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Trademark Registry takes steps to reduce backlogs
India - Ranjan Narula Associates

National procedures

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Earlier this year the Trademark Registry embarked on the process of digitising its records. Now that the process is almost complete, the registry is introducing a number of additional initiatives to help reduce current backlogs.

On November 24 2011 the controller general of patents, designs and trademarks issued a Public Notice in relation to trademark oppositions that have been settled, and/or cases where the opposition or trademark application in question has been withdrawn. Even though the registry may have been notified, such settlements or withdrawals will not have been recorded in the computer data. The Public Notice, therefore, requests that parties provide by email details of any such settlement and/or withdrawal, along with documentary proof, to specific officers detailed in the notice. This will enable the registry to finalise the oppositions in question.

Further, the Trademark Registry introduced a free express service facility to expedite the processing of cases. The facility, which can be accessed by sending a request to the assistant registrar in Mumbai (with the words 'express service request' super-scribed in bold) is available in the following situations:

- Non-receipt of the first examination report within 15 days of the filing of the application - the request should be sent by email, and must include the date of filing, the application number, details of the trademark and the class(es) of goods/services.
- Non-receipt of post-registration changes - for example, where a registered mark has been assigned and the request to record the subsequent proprietor is pending. The request should be sent by mail accompanied by a copy of the original request, documents in support, and an affidavit from the assignor and assignee to the effect that no proceedings relating to the trademark are pending in any court or before the Appellate Board.
- Non-receipt of a legal certificate - for example, certified copies of entries on the register. The request must be supported by the following documents:
 - a copy of the trademark;
 - a copy of any renewal/post-registration changes;
 - a copy of the *Trademark Journal* in which the mark was advertised before registration; and
 - a copy of the registration certificate.

The Trademark Office has, in the past, been severely criticised for delays, and there has been controversy surrounding lost files. The computerisation of registry records, combined with these additional initiatives, should improve the system and bring it closer to compliance with international standards.

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