed trademarks
7. Assignments/transmission recorded during the period
8. International non-proprietary names as published by WHO from time to time

(E) Registration:

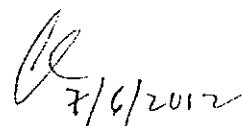
The following officers shall function in this section

Sr.No.	Name of Officer
1	Beo Joseph, Examiner of Trade Marks
2	Smt. Jyothi Anilkumar, Examiner of Trade Marks (on contract basis)

Functions of the sub Section:

1. Trade Mark applications which are due for registration as available through the module shall be registered by printing registration certificates. The officers shall verify the corresponding Journal to ensure that the mark has been published correctly.
2. An application shall not proceed for registration, and it shall be stopped through the system unless at least, the application made on TM-1/TM-51 etc, is digitised & uploaded in the system. However the trademark applications made online will proceed for registration as per law.
3. A branch wise list of all such cases where registration of trademark have been stopped due to non-digitisation of TM application, pendency of TM-16, requirement of additional fee on form TM-61

- & any other reason, will be made available to the overall Incharge of the Section, who shall enforce & monitor the digitisation or compliance as the case may be.
4. If the advertisement of an application has an error with regard to class, goods/services, trademark and user date the officer concerned shall send the application through the system to the PRAS of the TMR branch concerned for correction of data and for re-advertisement of the application.
 5. If an application appears to have been accepted & advertised in error, the officer concerned shall put up a note to this effect to the office of the CGPDTM through the Supervising Officer of this Section and after the approval the case shall be sent to Show Cause Hearing Section for issuing notice under Section 19 (2) and for further proceeding.
 6. In case of any other kind of legal impediment for generating registration certificate of an application, the officer concerned shall act as per instructions of the Supervising Officer of this Section.


(Chaitanya Prasad)

Controller General of Patents, Designs and Trade Marks

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4. NIC-for modification in the relevant modules of TMAS and for issuance of password to officials as per above order.



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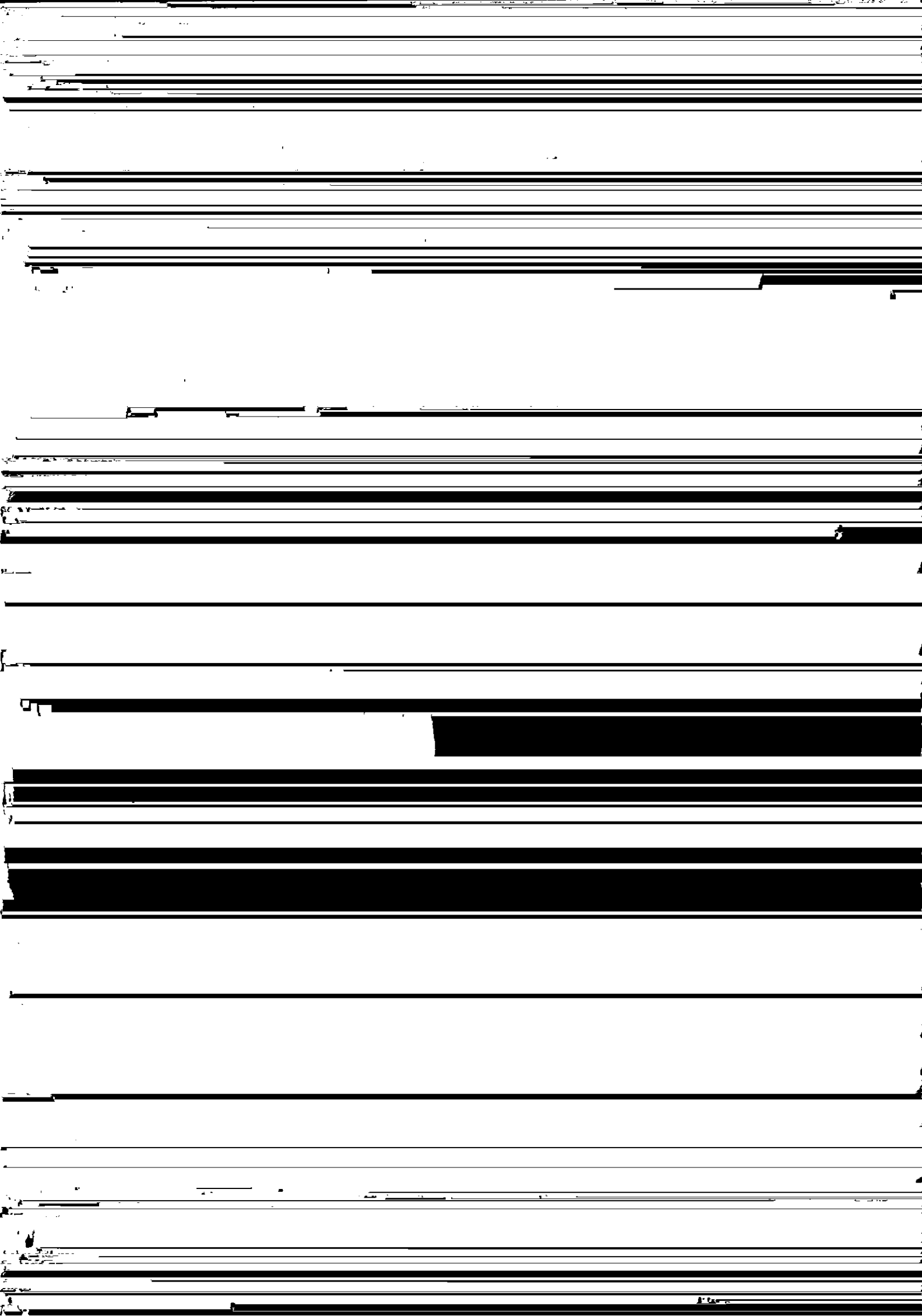


