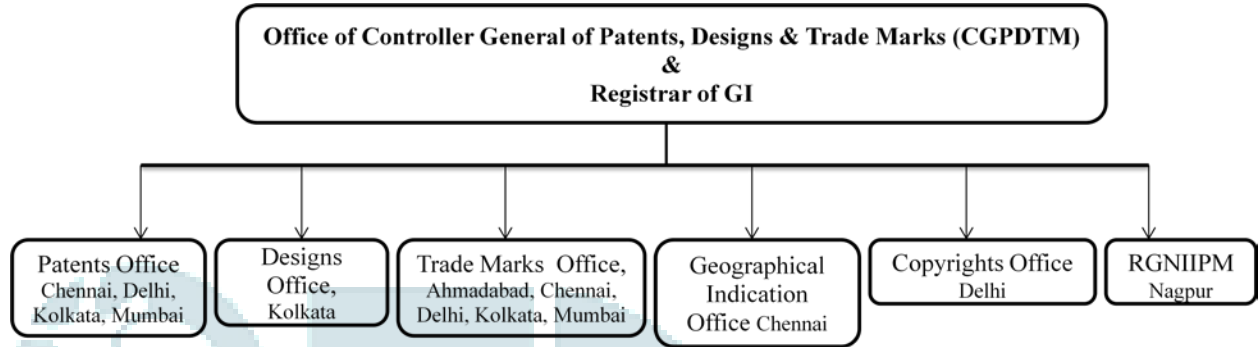
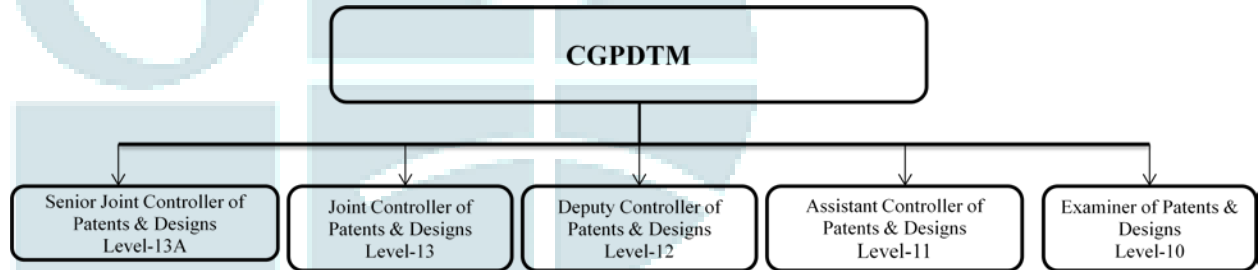


