

**SOP: INTELLECTUAL PROPERTY RIGHTS (IPR) CELL,**  
**ARMY INSTITUTE OF TECHNOLOGY, PUNE**

**References**

1. National IPR policy 2016.
2. Draft model guidelines on implementation of IPR policy in Academic institution by CIPAM.
3. [ipindia.nic.in/manuals.htm](http://ipindia.nic.in/manuals.htm).
4. <http://www.ipindia.nic.in/>.
5. [copyright.gov.in](http://copyright.gov.in)
6. [https://www.aicte-india.org/sites/default/files/AICTE%20Brochure\\_10.09.19.PDF](https://www.aicte-india.org/sites/default/files/AICTE%20Brochure_10.09.19.PDF)

**Appendices**

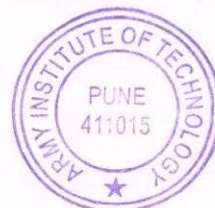
1. Appendix 'A' - Definition of various terms used in IPR application
2. Appendix 'B' - Checklist for application under Indian IPR
3. Appendix 'C' - Work flow for obtaining permission from AIT
4. Appendix 'D' - Procedure to be followed for filing IPR

**Introduction**

1. AIT was established in the year 1994 to provide quality technical education to the wards of Army personnel of the Indian Army. The highly conducive atmosphere for learning and the state of the art infrastructure of the institution provided vital ingredients for training top quality engineers. AIT provides technical education to the students and endeavors to project itself as one of the leading centers for education and research in Engineering and Technology.
2. In a University or college, Intellectual Property Rights (IPRs) are considered as the outcome of research projects, collaborations, and consultancy services provided by the institution. It is therefore important that an IPR cell must be established at AIT to meet the needs of its academic fraternity. The IPR cell will provide patent information as a vital input to R&D.
3. The faculty, staff and students of AIT are actively involved in research and development in diverse fields. Many such research endeavors may lead to invaluable IPR. Keeping this in mind, the IPR cell of AIT aims to encourage, promote and safeguard research and scientific investigations, conducted by the faculty, staff and students of AIT.
4. This document describes the IPR policy of AIT and provides all the relevant information to promote research and development activities at the institute.

**Aim of SOP**

5. The aim of SOP is to lay down the rules, regulations and guidelines regarding formation of IPR cell in AIT for processing of IPR applications of students, faculty and employees.





## Types and Definitions of Intellectual Property Rights (IPRs)

6. IPRs are exclusive rights over the creations of the mind. A creator can have exclusive rights over his creation for a certain period depending upon the type of Intellectual Property. IPR can be broadly divided into two categories, viz, Industrial Properties and copyrights.

(a) **Industrial Properties.** Patents, Designs, Trademarks and Geographical Indications fall under industrial properties.

(i) **Patents.** Patent is an exclusive privilege/right granted by the government to the patentee for commercial gain in consideration of full disclosure of his invention as a Territorial Right. It is a document issued by a government office (or a regional office acting for several countries), which describes an invention and creates a legal situation in which the patented invention can normally only be exploited (manufactured, used, sold, imported) with the authorization of the owner of the patent.

(ii) **Designs.** Design means the features of shape, configuration, pattern or ornament or composition of lines or color or a combination thereof applied to any article, in 2D or 3D or both forms. An industrial design refers to the aesthetic aspect of an article.

(iii) **Trademark.** Visual symbol which may be a word, name, symbol, brand or device, numerical or combination of colors which is used in trade with goods to indicate the source of the goods to distinguish from the goods of the others. TM performs the following functions:-

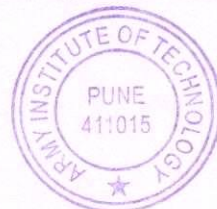
(aa) It identifies the product and origin.

(ab) It guarantees its unchanged quality.

(iv) **Geographical Indications (GI).** GI are place names used to identify the source of origin, quality, reputation or other characteristics of products. Eg.:-Agra Petha, Darjeeling Tea, Nagpur Oranges etc. Geographical Indication consists of the name of the place of origin. It originates from a definite geographical territory. It is used to identify agricultural, natural or manufactured goods. The manufactured goods should be produced or processed or prepared in that territory. It should have a special quality due to the geographical environment or reputation.