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No.CG/F/Order/2012-13/91

Date: 10/11/2012

4. In case an application has been erroneously advertised in the trademark journal due to data entry errors and any complaint from any person or a remark from any officer of the TMR (through the system) pointing out the error is received by the Section Incharge, he/she shall examine the request on the basis of relevant documents and if the complaint or remark is found to be genuine he/she shall make correction in the application details and put his/her remark in the system. In case of the correction of errors regarding the proprietor's detail, the code of the correct proprietor shall be substituted for existing code; significant changes in the proprietor's detail shall not be made without changing the code.
5. In case the documents relating to the errors complained of, are not digitised, the Section Incharge shall send the matter to EDP section with remark to digitize such documents and shall proceed further only after digitization of such documents.
6. If the errors in the advertisement relate to the trademark, proprietorship, statement as to use of the trademark, class or specification of goods or services (except spelling mistakes) jurisdiction, condition or limitation for acceptance/advertisement of the mark, the Section Incharge shall proceed to re-advertisement of the application after written approval from the Supervising Officer, which shall be digitized and uploaded in the system to be integrated with that application.
7. If a complaint as to erroneous registration certificate is received, the Section Incharge shall examine the complaint on the basis of relevant documents and if the complaint is found to be genuine he/she shall make correction in the application details and generate a registration certificate with correct data by putting his/her remark in the system.
8. If the erroneous registration certificate has been generated in consequence of erroneous advertisement of the application having errors as to the trademark, proprietorship, statement as to use of the trademark, class or specification of goods or services (except spelling mistakes) jurisdiction, condition or limitation for acceptance/advertisement of the mark, the Section Incharge shall put up a note to the Supervising officer for suo moto cancellation of registration of the trademark by issuing notice under Section 57(4). The Supervising officer shall seek approval from the CGPDTM for this purpose. If approval of the CGPDTM for issuing notice under Section 57(4) is received in writing the same shall be digitized and uploaded in the system to be integrated with other records of the application. The Section Incharge shall send the case to the Tribunal Section concerned for further action.
9. The Section Incharge shall keep records his/her activities. A module for monitoring the data correction activities is under preparation, after this is implemented, the Section Incharge shall also update his/her actions in that module.
10. The Supervising Officer of the Section shall oversee the functions of this section and submit periodic reports to CGPDTM office as required.


7/6/2012
(Chaitanya Prasad)
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No.CG/F/Order/2012-13/ 90

Dated: 7.6.2012

08.6.2012

OFFICE ORDER NO- 17 OF 2012-13

As per the undertaking given before the Hon'ble High Court of Delhi in the Haldiram's case, the Trade Marks Registry (TMR) office is under obligation to digitize all the trademark records and improve its Records Management System. The **Record, Inspection and Legal Certificate (RI & LC) Section** is hereby reconstituted in supersession of earlier orders.

The following officers/officials shall work in this section-

S.No	Trade Marks Registry Branch-	Section in charge	Supervising officer
1	Mumbai	Shri. C.S.Uchil, Examiner of Trade Marks	Shri Dharam Singh Deputy Registrar of Trade Marks
2	Kolkata	Shri. Anirban Gupta Examiner of Trade Marks	Shri S.K.Pandey Deputy Registrar of Trade Marks
3.	Delhi	Shri. Jai Prakash Examiner of Trade Marks	Shri G.L.Verma Deputy Registrar of Trade Marks
4	Chennai	Shri M.Habibullaha Examiner of Trade Marks	Shri V.Natarajan Deputy Registrar of Trade Marks
5	Ahmedabad	Shri.Sikander Singh Examiner of Trade Marks	Shri S.B.Palo Assistant Registrar of Trade Marks

The Head of office of the Branch concerned shall provide required supporting staff (either from the regular office staff or from the staff supplied by the manpower supplying agency duly selected for this purpose)

Functions and Responsibilities:-

1. **Serialisation of records/files:** - This Section shall properly arrange and store all trademark records/files in compactors as per their status. The officer in Charge of the Section shall be custodian of such records. A file movement Register shall be maintained by the Section in Charge wherein any movement of a file/record shall be entered.