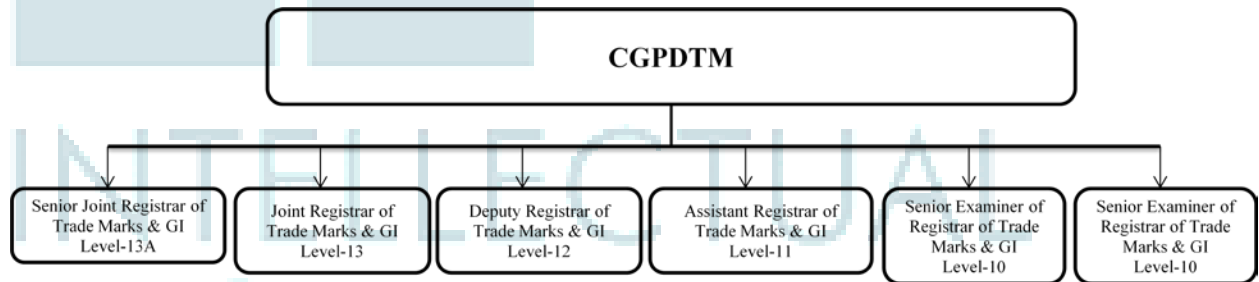
ORGANIZATIONAL STRUCTURE



PATENTS & DESIGNS OFFICE

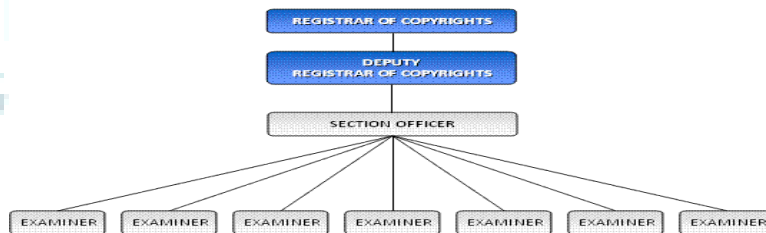


TRADE MARKS & GI OFFICE



COPYRIGHTS OFFICE

ORGANISATIONAL STRUCTURE COPYRIGHT OFFICE



Addresses

- | | | | |
|--|--|--|--|
| Trade Marks Registry,
15/27, National Chambers,
1st Floor
Ashram Road, Ahmedabad- | Intellectual Property Office
Building,
G.S.T. Road, Guindy,
Chennai-600032 | Intellectual Property Office
Building, Plot No. 32,
Sector 14, Dwarka, New
Delhi-110075 | Intellectual Property Office
Building,
CP-2 Sector V, Salt Lake
City, |
| Boudhik Sampada Bhawan,
S. M. Road, Antop Hill,
Mumbai - 400 037 | Plot No 03, Opposite to
State Board Office, Hislop
College Road, Civil Lines,
Nagpur - 440001 | | |

Role and Function (Patents Office)

Particulars of Its Organization, Functions And Duties

The Patent Office functions under the superintendence and control of the Controller General of Patents, Designs and Trade Marks (CGPDTM), Mumbai. The Office of CGPDTM is a sub-ordinate office under the Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce & Industry, government of India. The Patent Office discharges its statutory functions in accordance with the provisions of the Patents Act, 1970 (as amended) and corresponding Patents Rules, 2003 (as amended) and the Designs Act, 2000 and corresponding Designs Rules, 2001 (as amended), respectively. Grant of a patent confers upon the patentee, where the subject matter of the patent is a product, the exclusive right to prevent third parties, who do not have his consent, from the act of making, using, offering for sale, selling or importing for those purposes that product in India, and where the subject matter of the patent is a process, the exclusive right to prevent third parties, who do not have his consent, from the act of using that process, and from the act of using, offering for sale, selling or importing for those purposes the product obtained directly by that process in India. Registration of a design confers upon the registered proprietor the exclusive right to apply a design to any article in any class in which the design is registered.

While patents can be granted by the Patent Office located at any location, i.e. Kolkata, Delhi, Chennai and Mumbai, only the Designs Wing of the Patent Office, Kolkata registers designs. Under the Patents Act, 1970, the statutory authority for grant of patents is the Controller General of Patents, Designs and Trade Marks (CGPDTM). CGPDTM also delegates his powers under the law to his subordinate officers e.g. Senior Joint Controller of Patents & Designs, Joint Controller of Patents & Designs, Deputy Controller of Patents & Designs, Assistant Controller of Patents & Designs (All Group 'A' officers). The other statutory post under the Group A category is the Examiner of Patents & Designs. An Examiner examines patent and design applications and submits a report to the Controller. Examiners also assist the Controllers in all procedural, administrative and supervisory functions connected with various proceedings under the said Act and the Rules.

The Patent Office works from four locations *viz.* Delhi, Mumbai, Kolkata and Chennai. A patent application is required be filed in the appropriate office in accordance with rule 4 of the Patents Rules, 2003. Similarly, a design application can be filed at the Patent Office located at any of the above four locations. Introduction of office automation and electronic processing of patent applications has resulted in a significant level of uniformity and transparency. Information, to the maximum possible extent, has been made available online to the public *viz.* information relating to patent applications, status of the applications, examination reports and other documents. Processing of a patent application is a multi-stage process, involving filing of an application, electronic data processing, verification, screening and classification, publication, examination, pre-grant opposition, grant/refusal, etc.

