

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

UNSTARRED QUESTION NO:2599
ANSWERED ON:14.03.2016
Trademark Registration
Owaisi Shri Asaduddin

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

- (a) whether the Government proposes to introduce new rules for Trademark Registration and if so, the details thereof;
- (b) whether the Government proposes to increase trade mark registration fee for filing in electronic mode and physical mode and if so, the details thereof;
- (c) whether the Government also proposes to increase the power of Registrar of Trademark and if so, the details thereof;
- (d) the other duties and rights likely to be assigned to Registrar; and
- (e) the steps taken or being taken by the Government to make the process people friendly?

Answer

???????? ???? ?????? ?????????????? (????????? ??????) (????????? ?????????? ??????????)
THE MINISTER OF STATE (INDEPENDENT CHARGE)
OF THE MINISTRY OF COMMERCE & INDUSTRY
(SHRIMATI NIRMALA SITHARAMAN)

(a): Yes Madam. The existing Trade Marks Rules 2002 are proposed to be replaced by the Trade Marks (Amendment) Rules, 2015. The proposed Trade Marks (Amendment) Rules, 2015 have already been published in the Gazette of India and has been made available in the official web site of Department of Industrial Policy and Promotion and in the website of the Controller General of Patents, Designs and Trade Marks for inviting suggestions/ comments from the general public and stakeholders. The proposed Trade Marks (Amendment) Rules, 2015, aims at introducing the following major changes:

â€¢ Number of Trade Mark forms proposed to be reduced.

â€¢ Redundant and obsolete provisions in the existing Trade Mark Rules are proposed to be deleted.

â€¢ In order to promote e-filing of TM (trademark) applications and various other TM (trademark) Forms, the fee proposed for electronic filing will be kept lower than that for physical filing.

â€¢ Modalities for service of documents from applicants to the Registry and vice versa through electronic means proposed to be introduced to expedite the process.

â€¢ The provision relating to expediting the processing of an application for registration of trade mark proposed to be extended up to the registration stage, which at present is only up to the examination stage.

â€¢ Modalities for determination and maintenance of the list of well-known trademarks proposed to be introduced.

â€¢ Procedures relating to registration as Registered User of trademarks proposed to be simplified.

(b): Yes, it is proposed to increase the registration fee for filing of trade mark applications. It is also proposed to keep the fees for electronic filing lower than that for physical filing so as to encourage electronic filing. While the proposed revision of registration fee has been notified in the First Schedule of the proposed Trade Marks (Amendment) Rules, 2015, the final fees shall be decided after consideration of suggestions/comments received from the public and various stakeholders.

(c): No.

(d): Duties and rights are assigned to the Registrar of Trade Marks under the provisions of the Trade Marks Act, 1999 and Rules made thereunder from time-to-time.

(e): The Government has taken the following important steps to make the process of registration of Trademark user- friendly:

(i) The proposed new Rules are primarily aimed at simplifying the procedures for registration and removing the redundant provisions in Trademarks Rules, details of which are enumerated in the reply (a) above.

(ii) Facility for filing online applications and other TM forms has been provided.

(iii) Facility of search of earlier trademarks in respect of certain description of goods and services has been provided free of cost in

the official website.

(iv) The complete details of each application filed or trademarks registered before the Registrar, along with their current status, have been made available free of cost in the official website.

(v) The Registrar of Trademarks has also started sending communications to the stakeholders through email in addition to usual postal mode.

(vi) Various other facilities beneficial to the public are provided in the official website free of cost.

(vii) Public Grievance officers and Public Relation Officers have been designated in each of the offices under the Office of the Controller General of Patents, Designs and Trade Marks (CGPDTM) who is the Registrar of Trade Marks under the Trade Marks Act, 1999.

(viii) Dynamic utility tools have also been provided in the official website which show performance as well as pendency at every level during a particular period of time.