2. Digitisation of old records:-

- (i) This section shall undertake the digitization of old records available in the office. This includes scanning of documents, converting scanned documents in pdf file format, indexing documents, uploading and verification of uploaded documents.
- (ii) A list of registered trademarks files where 'application for registration (TM1/TM-51, etc.) has not been digitised has been given to Heads of Offices of every branch. The relevant physical files of trademarks mentioned in the list shall be taken up and all documents available in the file shall be digitised and uploaded.
- (iii) The trademark application and additional representation shall be digitised in colour pdf file format and rest of documents shall be digitised in black and white pdf file format.
- (iv) In case there is no data entry of a subsisting trademark, the data entry thereof shall be done in the system on the basis of physical file
- (v) Each of the staff deputed for this work shall digitise records of **at least 50 trademark files per day**.
- (vi) The Supervising officer and the Section Incharge shall take all necessary steps to properly digitise the records of the trademark files, mentioned in the list sent to that office, and upload the same in the system latest by 30th September 2012.
- (vii) The Section Incharge shall maintain a list of digitised cases and send the same to the office of the CGPDTM on fortnightly basis.

3. Inspection of files/document: Inspection of documents U/S 148 of the TM Act shall be carried out in this section. An Inspection room/space shall be arranged with a computer with internet access, preferably in the ground floor and accessible to the public without entering other sections. On production of the fee receipt, the applicant may be allowed to inspect either the physical file or the digitized file through the computer, if available in the digitized format. Public shall not be allowed to enter the record room.

4. Issuance of Legal Certificate:- This section shall issue the legal certificates applied for under Form TM-46/70. A supporting staff of this section shall process on daily basis, requests as available in the electronic module, prepare the certificate and get it signed by the Section in charge and despatch to the applicant through Registered Post and despatch details thereof shall be entered in the system..

5. Issuance of Duplicate Registration Certificate: - Duplicate Registration Certificate on a request made on form TM-59 shall be generated and dispatched in the same manner as described above. No hand delivery of duplicate registration certificate is allowed.

A physical audit of the record room shall be undertaken by the Section Incharge once in three months and by the Supervisory Officer once in six months and both the officer shall give their report to the CGPDTM.

The Supervisory Officer shall oversee all the functioning of the Section and collect performance report from the staff & officials as and when required. He shall also ensure that instructions issued for this Section are duly complied with.


7/6/2012
(Chaitanya Prasad)

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No.CG/F/Order/2012-13/ 39.

Dated: 7.6.2012

08.6.2012

OFFICE ORDER NO- 18 OF 2012-13

In supersession earlier orders, a Legal Section is hereby re- constituted in all branches of the Trade Marks Registry (TMR) office to deal with the court matters and the following persons shall work in the Section-

S.No.	Trade Marks Registry Branch-	The Officer in charge
1	Mumbai	Shri. Dharam Singh Dy. Registrar of Trade Marks
2	Delhi	Smt. Prem Lata Asst. Registrar of Trade Marks
3	Chennai	Shri. V. Natarajan Dy. Registrar of Trade Marks
4	Ahmedabad	Shri. S.B. Palo, Asst. Registrar of Trade Marks
5	Kolkata	Shri. S.K. Pandey Dy. Registrar of Trade Marks

Functions and responsibilities

The functions and responsibilities of this Section shall be as follows-

1. After receiving a copy of a writ petition (or any other petition) filed before a High Court of judicature, or after receiving any plaint or petition submitted before any court wherein the Controller General Patents, Designs and Trademarks (Registrar of Trade Marks), any branch office of the Trade Marks Registry or the Union of India are impleaded as Respondents/defendants, the officer in charge of the Legal Section of the branch office concerned shall examine such petition and approach the nearest office of the Ministry of Law & Justice for engagement of a Central Government Advocate to represent the Department. However, if the Central Government Advocate has already been nominated to represent the Union of India or the Registrar of Trade Marks, in such matter the officer in charge of the Legal Section shall contact the Central Government Advocate so nominated
2. If, after going through the petition, it is found that the petition has been filed against an order of the Intellectual Property Appellate Board (IPAB) or this petition is filed exclusively out of conflict between private parties, and the Union of India or the Registrar of Trade Marks has to

make no comments in the matter, the officer in charge of the Legal Section shall brief the Central Government Advocate accordingly under intimation to CGPDTM.