The Official Journal of the Patent Office is published weekly on every Friday. The Journal contains the information mandated by the Act to be published. For Designs, such information is also published in the Official Journal. This office also has a website (www.ipindia.nic.in) which provides a comprehensive view of the organization and its activities. Patent Office also publishes an Annual Report which is placed before both Houses of the Parliament every year.

Power and Duties of Officers & Employees

(ii) THE POWERS AND DUTIES OF ITS OFFICERS AND EMPLOYEES

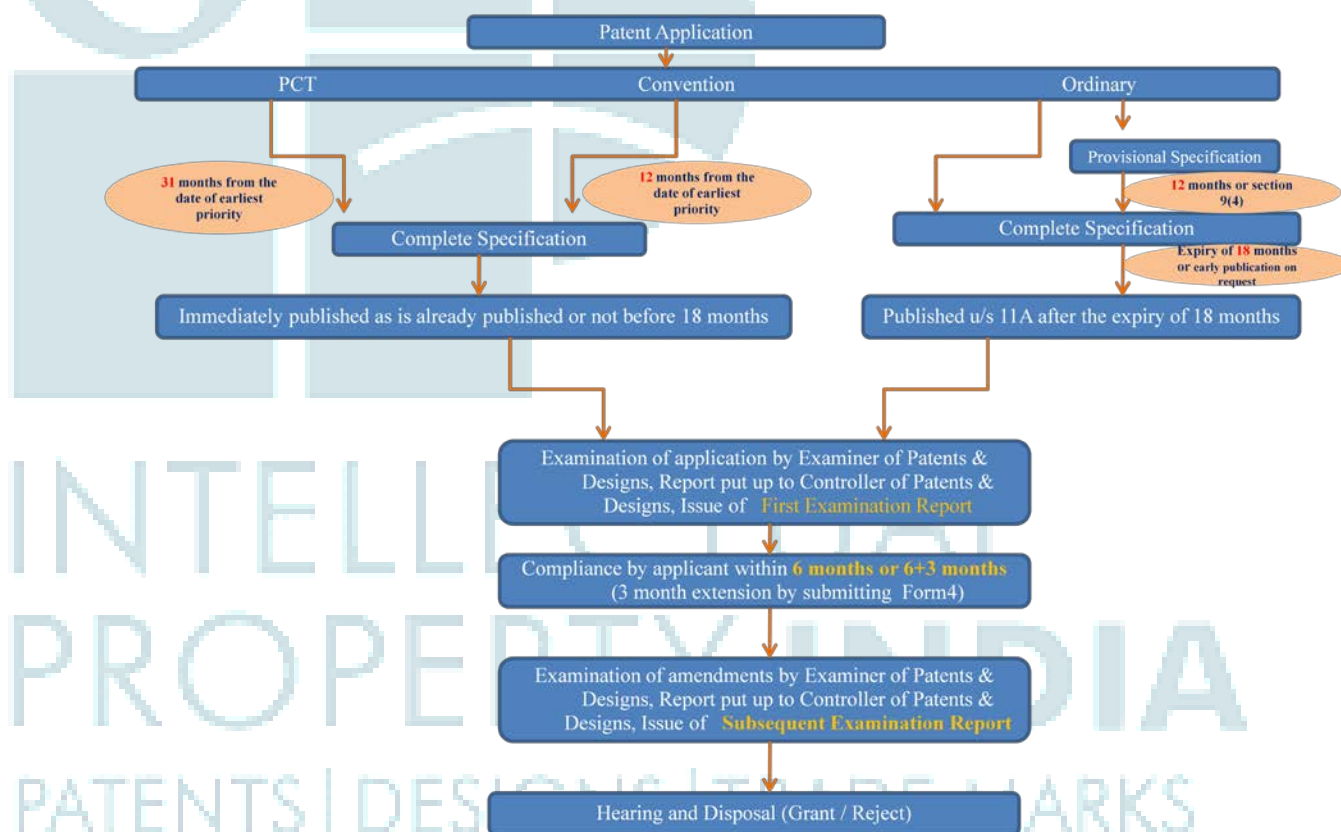
S. No.	Name of Post	Duties
Group 'A' Posts		
1	Controller General of Patents, Designs, and Trade Marks (CGPDTM)	The Controller General of Patents, Designs, and Trade Marks administers the laws relating to Patents, Designs, Trade Marks & Geographical Indications of Goods in India. CGPDTM heads the Patent Office, Trade Marks Registry, Geographical Indications Registry, Copyrights Office, the Patent Information System (PIS) & the Rajiv Gandhi National Institute of Intellectual Property Management (RGNIPM).
2	Senior Joint Controller of Patents & Designs	They have delegated powers to carry out the functions as 'Controller' under the Patents Act, 1970(as amended).
3	Joint Controller of Patents & Designs	
4	Deputy Controller of Patents & Designs	
5	Assistant Controller of Patents & Designs	
6	Examiner of Patents & Designs	<p>Examiners primarily examine each patents application under Section 12 of the Patents Act, 1970 (as amended) according to their field of specialization and report to the Controller about its patentability under the Patent Act, conducting search for anticipation under Section 13 of the Patents Act, 1970 (as amended), IPC classification of patent applications, preparation of detailed examination reports, consideration of observation/submissions and proposed amendments, can act as chairman/member of Opposition board, assisting Controllers in opposition matters, administrative supervision of staff working under them etc.</p> <p>as International Search Authority (ISA) / International Preliminary Examination Authority (IPEA)</p> <p>Examiner of Patents & Designs act as prestigious ISA/ IPEA with effect from 15th October 2013 in accordance to the agreement with World Intellectual Property Organization (WIPO) under article 1 of the Patent Co-operation Treaty (<i>for co-operation in the filing, searching, and examination of applications for protection of inventions and for rendering special technical services</i>). They follow PCT Rules, Regulations, and administrative instructions for the purpose of examination of patent application. India is among 22 countries to act as ISA / IPEA.</p>
7	Hindi Officer	To ensure accurate translation from English to