(b) **Copyrights.** Provide the holder with the right to restrict unauthorized copying & reproduction of an original expression. Copyright deals with the rights of intellectual creators in their creation. Most works, for example, books, paintings or drawings, exist only once they are embodied in a physical object. Copyright protection is required for promoting, enriching and disseminating the national cultural heritage. A country's development depends to a very great extent on the creativity of its people, and the encouragement is given for individual creativity.

7. Definition of various other terms used in this document are at **Appendix 'A'**.





### **Constitution of the Institute IPR cell**

8. The IPR cell of AIT will work under the guidance of Dean R&D. The cell consists of an In-charge and one member of faculty from each department as nominated by the Principal. The IPR cell shall be responsible for handling all issues related to IP and other relevant matters as decided by the cell from time to time.

### **Purpose of IPR Cell**

9. To provide the necessary infrastructure and environment for the development of Intellectual Property.

10. To promote and encourage scientific and technical research activities

11. To establish an IPR policy to encourage faculty, staff and students to conduct research and invent.

12. To encourage and provide incentives to faculty, staff and students who take efforts to create Intellectual Property for commercialization.

13. To promote and encourage faculty, staff and students to work on sponsored research project by way of the Industry -Academia partnership.

14. To promote the use of IP created for the benefit of inventors/creators/authors, the institute and to support the ecosystem of the nation at all levels.

### **Objectives and Roles**

15. To provide academic freedom for the development of Intellectual Property at the Institute.

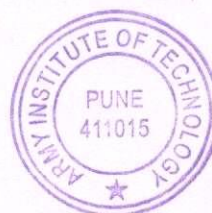
16. To safeguard the interest of the institute, inventors/ creators/authors of Intellectual Property and provide a fair distribution of returns accruing from the commercialization of IPRs.

17. To provide legal support through an expert wherever necessary, to identify, process, defend and protect the IPRs obtained by the Institute against any infringement/ unauthorized use.

18. To create an environment for acquiring new knowledge through innovation and research, compatible with the mission for the education of the institute.

19. To provide a framework to foster innovation and creativity in the areas of Technology, Science, and Humanities by nurturing new ideas and research in an ethical environment.

20. To protect IPs generated by faculty, staff and students of the institute by translating their creative and innovative work into IPRs.





21. To organize guest lectures/ workshops on IPR awareness every year, to motivate faculty/staff/students.
22. To prepare an annual budget and put up for approval.
23. To maintain details of expenditure and close the annual expenditure report by 31<sup>st</sup> March.

### **Evaluation Committee**

24. Dean, R&D will head the committee for each proposal. The Dean R&D will select at least two faculty members from the IPR cell to work as committee members, depending on the required area of expertise. The committee will be responsible for evaluating, protecting, and managing the IP generated by AIT.
25. The Evaluation Committee will also determine whether AIT needs to take responsibility for filing for the IPR. If AIT does not recommend the processing of IP, then the IP rights will be assigned to the inventors/creators/authors.
26. The committee will also take a decision about the annual renewal of IPRs fully or partially, every year.

### **Application and Categorisation of IPR**

27. While filing for the IP, the name of the institute should be included in three categories:-
  - (a) Category I - Applicant: AIT(Inventors/Creators/Authors): Faculty/ Staff/ Students.
  - (b) Category II - Applicant: AIT and Natural Persons (Inventors/ Creators/ Authors): Faculty/Staff/Students/Industry Personnel
  - (c) Category III - Applicant : Natural Persons (Inventors/ Creators/ Authors): Faculty/ Staff/ Students/ Industry Personnel with the Address of AIT
28. If an invention or any creation which can be termed as an IPR is created by using the resources of the AIT the said applications / IPR's shall be considered under category I and II. All such inventions/ creations shall be vested with AIT.
29. If an invention/creation is made by an individual/s in his/her own time and unrelated to his/her responsibilities towards AIT and is conceived or reduced to practice without the use of resources of AIT shall fall under category III. The individual/s shall seek written consent from the Evaluation Committee and/or IPR cell before claiming such IP rights in his/her name. The evaluation committee and/or the IPR cell shall submit the proposal received from such individual /s to the Director for final approval.
30. An agreement shall be executed with AIT by the inventor/author/ creator before processing/filing/ claiming of any IPR. The Agreement shall set the terms for the arrangement between the AIT and the inventor/ author/ creator including the financial terms.