3. In other cases where the relief is sought against the Union of India or Registrar of Trade Marks or any act/omission of the Union of India or the Trade Marks Registry office is questioned, the officers in charge of the Legal Section shall prepare para wise comments upon the petition and send the same to the office of CGPDTM for his approval and, after his approval, the nominated Central Government Advocate shall be briefed accordingly.
4. The officer in charge of the Legal Section of the branch office concerned shall file reply or submit affidavit in the court accordingly through the Central Government Advocate so nominated. He/she shall submit documents in the court as and when called for and take all necessary action to defend the interests of Union of India and the Registrar of Trade Marks in consultation with the nominated Central Government Advocate.
5. The officer in charge of the Legal Section of the branch office concerned shall take cognizance of any letter/summons/notices/any document received from any Court or Tribunal normally in consultation with the office of CGPDTM. In case of emergency he/she may take appropriate action and inform the CGPDTM accordingly. The officer in charge of Legal Section shall keep in touch with the nominated Central Government Advocates regarding the cases dealt with by them; he/she shall keep track of proceedings of the case and inform CGPDTM as and when required.
6. If in an appeal or in any proceeding before the Intellectual Property Appellate Board, the relief is sought against the Registrar of Trade Marks or any act/omission of the Registrar of Trade Marks or any practice of Trade Marks Registry office is questioned, the officer in charge of Legal Section of the branch concerned shall, after the written permission of the CGPDTM, approach the nearest office of Ministry of Law & Justice for engagement of a Central Government Advocate to represent the Registrar of Trade Marks.
7. The officer in charge of the Legal Section shall thereafter prepare para wise comments upon the petition and send the same to the office of the CGPDTM for his approval and after his approval he/she shall file reply or submit affidavit before the IPAB through the nominated Central Government Advocate accordingly.
8. If during any proceeding the IPAB directs the Registrar of Trade Marks to appear before the Board, the officer in charge of the Legal Section of the branch concerned shall follow the procedure as mentioned in Para 5 & 6. However, if the office of the CGPDTM so directs, the officer in charge of the Legal Section of the branch concerned shall submit a prior approved statement before the Board as per Section 98(2) of the Trade Marks Act 1999.
9. The officer in charge of the Legal Section of the branch office concerned is authorized and directed to render opinion to the Police in accordance with the provisions of sub Section (4) of Section 115 of the Trade Marks Act 1999 and Rule 110 of the Trade Marks Rules 2002. He/she shall maintain the records of such opinions rendered by him/her.
10. The officer in charge of the Legal Section of the branch office concerned shall maintain the list of court cases pertaining to the branch, along with their current status. An automated system to keep track of the court cases is under preparation; after it is launched, all the information of court cases and their current status shall be entered in the system and the report shall be generated as and when required.
11. The officer in charge of the Legal Section of the branch office concerned shall give the monthly report of pending court matters.

12. The Head of office of the branch concerned shall provide required supporting staff to this Section.

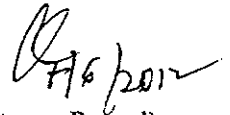

7/6/2012

(Chaitanya Prasad)
Controller General of Patents, Designs &
Trade Marks, & GI

Copy to:

1. All the officials, concerned.
2. Head of office
TMR, Mumbai/Delhi/Kolkata/Chennai/Ahmedabad
3. Office copy
4. NIC- for necessary action and allotment of password to officials as per above order.

4. The officer in charge of the Section of the Branch office concerned are authorised and directed to give the Registrar's certificate under Section 45(1) of the Copyright Act 1956, if the application made on form TM-60 or TM-72 is allowable. In such cases the certificate shall be generated through the system, it shall be sealed and sent by speed post/registered post to the person who has made the application.
5. If the application is not allowable and the certificate cannot be issued due to existence of identical & deceptively similar marks or due to any other legal objection, a letter to this effect shall be generated through the system mentioning therein the grounds of refusal and the same shall be signed by issued after the signature of the officer in charge of the Section.
6. The supervising officer shall oversee the functioning this Section.
7. The Head of Office of the branch concerned shall provide necessary supporting staff and computers hardware.
8. The Section in Charge shall maintain the performance report of this Section and shall provide the same on monthly basis. The Supervisory Officer shall monitor the work of the section.



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(Email): cgooffice-mh@nic.in

(website): www.ipindia.nic.in

No.CG/F/Order/2012-13/ 87

Dated: 8/6/2012

OFFICE ORDER NO.20 OF 2012-13

In supersession of earlier orders, a Section as **Renewal & Amendment (R&A) Section** is hereby reconstituted in all branches of the Trade Marks Registry (TMR) office. The following persons shall work in the Section-

S.No.	Trade Marks Registry Branch-	Section in charge	Supervising Officer
1	Mumbai	Smt. P.S. Dabholkar Examiner of Trade Marks	Shri. U.L.Barve Asst. Registrar of Trade Marks
2	Delhi	Smt. Vijayshree, Examiner of Trade Marks	Dr. B.S.Rathode, Deputy Registrar of Trade Marks
3	Chennai	Smt. M. Mahalaxmi Examiner of Trade Marks	Smt. Reema Srinivasan Asst. Registrar of Trade Marks
4	Ahmedabad	Shri. B.U. Nanavati Examiner of Trade Marks	Shri. P.K. Pandey Asst. Registrar of Trade Marks
5	Kolkata	Shri. Birendra Jaiwal Examiner of Trade Marks	Shri. S.K. Pandey Dy. Registrar of Trade Marks