		Hindi and vice versa of various rules and regulations etc., and ensuring the implementation of the Official Language Policy of the Government of India and other instructions issued from time to time related thereto.
Group 'B' Gazetted		
8	Administrative Officer	He is entrusted the responsibility for handling matters relating to establishment including maintenance of service records of officers and staff and looking after general administration and any other work assigned in this regard.
9	Assistant Library and Information Officer	He is the in-charge of Library and responsible for maintenance of books, records & journals. He also handles the work relating to procurement of books and supervises the Library & Information Assistant.
Group 'B' Non-Gazetted		
10	Office Superintendent	An Office Superintendent looks after establishment, accounts and general sections of the office. Their duties include supervision of the work of Upper Division Clerks and Lower Division Clerks of their sections like maintenance of service records of officers and staff, preparations of all kind of bills, preparation of budget, pay bills, purchase land, maintenance of records of stationery, purchase of furniture, promotions, recruitments, maintenance of rosters, preparations of confidential reports forms, housekeeping etc.
11	Library and Information Assistant	He is responsible for maintenance of books, Records & journals and assists the Assistant Library & Information Officer.
12	Stenographer Grade-I	To take dictation from the officer in charge, prepares notes during hearing and submit the typed documents.
13	Junior Hindi Translator	To carry out the translation works from Hindi to English and vice-versa.
Group 'C'		
14	Photography Assistant	To carry out the work of photocopying of documents and day to day maintenance of machines.
15	Stenographer Grade-II	To take dictation from the officer in charge, take notes during hearing and submit the typed documents.
16	Upper Division Clerk	Upper Division Clerks are posted in different section like Technical Sections, Accounts, Administrations, Records etc. Their duties include preparing salary bills, maintaining all type of bills, PF of employees and other clerical work and putting the case to their Section in charge.
17	Lower Division Clerk	Lower Division Clerks are posted in different section like Technical Sections, Accounts, Administrations, Records etc. Their duties include preparing salary bills, maintaining all type of bills, PF of employees and other clerical work and putting the case to their superiors and section in charge.
18	Hindi Typist	To carry out the typing work of Hindi Section and report to Hindi Officer/Jr. Hindi Translator.
19	Data Entry Operator	To attend various typing and other data entry and processing related jobs, to attend any other work assigned to them by the Head of Office/Officers in this regard.

