

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

UNSTARRED QUESTION NO:7321
ANSWERED ON:21.05.2012
REGISTRATION OF TRADEMARKS
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Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

- (a) whether registration of Trademarks is much delayed in the existing various Trademarks Registry;
- (b) if so, the details of pending cases of said registration, office-wise during the last three years alongwith the reasons for such delay;
- (c) the steps taken by the Government to get the on-line registration of Trademarks for speedy implementation of the same; and
- (d) the time by which the pending cases are likely to be approved?

Answer

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

(a) & (b): Trade Mark registration is a quasi-judicial process and tends to be time consuming as it involves various steps, inter-alia, examination, publication and disposal of opposition. Sharp increase in the applications filed in the recent years and shortfall in manpower are the other reasons for delay.

The branch offices of Trade Marks Registry mainly function as receiving offices for registration of trademarks and at present the examination of all applications received by different branches are centrally examined in the Head Office. Publication and issue of Registration Certificates is also done centrally from the Head Office at Mumbai. At present, the number of applications pending at various stages of registration is as follows:-

- (i) 2,38,944 applications pending at examination stage
- (ii) 2,74,963 applications pending at objection stage, after examination
- (iii) 1,35,874 applications pending at the opposition stage after publication in the Trade Marks Journals.

(c): Electronic filing of trademark applications was introduced in 2007 but is not mandatory. Since registration process is a quasi-judicial process, it is not possible to grant registration to the trademarks through on-line process.

(d): Registration of trademarks is a quasi-judicial process and no time limit can be specified for registration. However, average time for registration of a mark with no opposition has been reduced from 26 months to 12 months.