Functions and responsibilities

The functions and responsibilities of this Section shall be as follows-

1. The Section in charge of the Renewal section shall electronically generate O-3 notices in respect of registered trademarks the renewal of which is to expire after three months; and get all such O-3 notices dispatched by Registered/speed Post to registered proprietors concerned.
2. All pending TM-12, TM-13 and TM-10 and accompanying documents as required under Rule shall be digitized and uploaded in the system by this Section, while current requests shall be digitized by the R & E section.
3. The Section in charge will electronically receive renewal applications in his/her module strictly on priority basis in a lot of 20 each for effecting renewal. The cutoff date for online processing will be from 01.01.2006.

4. The requests for renewal shall be disposed of as per Trade Marks Act 1999 & Trade Marks Rules 2002 and through the relevant module of the TMAS.
5. If the request for the renewal is allowable, the renewal shall be effected in the system and renewal intimation shall be generated and dispatched by Regd/Speed Post to person applying for renewal.
6. If the request for the renewal is filed on behalf of a person other than the registered proprietor on record a query letter shall be generated through the system and shall be sent to the person applying for the renewal. The request for the renewal shall be considered only on the applicant's reply to the effect that there is change in the proprietorship of the trademark on the basis of assignment or transmission and a request for recordal of such assignment or transmission is pending with the office and on submission of authentic copy of application & other supporting documents.
7. If the request for the renewal is filed on behalf of a person other than the authorized agent/attorney of the registered proprietor on record, a query letter should be generated through the system and sent to the person applying for the renewal. Only after receiving a Power of Attorney in favor of the applicant and after receiving a TM-50 to this effect, the request for the renewal shall be considered.
8. If the request for the renewal is not allowable or any requirement needs to be complied with, a query letter should be generated through the system and sent to the person applying for the renewal.
9. The Section in charge is authorized & instructed to update in the system, the information as to last renewal and validity date of a registered trademark, if authentic documents to this effect are submitted on behalf of the registered proprietor. In case of doubt an instruction may be obtained from Supervising Officer. In such cases the supporting documents and supervising officer's approval thereto, if any, shall be digitized and a remark to this effect shall be entered in the system, by the Section in charge.
10. If no request for the renewal of a trademark is received with the prescribed fee even after the period of 1 year of expiry of its registration or of expiry of last renewal, the trademark shall be removed from the register and communication to this effect shall be sent to the registered proprietor on record or his authorized agent/attorney.
11. List of all trademarks renewed or removed shall be published in the ensuing journal.
12. A request for any amendment or change in details of the registered trademarks, except the changes relating to recordal of assignment transmission or registered user of a registered trademark, shall also be dealt by this section. These requests, for example, are requests made on form TM-33, TM-34, TM-50, TM-35, TM-36, TM-38 etc.
13. The Section Incharge shall ensure that all pending requests & other documents submitted therewith are digitised and uploaded in the system.
14. Where the above mentioned requests for amendments regarding registered trademarks have already been allowed, the Section in charge shall incorporate the orders passed therein through the system.

15. The abovementioned requests for amendments regarding registered trademarks shall be examined & allowed/refused through the system as per the Trade Marks Act, Rules & practice. The officer concerned shall ensure that orders passed in the matters have properly been incorporated in the system.
16. While disposing a request for an amendment in the details of a registered trademark, the officer concerned shall see as to whether the trademark mentioned in the request has been renewed and whether the details appearing in the register of trademarks (TMR records) are same as the details for the amendment of which the request has been made. In absence of either of these facts, the request shall not be allowed and a query letter to this effect shall be generated and sent to the person making the request.
17. If on applicant's reply it is found that a change in the details of a registered trademark mentioned in the request has taken place and the same has not been recorded in the register of trademarks, it shall be verified as to whether any request for recordal of such earlier change has been made in the TMR. The earlier request for changes in the details of a registered trademark shall be disposed of first and the request for an amendment in the details of a registered trademark shall not be allowed unless all the earlier changes in the details of registered trademark are duly brought on records and relevant documents are digitised.
18. After the request for an amendment in the details of a registered trademark is allowed, an order to this effect shall be generated through the system and the Section In charge will ensure that the same is sent by post to the registered proprietor/agent/attorney applying.
19. Wherever a request for recordal of amendments in a registered trademark is not allowable due to deficiency or non-fulfilment of any condition required under the law, a query letter shall be generated through the system and shall be sent to the applicant. If required a personal hearing shall also be arranged and a speaking order shall be passed in every such case.
20. The Section In charge shall maintain the function wise performance report of the section. At least **500 requests for renewal and amendments shall be disposed of during a month by each office of the TMR**
21. The Supervising Officer shall oversee all the functioning of the Section.