20	Multi-Tasking Staff	Physical maintenance of records of the Section, general cleanliness & upkeep of the Section/Unit, carrying of files & other papers within the building, photocopying, sending of FAX etc, other non-clerical work in the Section/Unit, assisting in routine office work like diary, dispatch etc. including on computer, delivering of dak (outside the building), watch & ward duties, opening and closing of rooms, cleaning of rooms, dusting of furniture etc., cleaning of building, fixtures etc, work related to his ITI qualifications, if exists, upkeep of parks, lawns, potted plants etc.
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PROCEDURES FOLLOWED IN DECISION MAKING PROCESS

The Procedure Followed In The Decision Making Process, Including Channels Of Supervision And Accountability



Applications for patents are serially numbered (YYYYJTNNNNNN) and kept confidential till 18 months from the date of filing, unless requested by the applicants to the contrary, by way of early publication.

YYYY- Year

J- Jurisdiction (1-Delhi, 2-Mumbai, 3-Kolkata, 4- Chennai)

T- Type of application (1-O,2-OD, 3-OPA, 4-C, 5-CD, 6-CPA, 7-PCTNP, 8-PCTD, 9-PCTPA)

O-Ordinary, D- divisional, PA-Patent of addition, C- Conventional, PCTNP- PCT national phase application

NNNNNN- Continuous application number

The examination of the application is carried out pursuant to the filing of a request for examination and the examination report contains objections, if any, that are communicated to the applicant or his authorized agent. Replies to the objections, when filed, are reexamined according to the provisions of law. The applicants are to comply with the objections within twelve months from the date of first examination report. The applicants are given an opportunity to be heard in case of dispute for appropriate adjudication. The decisions of the Controller are appealable. After complying with the office objections, the patents are granted as certificates, registered and notified in the official journal of the Patent Office. Patents are required to be renewed by paying renewal fees to keep them in force, failing which the patents are ceased. Necessary changes in the proprietorship of the patent in terms of licensing, assignment, if any should be registered. The Register of Patents can be seen online. A lapsed patent can be restored by making an application in the prescribed form along with fee and on subsequent payment of other fees.

Request for information

A person may request for specific information on patents under section 153 read with rule 134 along with prescribed fee, which is supplied to him accordingly.

Patent Cooperation Treaty

The office also has a PCT section which deals with PCT international applications for filing abroad by the nationals and acts as a receiving office for filing of PCT international applications.

International Searching Authority / International Preliminary Examining Authority

(<http://ipindiaservices.gov.in/isaweb/>) The Indian Patent Office is recognized as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the PCT and has started functioning as an ISA/IPEA with effect from 15th October 2013.

Patent Agents

The office also deals with the registration of Patent Agents. A degree holder in science/technology/engineering from any Indian university or equivalent may apply to appear in an examination conducted by the office of CGPDTM and qualify to make themselves eligible for registration. These registered patent agents assist and deal with applications on behalf of the applicants before the Patent Office.

Designs

Design applications can be filed in any of the four offices of the Patent Office and forwarded to the Kolkata Patent Office for allotment of numbers and further processing and registration. The Examiner examines the application as per the Designs Act and reports it to the Controller. The Controller communicates the objections, if any, to the applicant. The applicant is offered a hearing and a decision is given when necessary. A design is granted on complying with the office objections. All records of registered designs are entered in the Register of Designs, which is open for public inspection. For convenience, Designs are classified into 32 classes following the Locarno Classification.

