



सत्यमेव जयते

भारत सरकार

वाणिज्य और उद्योग मंत्रालय

कार्यालय महानियंत्रक एकस्व अभिकल्प एवं व्यापार चिन्ह

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GOVERNMENT OF INDIA

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CG/Public Notice-/2016-17/

Date: 11/04/2016

Public Notice

Trade Marks Registry has treated many applications as abandoned under Rule 38 (5) of the Trade Marks Rules 2002, in cases where no response to examination reports containing office objections, (issued under rule 38 (4) and section 18 (4) of Trade Marks Act, 1999), were received in spite of examination reports containing office objections having been dispatched to applicants or their agents individually. Subsequently some complaints were received claiming that applications had been treated as abandoned even though the reply on behalf of the applicants were submitted but the same were not considered by the office; some complaints were also received to the effect that the examination reports containing office objections were not received by the applicants or their authorized agents in time due to which the response could not be filed and the applications have been wrongfully treated as abandoned.

Taking note of such complaints the Registrar issued a Public Notice on 04/04/2016 and requested all the applicants or their authorised agents concerned to submit representations with relevant details along with sufficient documentary evidence substantiating their case upto 30/04/2016.

Meanwhile Writ Petitions WP (C) 3043/2016 & 3067/2016 were filed before the Hon'ble High Court, Delhi and the Hon'ble Court vide their order dated 05/04/2016, has stayed the orders of abandonment passed by the Registrar on or after 20/03/2016.

In view of the above, it is notified to the public that abandonment orders passed by the Registrar of Trade Marks after 20/03/2016 are being kept in abeyance and the applicants or their authorised agents concerned can file the reply to examination reports containing office objections either through *comprehensive E-filing services of trademarks* available at the official website or through email at parm.tmr@nic.in and abhishek.p@nic.in. In case, the reply has already been filed and the office has erroneously treated applications as abandoned, information to this effect may also be sent through email at abhishek.p@nic.in along with copy of the reply already filed. Further action in this regard will be taken in accordance with the law and the directions/orders of the Hon'ble court in ongoing writ petitions.

Sd/-
On Prakash Gupta
(Registrar of Trademarks)