

December 28, 2015

Secretary to the Government of India
Ministry of Commerce and Industry
Department of Industrial Policy and Promotion (DIPP)
Udyog Bhawan
New Delhi 110011

Email id: sahni.palka@nic.in

Re: Comments on the Draft Trade Marks (Amendment) Rules, 2015

Dear Madam,

I hope this letter finds you well.

I am writing to you on behalf of the International Trademark Association (INTA), a not-for-profit membership association of more than 6,500 trademark owners and professional firms from more than 190 countries. Currently, INTA has over 158 member companies and firms in India. INTA members share common interests in the protection of trademarks and the development of trademark law, and they rely on INTA to represent and advocate for those interests with national governments and international organizations.

INTA is highly appreciative of the ongoing efforts of the DIPP to revamp the functioning of the Indian Trade Marks Office. INTA is honored to participate in this initiative and is committed to providing continuing support to the Trademarks Registry, as it has done in the past. To that end, INTA's Trademark Office Practices India Subcommittee has constituted a special task force to review, provide and consolidate comments to the draft Trade Marks (Amendment) Rules, 2015. The constitution of this task force is as under:

1. Mr. Ranjan Narula, RNA IP (Task Force Chair)
2. Ms. Samta Mehra, Remfry & Sagar
3. Mr. Vikram Grover, Groverlaw
4. Mr. Raghav Malik, Singh & Singh Lall & Sethi
5. Mr. Shailendra Bhandare, Khaitan & Co.
6. Ms. Gauri Kumar, INTA

The task force is of the view that the draft Rules show DIPP's progressive and solution-based approach in streamlining and modernizing the Office. This is evident from advanced features such as provision for expediting acceptance and registration in addition to examination; significant reduction in forms from 75 to just 8; and electronic service of documents, to name a few.

At the same time, the task force has the following general suggestions for DIPP's consideration to facilitate maximum positive impact of the draft Rules:

1. Different fee schemes should be made applicable for different applicants such as individuals, SMEs, Corporations, etc.
2. As there is a substantial increase in fees, time-lines and procedures should be made as clear as possible in the draft Rules (including on the Madrid Protocol).

3. Any Rules that are likely to create avoidable additional procedures and increase pendencies should be removed (for example, it is suggested that Rules under Chapter V should be amended in a manner that enables automatic recordal of assignments).

As a supporter of the Singapore Treaty, INTA also recommends that India consider joining the treaty at this apt juncture when the DIPP is proposing the draft Rules. The aim of the Singapore Treaty is the adoption of a modernized framework for the harmonization of administrative trademark registration procedures, including registration of nontraditional marks.

Finally, on behalf of INTA, the task force is pleased to submit its chapter-wise substantive comments to the draft Rules (**Annexure A**) as well as list out some clerical errors (**Annexure B**) under cover of this letter.

Yours truly,

Gauri Kumar

Enclosed:

- *Chapter-wise Substantive Comments to the Trade Marks (Amendment) Rules, 2015 (Annexure A)*
- *List of Clerical Errors (Annexure B)*