7/6/2012

(Chaitanya Prasad)
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(Email): cgooffice-mh@nic.in

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No.CG/F/Order/2012-13/86

Dated: 08/06/2012.

OFFICE ORDER NO-21 OF 2012-13

In supersession of earlier orders, the section Assignment and Registered User (A&R) Section is hereby re-constituted in all branches of the Trade Marks Registry (TMR) office and following persons assigned to work in the Section

S. No.	Trade Marks Registry Branch-	Section in-charge	Hearing Officer
1	Mumbai	Shri. Prakalpa Sharma Examiner of Trade Marks	Shri. U.L. Barve Asst. Registrar of Trade Marks
			Shri. Sachin Sharma Asst. Registrar of Trade Marks
			Shri. N.Babu Sr. Examiner of Trade Marks
			Shri. S.M. Togrikar Sr. Examiner of Trade Marks
2	Kolkata	Shri. Ranadeep Mitra Examiner of Trade Marks	Shri. S.K. Pandey Dy. Registrar of Trade Marks
			Smt. Ratan Shalya Asst. Registrar of Trade Marks
3	Delhi	Shri. Y.K. Bali Examiner of Trade Marks	Shri. B.S. Rathode Dy. Registrar of Trade Marks
			Smt. Prem Lata Asst. Registrar of Trade Marks
			Smt. Prithpal Kaur Asst. Registrar of Trade Marks

trademark or renewal of RU agreement along with related trademark nos, which are pending for disposal in the respective branch and send such list to the office of the CGPDTM.

2. Where requests for recordal of assignment or registered user of a registered trademark have already been allowed, the Section Incharge shall incorporate the orders passed therein through the system. He shall make lists of allowed requests, the orders of which have been incorporated in the system during the month.

3. The Section Incharge shall ensure that all pending requests & other documents submitted therewith are digitised and uploaded in the system.

4. He/she shall do scrutiny of all requests through the system and send the relevant records to the hearing officer concerned.

5. The cases allotted to hearing officers shall be examined & allowed/refused through the system as per the Trade Marks Act, Rules & practice. The officer concerned shall ensure that orders passed in the matters have properly been incorporated in the system.

6. While disposing a request for assignment or transmission or recordal of registered user (RU) agreement, the officer concerned shall see as to whether the trademark mentioned in the request has been renewed and whether the details of the its proprietor appearing in the register of trademarks (TMR records) are same as the details of proprietor assigning the trademark or executing RU agreement or the proprietor from whom the transmission of rights is claimed. In absence of either of these facts, the request shall not be allowed and a query letter to this effect shall be generated and sent to the person making the request.

7. If on applicant's reply it is found that a change in the proprietor's detail has taken place and the same has not been recorded in the register of trademarks, it shall be verified as to whether any request for recordal of such earlier change has been made in the TMR. The earlier request for changes in the details of a registered trademark shall be disposed of first and the request for assignment or transmission shall not be allowed unless all the earlier changes in the details of registered trademark are duly brought on records and relevant documents are digitised.

8. Every hearing officer shall dispose of at least **200 requests in a month**. A list of requests disposed of during the month shall be prepared by every hearing officer working in the Section.

9. The senior most hearing officer shall oversee the functioning of the section. He/she and the Section In charge shall take all necessary steps to liquidate the backlog by 30th September 2012. He/she shall submit periodic reports of the work of the section to the CGPDTM.

10. After the request for assignment or for recordal of registered user is allowed by the hearing officer, an order as to this effect shall be generated through the system and the Section Incharge will ensure that the same is sent by post to the registered proprietor/agent/attorney

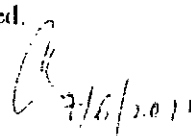
11. Wherever a request for recordal of assignment or registered user of a registered trademark is not allowable due to deficiency or non-fulfilment of any conditions required under the law, a query letter shall be generated and dispatched to the person making the request. If required hearing shall be fixed in the matter.

12. The Section Incharge shall as per instructions of the hearing officer concerned, generate & issue a hearing notice well in mentioning a hearing date therein,

13. The Hearing officer concerned shall hear and dispose the matter as per law and through the system.

14. Wherever the decision is adverse to the applicant a speaking order shall be passed by the Hearing officer concerned and the order shall be issued by the Section Incharge.

15. The Section Incharge shall maintain the performance report of the section including the performance report of the hearing officers and shall provide the same as and when required.


(Chaitanya Prasad)

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(Email): cgoffice-mh@nic.in

(website): www.ipindia.nic.in

No.CG/F/Order/2012-13/ 85

Dated: 08/06/2012

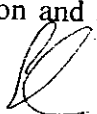
OFFICE ORDER NO-22 OF 2012-13

In supersession earlier orders, a **Show Cause Hearing (SCH)** Section is hereby re-constituted in all branches of the Trade Marks Registry (TMR) office. The following officials shall be responsible for the administration of the section in the Registries mentioned against their name.

