

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

## EDITORIAL

### Justice delayed is Justice denied

Consequent to the “*Nitto-Denko*” Committee recommendations in 2016, when the Committee recommended for additional Patent Examiners and for reforms such as “Expedited Examination” and the recommendations were expeditiously implemented by the appointment of close to 1000 Patent Examiners and introduction of Form 18A for Expedited Examination through amendment of Patent Rules on 16<sup>th</sup> May 2016, it was hoped that the Patent Office will clear out pending patent applications lying unattended for more than 10 to 15 years. While “Expedited Examination” route has received magnificent response from Patent Applicants, Agents and Attorneys, it is indeed unfortunate that older patent applications are still pending and remaining unattended, because of the overwhelming response to ‘expedited examination’ patent applications getting priority attention.

It was expected that the newly appointed Controller General of Patents, Dr. Unnat P. Pandit will be able to resolve this conundrum. While the enthusiasm and vibrancy of Dr. Unnat Pandit and his leadership and efficiency is unquestionable, the Indian Patent Office and its systems seems impregnable for reforms and breakthroughs.

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### Intellectual Property Office invites Candidates for hiring of Contractual Manpower

Online Applications are invited from the eligible candidates for hiring contractual Manpower in the capacity of Consultants, Senior Research Associate, Research Associate, Young Professionals in the Patent Office purely on Contractual basis.

#### Detailed Advertisement:

[https://ipindia.gov.in/writereaddata/Portal/Images/pdf/16.03.2023\\_Advertisement\\_for\\_hiring\\_contractual\\_manpower1.pdf](https://ipindia.gov.in/writereaddata/Portal/Images/pdf/16.03.2023_Advertisement_for_hiring_contractual_manpower1.pdf)

Link for online Application for Consultant, Senior Research Associate and Research Associate:

<https://ipindiaservices.gov.in/IonlineApplications/>

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### 1.1 Minimum Essential Qualification, Age Limit & Experience:-

Category	No. of Positions	Upper Age (limit)	Essential Qualifications and Experience
Consultant	01	65 years	<p><b>Essential Qualification</b> – Master degree in sciences or LLM or BE/BTech from institute of national importance or equivalent reputed institution.</p> <p><b>Desirable Qualification</b> – PhD in sciences or IPR management or MTech, MS.</p> <p><b>Experience</b> – At least 15 years in handling IPR matters.</p>
Senior Research Associate	01	50 years	<p><b>Essential Qualification</b> – (a) Master degree in sciences or BE/BTech from institute of national importance or equivalent reputed institution and (b) LLB/LLM or Degree/Diploma in IPR (full time – at least 1 year)</p> <p><b>Desirable Qualification</b> – PhD in sciences or law or IPR management or MTech or M.S.</p> <p><b>Experience</b> – at least 8 years in handling IPR matters</p>
Research Associate	01	45 years	<p><b>Essential Qualification</b> – (a) Master degree in sciences or BE/BTech from institute of national importance or equivalent reputed institution and (b) LLB/LLM or Degree/Diploma in IPR (full time – at least 1 year)</p> <p><b>Desirable Qualification</b> – (a) PhD in sciences or law or IPR management or MTech, MS (b) Knowledge of High Quality MS Office, Power Point Presentations, Professional presentations with graphs, info- graphical displays, Trend analysis and other data governance and quality assessment software tools, etc. would be preferred.</p> <p><b>Experience</b> – at least 3 years in handling IPR matters</p>
Young Professional (Law & IP)	01	32 years	<p><b>Essential</b> – Graduation/Post-graduation in Law or MBA in international business from institute of national importance or equivalent reputed institution with domain knowledge in required areas.</p> <p><b>Desirable</b> – PhD in relevant field</p> <p><b>Experience</b> – at least 1 year relevant research experience preferably in IPR matters</p>

