
Trade Marks office initiates special project to clear backlog

Close on the heels of an earlier drive to clear opposition cases which have been settled between the parties, the Controller General of Trade Marks has initiated a new project to clear requests pending at the Trade Marks Registry that affect post registration changes made to the marks on the Register. The ambitious project aims to clear all such requests filed till 31st December, 2012.

The notice issued by the Controller specifies that the request will be taken up as per the registration number (and not on the basis of date/year when the request was filed). It may be mentioned that the annual report prepared by the Controller for the year 2010-11 does not specify how many requests relating to assignment of marks or change of name and other post registration changes are pending. It is estimated there are several hundred of such requests that are craving for attention of the Registrar. The post registration change/s to the mark has been the most neglected activity at the Trade Marks Registry. Thus, the Controller's initiative in this regard is praiseworthy. Once the records at the Trademarks Registry are updated to show the current owner, it will no doubt help the brand owners to prove their ownership and thus simplify enforcement of their rights. It will further help in ascertaining clear title to a registered mark and assist in concluding any assignment/transmission transaction.

It is quite interesting to note that the notification puts the onus on the subsequent proprietor to produce all documents including fee receipts in support of the request/s already filed. The notification also requires a fresh affidavit to be submitted affirming that no litigation/dispute concerning marks involved in the assignment / transmission is pending. A general hearing notification will be issued (as opposed to individual intimations to agents) when these cases will be taken up and the authorized agents of brand owners would be expected to be present to have the changes recorded.

The drive though positive in its intent will require brand owners and especially their lawyers/agents to devote significant resources to take its advantage.

Vatika Towers
10th Floor Block-B
Sector-54
Gurgaon-122002
National Capital Region (Haryana)
India

Tel. +91 124 4655999
Fax. +91 124 4045047
Email info@indiaiprights.com

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