### **Budget Requirement**

31. The IPR cell should have an independent budget of Rs. 5 Lakh per year. This amount can be revised from time to time as per requirement. This amount will be reflected in the annual budget of AIT. From this corpus, IPR filing charges(Indian), TA of AC-III tier for filing for IPR and all IPR related work at the IPR office, Attorney fee and charges for making of digital signature(if required) should be funded 100 percent for category I and II. The upper limit for category III is Rs. 5000 and will be decided on a case to case basis.

(a) Based on the recommendations of the evaluation committee, the reimbursement of charges for filing of IPR in foreign countries will be decided by the Competent Financial Authority, AIT, as per the AWES letter no: B/37900/CEA/38/AG/PS-3(B)/2016(AWES)

(b) In case any additional amount is required by the IPR cell, the Competent Financial Authority, AIT will be authorized to allocate from relevant R&D funds based on recommendations of Dean R&D.

### **Process for Obtaining Permission from AIT to Apply for Indian IPR**

32. The Applicant performs prior work. The checklist about patentability is given at **Appendix 'B'**.

33. After carrying out prior work and study on patentability, the applicant forwards the IPR proposal to the IPR cell with the due recommendation of the concerned HoD. Simultaneously, the applicant will also forward an advance copy of the proposal to the IPR cell.

34. An evaluation committee will be formed as given in para 24.

35. The IPR cell invites the applicant for presentation before the Committee to establish the eligibility of the application and for its approval.

36. If approved, the inventor prepares a cost statement for IPR processing.

37. When the Dean R&D or member of the IPR Cell applies for IPR, the Principal will appoint HoD/senior faculty as the Chairman of the evaluation committee for conducting the process.

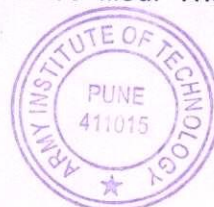
38. The approval from the IPR cell and the financial requirement for filing the IPR will be sent to the competent authority: the Director & the Principal, AIT, for final approval.

39. Once approved, the applications under category I & II will be forwarded to the Institute appointed attorney.

40. Once approved by the attorney, the applications may be sent to the suitable IPR Facilitation Center/Government Agency/AICTE as per recommendations of the IPR cell.

41. The workflow for obtaining permission from AIT for filing IPR is given at **Appendix 'C'**.

42. After carrying out the above actions, the IPR will be filed. The procedure for the same is given at **Appendix 'D'**.





43. Publication of work, display in a public exhibition before filing for IPR shall not be permitted.

#### **Procedure for Filing International Patent**

44. The Patent Cooperation Treaty (PCT) is an international treaty with more than 145 contracting states. It is administered by the World Intellectual Property Organization. The PCT makes it possible to seek patent protection for an invention simultaneously in a large number of countries by filing a single international patent application instead of filing several separate national or regional patent applications.

Steps involved in PCT:-

- (a) Filing of the PCT application : must be filed before 12 months from the first application ( Provision or Complete Specification whichever is first)
- (b) International search by the International Search Authority.
- (c) International Preliminary Examination by an International Preliminary Examining Authority (IPEA).
- (d) National Phase: filing the application in the desired country of interest.

45. The IPR cell shall also receive applications for foreign patents. The cell shall scrutinize applications received for the registration of patents in foreign countries. The cell shall recommend the applications for grant of funds, based on the merit of the IP. The final authority for the approval of such grants shall vest with the Director, AIT.

#### **Revenue Sharing and Funding**

46. When revenue is generated through an IP, distribution of revenue will be 70% to staff/student and 30% to the Institute.

47. When research is conducted in collaboration with external partners, ownership of IP shall be determined as per the terms and conditions in the agreement signed between the concerned parties.

48. In case of involvement of a third party, revenue sharing will be done as per a separate MoU/ agreement signed at the time of filing the IP.

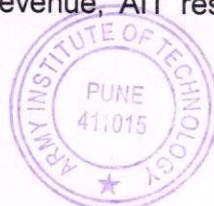
#### **Generation of Fund/ Sponsorship**

49. The faculty/ staff/ students may seek sponsorship from industries/other institutions for processing IPR applications. The entire sponsorship amount should be deposited first into the AIT College a/c with the permission of the Director, AIT.

50. Faculty/ staff/ students have full right for the Expenditure/Utilization of the sponsorship fund. In the case of research work done without sponsorship or with partial sponsorship, AIT may provide financial support for the IPR work.