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			<b>Note:</b> Individual should have knowledge of handling legal work/drafting of rules/regulations, etc.
Young Professional (IT- AI, ML)	02	32 years	<b>Essential Qualification</b> – BE/BTech (Electronics & Communications/ CS/ IT) with specialized knowledge in Artificial Intelligence/ Quantum Computing/ IoT/ ML /any other relevant areas. <b>Desirable Qualification</b> –MTech in relevant field. <b>Experience</b> – at least 1 year relevant experience
Young Professional (Public Policy)	02	32 years	<b>Essential Qualification</b> – Bachelor degree in any discipline and Master degree/diploma in public policy and equivalent from institute of national importance or equivalent reputed institution with domain knowledge in required areas. <b>Desirable Qualification-</b> Knowledge in the field of IPR would be preferred. <b>Experience</b> – at least 1 year relevant experience preferably in government department/institution/office.
Young Professional (Media & Communication)	03	32 years	<b>Essential Qualification</b> - M.A./Post Graduate degree in Journalism and Mass Communication. <b>Desirable</b> - Knowledge in the field of content visualization & graphics, creative work and media outreach would be preferred. <b>Experience</b> –at least 1 year relevant experience
Young Professional (Finance)	02	32 years	<b>Essential Qualification</b> - MBA or PGDM (full time - 2 years course) in the discipline of Finance from institute of national importance or equivalent reputed Institution. <b>Desirable</b> – Higher qualification in the field of finance would be preferred. <b>Experience</b> – at least 1 year relevant experience preferably in a government department/institution/ office.
Young Professional (HR)	03	32 years	<b>Essential Qualification</b> - MBA or PGDM (Full time 2 years course) or master degree in the discipline of HR and/or administration from institute of national importance or equivalent reputed Institution. <b>Desirable</b> –Higher qualification in the relevant field would be preferred. <b>Experience</b> – at least 1 year relevant experience preferably in a government department/institution/ office.

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Currently, while patent applications with “expedited examination” requests in Form 18A are receiving prompt attention (as it should be), the overburdened Controllers are pushing the older applications (Form 18) filed without request for expedited examination to the back burner. It is indeed heartening that the C.G. is giving opportunity to be heard every week in person and is graciously attending to grievances, these hearings are only leading to the respective respected Controllers informing the Applicant that his case is in the waiting list No.460 or No.248 etc. and will be taken up in due course. While the response from the Controllers indicate that they have been assigned to handle large number of cases, the patent applicant and the patent agent is left “high and dry” without any resolution of their grievances and is forced to wait *ad nauseam*, without justice. It is also unfortunate that when the grievances are aired to the CG in the weekly hearing, some pending cases by some Controllers are being rejected or denied as a mode of expedited response and also as a protest against public expression of grievance or complaint. One fallout of this “state of affairs” is that the affected Patent Applicant, whose patent application is pending for 10 years or thereabout, loses faith in the Agent/Attorney and opts to shift the work to someone else, for no fault of the earlier attorney/agent.

It is acknowledged and publicly stated by none other than the Hon’ble Minister Shri Piyush Goyal himself that there is steep increase in filing of patent applications. The Ministry and the DPIIT (Department for Promotion of Industry and Internal Trade) needs to take consequent and concurrent steps and initiatives to recruit or appoint new Controllers and Examiners to speed up the patent examination process and expedite grants (or rejections). Of late, the High Courts are coming up with critical judgements against rejection of patent applications without proper reasoning. These areas need urgent attention from all the higher authorities from the Hon’ble Controller General to the Hon’ble Secretary of DPIIT and the Hon’ble Minister.

There have also been major IP reforms suggested by the Select Parliamentary Committee. PM’s Expert Committee [Economic Advisory Council to the Prime Minister (EAC-PM)] Report has also been submitted to the Government. A Patent Amendment Bill with needful amendments are also reportedly pending in Parliament. Expediting the Reform process and revamping the IP/Patent office of India should receive urgent attention from all concerned.

India is emerging as a World Leader. India needs to set our houses in order and reform our systems to send out a clear message to the world at large that we mean business and we intend to establish global practices of governance in all seriousness.

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