Decision making power

The final decision on an application for patent or design as to whether the applicant would be granted a patent or allowed to register the design resides with the Controller. Similarly, for any other proceedings under the Act in both Patents & Designs, the Controller is the ultimate authority to decide allowability or otherwise of the same. An application for a patent or a design or any proceeding is routinely diarized with appropriate records of number and date and put up to the Examiner by the Support Staff with office notes stating the facts. The Examiner examines the documents under the provision of the law and gives his report to the Controller. The report of the Examiner is based on his findings after due process of examination as specified in the law. The Examiner acts as a techno-legal person for examination of patent applications. Depending on his findings in the investigation, the final fate of an application with respect to the grant of the patent is determined. However, the Controller is also under the obligation to offer the applicants an opportunity for hearing before taking any adverse decision or refusing any application under the law. His decisions are also appealable under the law.

NORMS FOR THE DISCHARGE OF FUNCTION

The Patent Office discharges the functions and duties in accordance with the Patents Act, 1970.

Norms of Initial Processing of a Patent Application

Applications for patents are serially numbered (YYYYJTNNNNNN) and kept confidential till 18 months from the date of filing, unless requested by the applicants to the contrary, by way of early publication.

YYYY- Year

J- Jurisdiction (1-Delhi, 2-Mumbai, 3-Kolkata, 4- Chennai)

T- Type of application (1-O,2-OD, 3-OPA, 4-C, 5-CD, 6-CPA, 7-PCTNP, 8-PCTD, 9-PCTPA)

O-Ordinary, D- divisional, PA-Patent of addition, C- Conventional, PCTNP- PCT national phase application

NNNNNN- Continuous application number

Patent applications are screened for: (a) International Patent Classification (IPC), (b) Technical field of invention for allocation to an Examiner in the respective field and (c) Relevance to defence or atomic energy.

Norms of Comprehensive e-Filing Services for Patents

All facilities for filing application and related documents are available on e-filing platform. Same is required to be accessed on part of the applicant / agent to avail online services.

Norms of Request for Examination

On receipt of a request for examination, the Patent Office accords a date and serial RQ number to it through the central server.

An application for a patent is not examined unless the applicant or any other interested person makes a request for examination. The request is to be filed in Form 18 with the fee as prescribed in First Schedule.

A request for examination has to be made within forty-eight months from the date of priority of the application or from the date of filing of the application, whichever is earlier. If no such request for examination is filed within the prescribed time limit, the application shall be treated as withdrawn by the applicant.

In a case where secrecy direction has been issued under Section 35, the request for examination may be made within six months from the date of revocation of the secrecy direction, or within forty-eight months from the date of filing or priority, whichever is later.

The Office will not examine an application unless it is published and a request for examination is filed. When a request for examination is filed by an interested person other than the applicant, the Examination Report is sent to the applicant only, and intimation is given to the interested person.

Norms of Reference for Examination as per Chronological Order

Once a request for examination is received, and the application is published under section 11-A, the application is taken up for Examination in the chronological order of filing of request for examination.

The patent application is referred to an Examiner by the Controller for conducting the formal as well as substantive examination as per the subject matter of the invention vis-à-vis the area of specialization of the Examiner as below:

Group 1: Chemistry and allied subjects.

Group 2: Biotechnology, Microbiology and allied subjects.

Group 3: Electrical, Electronics & related subject

Group 4: Mechanical and other subjects.

On an application being referred to him by the Controller, the Examiner makes a report on the patentability.

RULES, REGULATIONS, INSTRUCTIONS ETC FOR DISCHARGING FUNCTIONS

The Rules, Regulations, Instruction, Manuals and Records, Held By It Or Under Its Control Or Used By Its Employees For Discharging Its Functions

The Patent Office possesses copies of relevant Rules, Regulations, Manuals, Guidelines & records required by it and also maintains the same for its regular activities. These are also distributed to the employees for regular use for discharging their functions. Officers of the office can also access the official website (www.ipindia.nic.in) which contains *inter alia* the relevant Act and Rules, office annuals etc.

PATENTS | DESIGNS | TRADE MARKS
GEOGRAPHICAL INDICATIONS