#### **Disputes and Appeals**

51. In case of conflict over the distribution of revenue, AIT reserves all the rights of distribution.



52. In case of any dispute/concerns of the aggrieved person(s), the Director, AIT will give the final verdict.

**Waiver of IP Rights by the AIT**

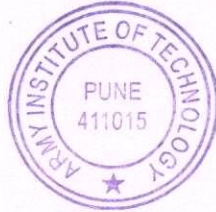
53. Subject to any associated agreements, AIT may waive its rights if it decides not to pursue the protection of IP within a fixed period.

54. The Patent fee prescribed by the government for different categories is mentioned in the following link, for information.

[http://www.ipindia.nic.in/writereaddata/Portal/IPOFormUpload/1\\_11\\_1/Fees.pdf](http://www.ipindia.nic.in/writereaddata/Portal/IPOFormUpload/1_11_1/Fees.pdf)

File No : AIT/0096/IPR/Adm

Army Institute of Technology  
Dighi Hills, Pune - 411015



A handwritten signature in blue ink, appearing to read "Abhay A Bhat".

**(Abhay A Bhat)**  
Brig  
Director

Dated: 15 Feb 2021

**Distribution :-**

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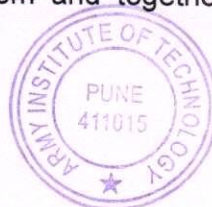


**Appendix 'A'**

(Ref para 7 of SOP - IPR Cell, AIT)

**DEFINITION OF VARIOUS TERMS USED IN IPR APPLICATION**

1. **Author:** An author is as defined under Section 2(d) of the Copyright Act, 1957.
2. Section 2(d) defines author, it says "Author" means :
  - (a) In relation to a literary or dramatic work, the author of the work;
  - (b) In relation to a music work, the composer;
  - (c) In relation to artistic work other than a photograph, the artist;
  - (d) In relation to photograph, the person taking the photograph, the artist;
  - (e) In relation to a cinematograph film or sound recording, the producer; and
  - (f) In relation to any literary, dramatic, musical or artistic work which is computer-generated, the person who causes the work to be created.
3. **Collaborative Activity.** is the research undertaken by the personnel in an academic institution, in cooperation with industry and/or another researcher(s), who are not the personnel from the academic institution.
4. **Creator.** means the researcher who contributed to the creation of the Intellectual Property (IP) (essentially copyrights, designs, etc.).
5. **External Partners.** Includes Government of India, State Government(s), Local Self-Governments, Government Departments, Foreign Governments, International Organizations, Public Sector Undertakings (PSUs), all types of Private Sector Organizations, Multinational Corporations, Non-Governmental Organizations, and/or other institutions that provide research projects or consultancy assignments to researchers on a regular or irregular basis; or any combination(s) of the above.
6. **Intellectual Property (IP).** Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.
7. **Intellectual Property Rights(IPR).** IPR means ownership and associated rights relating to aforementioned Intellectual Property, either registered or unregistered, and including applications or rights to apply for them and together with all extensions and





renewals of them, and in each and every case, all rights or forms of protection having equivalent or similar effect anywhere in the world.

8. The IPRs recognized in India are broadly listed below:-

(a) **Patent.** As defined under Section 2(m) of the Patents Act, 1970. Defines patent as: "patent" means a patent for any invention granted under this Act.

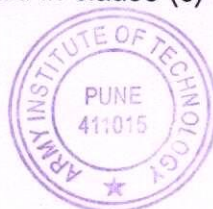
(b) **Copyright.** Copyright is a right given to creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound recordings. Works are as defined under the Copyright Act, 1957. The Copyright Act, 1957 protects original literary, dramatic, musical and artistic works and cinematograph films and sound recordings from unauthorized uses. Unlike the case with patents, copyright protects the expressions and not the ideas. There is no copyright in an idea.

