

Intellectual Property advocacy in the fields of:

- IP Infrastructure
- IP Valuation
- M & A
- IP Policy
- Technology Transfer
- Innovation Research
- Patent Law
- Licensing
- Data Management
- Copyright
- Collaborations
- Balance for Rights & Obligations

**For Private Circulation Only**



**MAY THIS YEAR BRING NEW HAPPINESS, NEW GOALS, NEW ACHIEVEMENTS,  
AND A LOT OF NEW INSPIRATIONS IN YOUR LIFE!**

## *Editorial*

The CGPDTM (Controller General of Patents, Designs and Trademarks) has come up with welcome Notifications on hearings, opposition proceedings and related timelines. These guidelines for expediting pending cases and long-pending patent applications were long overdue. The reforms initiated by the incumbent CG Prof. (Dr.) Unnat P. Pandit has started yielding results for new or recently filed patent applications. However, it is a matter of extreme concern that long pending patent applications, especially those which are filed more than 5 to 7 years are pushed back in the queue or waiting list. Priority appears to be given to new applications and those which are being filed for 'expedited' examination. While these new and expedited patent applications are receiving due and priority attention, it is extremely distressing to note that older applications are receiving step-motherly treatment. This is unfortunately discriminating and extremely detrimental to few patent applicants and their attorneys who lose face in view of extreme delay in grant. Even though such cases may be fewer in number, when the patent term is only 20years, waiting for a patent grant for more than 10years is unjustified and unfair- "*Justice Delayed Is Justice Denied*".

It would be all in fairness if the Patent office proceeds to notify the details of patent applications pending for more than 5years or even 10years and the reason for the same. Similarly delays, post filing response to FER and Hearings already done months before, may also be reduced or notified. While the new CG and his team have done wonders with the system, there is a need to extend this benefit across the board to all patent applicants.

*We, from CIPROM, wish you all a very happy and prosperous New Year, 2023!*

# HAPPY NEW YEAR 2023

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## OFFICE OF THE CONTROLLER GENERAL OF PATENTS, DESIGNS & TRADE MARKS, MUMBAI

### PUBLIC NOTICE

Dated this on 26<sup>th</sup> day of December, 2022

As per provision of section 128 of the Patents Act, 1970 (as amended) (Act), read with section 123, only authorized Patent Agents are entitled to represent their clients in respective matters before the Controller of Patents. It has been observed that some persons, who are neither patent agents nor authorized by the applicant or the party concerned, are also taking part in proceedings before the Controller of Patents and making communications with the Controller. It is also observed that most of the time such persons are either employees of patent agents or law firm where the patent agents work. An appropriate action will be initiated as per provision of section 123 of the Act against the concerned person and the patent agent or law firm who have employed that person, if it is found that the person has acted on the direction of the Patent Agent or Law Firm.

It is also clarified that an Advocate, not being a patent agent, can take part in any hearing/proceeding before the Controller in accordance with section 132 of the Act, provided that the Advocate is duly authorized by the applicant or the party concerned by filing Form 26 in his favour and also ensuring that the Advocate is accompanied with the applicant or the party concerned.

- Sd-  
Controller General of Patents, Designs & Trade Marks

Source:

[https://www.ipindia.gov.in/writereaddata/Portal/News/858\\_1\\_26.12.2022\\_Public\\_Note\\_regarding\\_patent\\_agents.pdf](https://www.ipindia.gov.in/writereaddata/Portal/News/858_1_26.12.2022_Public_Note_regarding_patent_agents.pdf)

### **Delhi HC grants over Rs 2 crore to Adobe in trademark infringement case**

The Delhi High Court, while hearing a lawsuit alleging trademark infringement by Namase Patel over Adobe's name, has granted over Rs 2 crore as damages to the US-based computer software company. The accused had registered similar domain names for various computer software and other IT-related services. Patel and others associated with him have been restrained from registering any domain name with the trademarks 'Adobe', 'Photoshop', or 'Spark', which could be considered an infringement of the company's marks.