S.No.	Trade Marks Registry Branch-	Section in-charge	Hearing Officer
1.	Mumbai	Smt. Uma Srinivasan Asst. Examiner of Trade Marks	Shri. U.L. Barve Asst. Registrar of Trade Marks
			Shri. Sachin Sharma Asst. Registrar of Trade Marks
			Shri. N.Babu Sr. Examiner of Trade Marks
			Shri. S.M. Togrikar Sr. Examiner of Trade Marks
2	Kolkata	Shri. S.K. Nandy Asst. Superintendent	Smt. Ratan Shalya Asst. Registrar of Trade Marks
3	Delhi	Shri. Shatrunjai Sahai Asst. Examiner of Trade Marks	Smt. Prem Lata Asst. Registrar of Trade Marks
			Smt. Prithipal Kaur Asst. Registrar of Trade Marks
			Shri. I.S. Juneja Sr. Examiner of Trade Marks
4	Chennai	Shri. K. Saravanan Stenographer Grade I	Shri. S.D. Ojha Asst. Registrar of Trade Marks
			Smt. Reema Srinivasan Asst. Registrar of Trade Marks
5	Ahmedabad	Shri. K.R. Raval Asst. Examiner of Trade Marks	Shri. S.B. Palo Asst. Registrar of Trade Marks
			Shri. Pawan Kumar Pandey Asst. Registrar of Trade Marks

Functions and responsibilities

1. The cases for Show Cause Hearing shall automatically come in the TLA module of the Trade Marks Automation System (TMAS).
2. The Section Incharge shall prepare a category wise list of cases that are mature for hearing, like application- objection cases, review petitions (TM-57), withdrawal of acceptance under Section 19, requests for grounds of decision (TM-15), etc. and shall send the same to the office of the CGPDTM. These cases should be listed in the order of seniority of application numbers.
3. The office of CGPDTM will allot 300 cases initially to each Hearing Officer on first filed basis. Each Hearing Officer shall finally dispose of at least **200 cases per month**. New cases will be allotted to a hearing officer only when he/she has got less than 100 cases pending with him/her. Any hearing officer shall not keep any case pending with him for more than 3 months. After disposal of atleast 200 cases by any Hearing Officer, the Section Incharge will send a new list of cases to the office of CGPDTM, with which he/she will also indicate the cases that have not been disposed off out of the earlier list.
4. The Section Incharge shall generate Hearing notices through the system and shall ensure that hearing notices are dispatched to the applicant/agents concerned well in advance.
5. The Hearing Officers shall hear and dispose of the cases as per the Trade Marks Law, Rules & practice and through the system only.
6. In case a Hearing Officer accepts an application or orders for advertisement of the application before acceptance (ABA) he/she shall immediately proceed these applications for advertisement in the Trade Marks Journal through the system along with the conditions or limitations, if any,
7. No conditional order should be passed for acceptance/ABA of an application subject to some amendment of the application. In such cases, the orders as to acceptance/ABA of an application should be passed only when requests for the amendment of application is filed and allowed.
8. The Hearing Officers shall dispose off requests for amendments filed on form TM-16 in relation to cases allotted to them and shall incorporate the amendments through the system.
9. The Section Incharge shall communicate to the applicants/their authorized agents the orders passed by the hearing officers by post. The orders shall not be communicated to any person by hand. It should be ensured that all orders are placed on the web-site.
10. The Section Incharge shall maintain the performance report of the Section and shall provide the same as and when required.


7/6/2012
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No.CG/F/Order/2012-13/84

Dated: 08/06/2012

OFFICE ORDER NO- 23 OF 2012-13

In supersession earlier orders, a **Tribunal Section** is hereby re- constituted in all branches of the Trade Marks Registry (TMR) office to deal with contested matters of the trademarks and following persons shall work in the Section-

S. No.	Trade Marks Registry Branch-	Section in charge	Hearing cum Supervising Officer
1	Mumbai	Shri. M.M. Wakodikar Examiner of Trade Marks	Shri. Dharam Singh Dy. Registrar of Trade Marks
2	Delhi	Shri. Arun Kumar Examiner of Trade Marks	Shri. G.L. Verma Dy. Registrar of Trade Marks
3	Chennai	Shri. Venkatesan Rajamani Examiner of Trade Marks	Shri. V. Natarajan Dy. Registrar of Trade Marks
4	Ahmedabad	Smt. Hemlata Chaudhury Examiner of Trade Marks	Shri. S.B. Palo, Asst. Registrar of Trade Marks
5	Kolkata	Shri. Birendra Jaiswal Examiner of Trade Marks	Shri. S.K. Pandey Dy. Registrar of Trade Marks