(c) **Trademark.** As defined under Section 2(zb) of the Trade Marks Act, 1999 "Trademark" means a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include shape of goods, their packaging and combination of colours: and :-

(i) in relation to Chapter XII (other than section 107), a registered trademark or a mark used in relation to goods or services for the purpose of indicating or so as to indicate a connection in the course of trade between the goods or services, as the case may be, and some person having the right as proprietor to use the mark; and

(ii) in relation to other provision of this Act, a mark used or proposed to be used in relation to goods or services for the purpose of indicating or so to indicate a connection in the course of trade between the goods or services as the case may be, and some person having the right, either as proprietor or byway of permitted user, to use the mark whether with or without any indication of the identity of that person, and includes a certification trademark or collective mark;

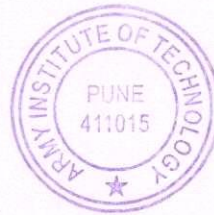
(d) **Design.** As defined under Section 2 (d) of the Designs Act, 2000. "Design" means only the features of shape, configuration, pattern, ornament or composition of lines or colours applied to any article whether in two dimensional or three dimensional or in both forms, by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode or principle of construction or anything which is in substance a mere mechanical device, and does not include any trade mark or property mark as defined in section 479 of the Indian Penal Code or any artistic work as defined in clause (c) of section 2 of the Copyright Act, 1957;





(e) **Geographical Indication.** As defined under Section 2 (e) of the Geographical Indications Act, 1999. "Geographical indication", in relation to goods, means an indication which identifies such goods as agricultural goods, natural goods or manufactured goods as originating, or manufactured in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristics of such goods is essentially attributable to its geographical origin and in a case where such goods are manufactured goods one of the activities of either the production or of processing or preparation of the goods concerned takes place in such territory, region or locality, as the case may be.

*Explanation:* For the purposes of this clause, any name which is not the name of a country, region or locality of that country shall also be considered as the geographical indication if it relates to a specific geographical area and is used upon or in relation to particular goods originating from that country, region or locality, as the case may be;





**Appendix 'B'**

(Ref para 32 of SOP - IPR Cell, AIT)

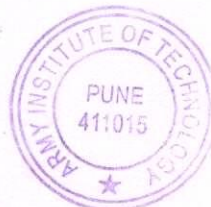
**CHECKLIST FOR APPLICATION UNDER INDIAN IPR**

1. An invention cannot be patented if published/publicly displayed.
2. Inventions/Innovations falling under the category of Section 3 & 4 of the Indian Patents Act 1970 cannot be patented in India.
3. Attribution or Citation should be done wherever references have been sourced from other work(s).
4. Keep a record of all legal or related document.
5. Check thoroughly regarding names/brands before choosing a trademark.

**The Patents Act, 1970****Section 3- Inventions not Patentable**

6. What are not inventions?
7. The following are not inventions within the meaning of this Act :-
  - (a) An invention which is frivolous or which claims anything obviously contrary to well established natural laws;
  - (b) An invention the primary or intended use or commercial exploitation of which could be contrary to public order or morality or which causes serious prejudice to human, animal or plant life or health or to the environment;
  - (c) The mere discovery of a scientific principle or the formulation of an abstract theory or discovery of any living thing or non-living substance occurring in nature;
  - (d) The mere discovery of a new form of a known substance which does not result in the enhancement of the known efficacy of that substance or the mere discovery of any new property or new use for a known substance or of the mere use of a known process, machine or apparatus unless such known process results in a new product or employs at least one new reactant.

*Explanation.*—For the purposes of this clause, salts, esters, ethers, polymorphs, metabolites, pure form, particle size, isomers, mixtures of isomers, complexes, combinations and other derivatives of known substance shall be considered to be the same substance, unless they differ significantly in properties with regard to efficacy;





- (e) A substance obtained by a mere admixture resulting only in the aggregation of the properties of the components thereof or a process for producing such substance;
- (f) The mere arrangement or re-arrangement or duplication of known devices each functioning independently of one another in a known way;
- (h) A method of agriculture or horticulture;
- (j) Any process for the medicinal, surgical, curative, prophylactic diagnostic, therapeutic or other treatment of human beings or any process for a similar treatment of animals to render them free of disease or to increase their economic value or that of their products.
- (k) plants and animals in whole or any part thereof other than micro organisms but including seeds, varieties and species and essentially biological processes for production or propagation of plants and animals;
- (l) A mathematical or business method or a computer programme *per se* or algorithms;
- (m) A literary, dramatic, musical or artistic work or any other aesthetic creation whatsoever including cinematographic works and television productions;
- (n) A mere scheme or rule or method of performing mental act or method of playing game;
- (o) A presentation of information;
- (p) Topography of integrated circuits;
- (q) an invention which in effect, is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component or components.