Source: [https://www.business-standard.com/article/companies/delhi-hc-grants-over-rs-2-crore-to-adobe-in-trademark-infringement-case-122120300720\\_1.html](https://www.business-standard.com/article/companies/delhi-hc-grants-over-rs-2-crore-to-adobe-in-trademark-infringement-case-122120300720_1.html)

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## OFFICE OF THE CONTROLLER GENERAL OF PATENTS, DESIGNS & TRADE MARKS, MUMBAI

### PUBLIC NOTICE

Dated this on 26<sup>th</sup> day of December, 2022

As per rule 129A of the Patents Rules, 2003 (as amended) an applicant for patent or a party to a proceeding may make a request for adjournment of the hearing with reasonable cause. It has been noticed that the adjournment requests are being filed without mentioning the 'reasonable cause'. All the stakeholders, specifically the Patent Agents, are hereby informed that requests for adjournment under rule 129A of the Patents Rules, whereby the 'reasonable cause' for seeking extension is not mentioned, will not be entertained. To avoid the inconvenience caused, the stakeholders are requested to specify the 'reasonable cause' in the request for adjournment, without fail. It is also desirable that "reasonable cause" may be supported by documentary evidence, if any.

- Sd

**Controller General of Patents, Designs & Trade Marks**

Source:

[https://www.ipindia.gov.in/writereaddata/Portal/News/858\\_1\\_26.12.2022\\_Public\\_Note\\_regarding\\_hearing\\_adjournments.pdf](https://www.ipindia.gov.in/writereaddata/Portal/News/858_1_26.12.2022_Public_Note_regarding_hearing_adjournments.pdf)

### US won't agree to 2022 patent waivers for Covid tests, treatments

The US won't agree to waive intellectual-property protections for Covid-19 treatments and tests this year -- aligning with developed-nation peers and damaging prospects for a World Trade Organization accord aimed at boosting global access to life-saving medicines.

Source: [https://www.business-standard.com/article/international/us-won-t-agree-2022-patent-waivers-for-covid-tests-and-treatments-122120600098\\_1.html](https://www.business-standard.com/article/international/us-won-t-agree-2022-patent-waivers-for-covid-tests-and-treatments-122120600098_1.html)

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## Office of the Controller General of Patents, Designs & Trademarks, Mumbai

### Public Notice

Dated this on 26<sup>th</sup> day of December, 2022

All the stakeholders are hereby informed that due to large number of pending patent applications awaiting disposal with or without pre-grant oppositions as well as post-grant opposition matters against the grant of patents, the practice of giving four weeks' time from the date of hearing intimation/notice is dispensed with and the earlier practice of 10 days' time from the date of hearing intimation/notice, which is also prescribed under rule 129 of the Patents Rules, 2003 (as amended), will be followed by all the Controllers of Patents with immediate effect. It has been decided keeping in view the public interest involved in timely disposal of long pending applications/matters and also the benefits of Patent rights conferred upon the applicants under Chapter VIII of the Patents Act, 1970 (as amended).

It is also informed that no party shall be given more than two adjournments and it is advisable that each adjournment shall not be for more than 10 days (although 30 days are prescribed in rule 129A of the Patents Rules, however in the public interest instant directions are issued and looking at the exigencies and priorities with respect to time bound disposal of long pending applications/matters). Nevertheless, these timelines shall be implemented for mutual convenience and in true spirit so that the applicants enjoy the benefits of patent rights on time.

All the stakeholders are therefore, requested to support the Indian Patent Office in this regard for expeditiously disposing such long pending applications/matters.

-Sd  
**Controller General of Patents, Designs & Trade Marks**

Source:

[https://www.ipindia.gov.in/writereaddata/Portal/News/858\\_1\\_26.12.2022\\_Public\\_Noteice\\_Hearing\\_Time.pdf](https://www.ipindia.gov.in/writereaddata/Portal/News/858_1_26.12.2022_Public_Noteice_Hearing_Time.pdf)

### **High Court at Calcutta**

Nomenclature of IP Matters with regard to Appeals & Original Applications/Petition notified on 22<sup>nd</sup> November, 2022 by High Court at Calcutta.

Source: <https://www.calcuttahighcourt.gov.in/Notice-Files/gazette-notification/7446>

# HAPPY NEW YEAR 2023