Functions and responsibilities

The functions and responsibilities of the section are as follows-

1. The existing opposition files shall be attached with the physical file of the application opposed and the same shall be arranged serially in the order of TM applications. Similarly the files of applications for rectification of registered trademarks or files of suo moto rectification of registered trademarks shall be attached with the file of the registered trademark concerned and these rectification matters shall be stored separately.
2. All records relating to pending opposition/rectification matters shall be digitised and uploaded in the system by this Section; however the current incoming documents of opposition/rectification matters like notice of opposition, counterstatement, application for rectification etc. being received by the TMR shall be digitised by R&E section of the branch office concerned. The Section Incharge shall ensure that all relevant records of opposition/rectification matters are digitised & uploaded in the system.
3. After receiving a notice of opposition on form TM-5 or an application for rectification on form TM-26 or TM-43, its detail shall be entered by this Section in the relevant module of the

TMAS and its copy shall be sent to the opposite party with a covering letter generated from the system. After receiving the counterstatement on form TM-6, its copy shall also be sent to the opponent or the person seeking rectification of the registered trademark as the case may be, along with a covering letter generated from the system.

4. In case where no counterstatement is received within the prescribed time, the Section Incharge is authorised & instructed to treat the application as 'deemed to have been abandoned under Section 21(2) of the Trade Marks Act 1999'. An order to this effect shall be generated through the system and the same shall be signed and sent by post to the parties concerned as per procedure. However if a counterstatement has already been received beyond the prescribed time, a show cause hearing shall be fixed and the matter shall be decided by the senior most hearing officer.
5. The Section Incharge shall take TM-5, TM-26, TM-43 or TM-6 on record, serve copies thereof to the opposite parties and take evidences & other document on records as per provision of the Trade Marks Act 1999 & Trade Marks Rules 2002 and through the system.
6. If an application for amendment on form TM-16 is filed by any of the party to the proceeding before the matter is mature for hearing, a copy thereof shall be sent to opposite party as per rules & practice. If any party to the proceeding files any objection to the request for amendment, a hearing shall be fixed in such matters and the senior most hearing officer shall consider the objection and dispose of the TM-16. In other cases, TM-16 will be allowed by the senior most hearing officer and the case shall move further accordingly. If the TM-16 is allowed the requested changes shall be incorporated by the Section Incharge in the system, the Section Incharge shall ensure that the TM-16 & papers connected therewith are properly digitised & uploaded in the system.
7. If the application for amendment on form TM-16 is filed by any of the party to the proceeding after the matter is assigned to a hearing officer for final hearing, such TM-16 shall be disposed by the hearing officer to whom the case has been assigned in the manner as described above.
8. If a request for withdrawal of application or withdrawal of opposition or withdrawal of application for rectification is made on behalf of the applicant, opponent or the applicant for rectification respectively, before the matter is set down for final hearing, a copy of the request shall be sent to the opposite party for their comments and the request for withdrawal shall be attended by the senior most hearing officer and the matter will be disposed accordingly. If such request is made after the matter has been assigned to a hearing officer, the request shall be disposed of by the hearing officer concerned.
9. In order to increase the disposal of opposition/rectification matters, the requests for withdrawal of application or withdrawal of opposition or withdrawal of application for rectification shall be attended on priority basis. The sealed & signed orders passed by the hearing officer concerned shall be communicated to the parties as per rules & procedures. A separate report may be sent with the periodic report about such cases.
10. The Section Incharge shall prepare a category wise list of matters which are mature for final hearing and send the same to the office of the CGPDTM. Initially 200 cases will be allocated to each Hearing Officer in the beginning and when there are 80 cases left with him for hearing, fresh lot of cases will be allotted to him/her. Each Hearing Officer shall finally dispose of atleast 80 cases in a month.
11. In opposition matters the list shall be made in order of seniority of applications opposed and in rectification or other matters the list shall be made on first filed basis.

12. After allotment of cases by the CGPDTM, the hearing shall be fixed and hearing notice shall be generated through the system.
13. The hearing officer shall dispose of matters as per provisions of the Trade Marks Act 1999 & Trade Marks Rules 2002 and the law established by judgements of the courts.
14. All the orders passed by the hearing officers shall be sealed and signed by them and shall be communicated to the parties concerned as per rules & procedures.
15. All orders communicated from this Section to the parties shall be digitised & uploaded in the system.
16. The Section Incharge shall update the status of opposition/rectification matters in the 'Decision process' sub module of TOP module of the TMAS, as per the order passed by the hearing officer immediately after dispatch of the orders. He/she shall also update the status of opposition/rectification matters where orders have already been passed but case has not moved further in the system. The Section Incharge shall keep records of such updation of status of opposition/rectification matters
17. The Section Incharge shall keep records of performance of the Section.
18. The Head of office of the branch concerned shall provide necessary supporting staff to the Tribunal Section. The senior most hearing officer of the branch office shall supervise the functioning of the Section and ensure that necessary instructions & guidelines are implemented.


7/6/2012

(Chaitanya Prasad)
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