

**GOVERNMENT OF INDIA  
COMMERCE AND INDUSTRY  
LOK SABHA**

UNSTARRED QUESTION NO:5018  
ANSWERED ON:26.04.2010  
PATENT OPPOSITION CASES  
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**Will the Minister of COMMERCE AND INDUSTRY be pleased to state:**

- (a) whether any investigation has been conducted in regard to the delayed orders in patent opposition cases, quality audit checking and ascertaining the reasons for the inordinate delays in issuing the final orders;
- (b) if so, the details thereof; (
- (c) the total number of applications for trade mark and patent opposition cases received and pending in each of the Regional Patent Offices during the last three years and the reasons therefor; and
- (d) the action taken by the Government to ensure speedy clearance of the pending cases?

**Answer**

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI JYOTIRADITYA M. SCINDIA)

(a): No, Madam.

(b): Does not arise.

(c): The region-wise details of number of applications for opposition received and pending in the Patent Office and the Trade Marks Registry in the last three years are as follows:-

Patent Office

(Region-wise) Year Pre-grant opposition Post grant opposition  
Received Total Pendency Received Total Pendency  
at the end of at the end of  
each Financial each Financial  
Year Year

Delhi	2007-08	17	106	9	43
	2008-09	83	149	1	44
	2009-10	37	179	11	55
Mumbai	2007-08	12	63	3	18
	2008-09	39	99	17	35
	2009-10	35	123	7	31
Kolkata	2007-08	1	21	11	26
	2008-09	19	37	8	17
	2009-10	7	42	6	23
Chennai	2007-08	6	43	0	22
	2008-09	20	52	12	25
	2009-10	20	65	8	24

Trade Marks  
Registry

(Region-wise) Financial Year Opposition cases  
Received Total Pendency at  
the end of each  
Financial Year

Delhi	2007-08	4615	23987
	2008-09	6527	29465
	2009-10	4019	32652
Mumbai	2007-08	6013	12456

2008-09	5988	17450	
2009-10	7082	24012	
Kolkata	2007-08	1685	5349
	2008-09	1654	4091
	2009-10	769	4392
Chennai	2007-08	3400	3964
	2008-09	5213	8403
	2009-10	1987	9636
Ahmedabad	2007-08	1763	9864
	2008-09	2024	11237
	2009-10	1796	12485

The patent and trademarks opposition proceedings are of quasi-judicial nature. The time taken for final disposal varies from case to case depending upon the complexity of the facts involved. Besides this, a large number of opposition cases in the Trade Marks Registry are also because of inadequate strength of hearing officers.

(d): The Government has taken the following steps for speedy clearance of pending cases:-

- i) 414 posts have been created in the Patent Office and the Trade Marks Registry during the 11th Five Year Plan;
- ii) The Office of the Controller General of Patents, Designs and Trade Marks has taken steps to clear the pendency in the opposition cases by streamlining the procedures in Patent and Trade Marks offices and by reorganizing the structure of the hearing officer-teams for the opposition cases.