#### **Section 4**

#### **Inventions Relating To Atomic Energy Not Patentable**

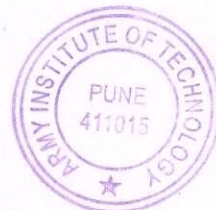
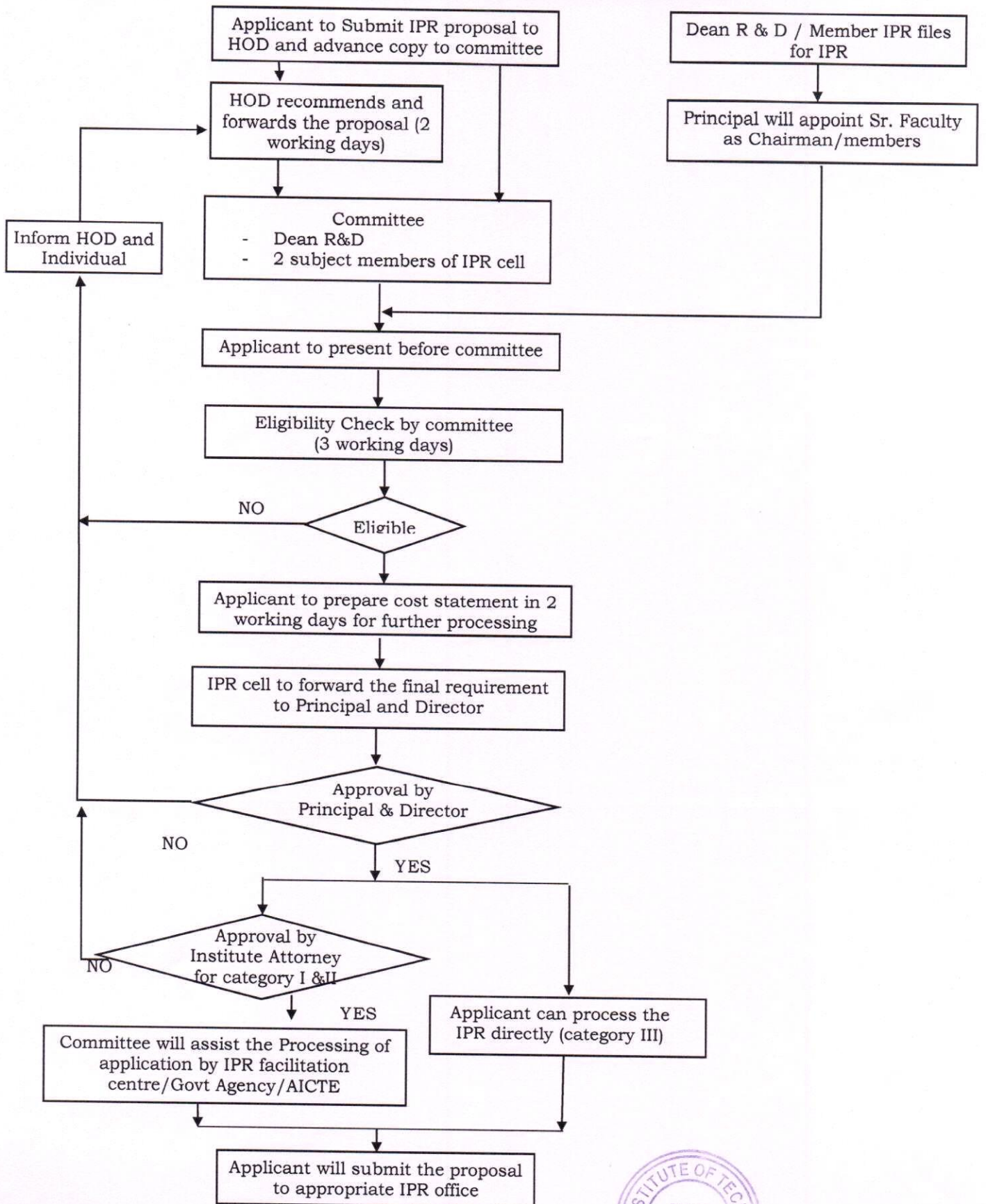
No patent shall be granted in respect of an invention relating to atomic energy falling within sub-section (1) of section 20 of the Atomic Energy Act, 1962 (33 of 1962).





Appendix 'C'  
(Ref para 41 of SOP - IPR Cell, AIT)

**WORK FLOW FOR OBTAINING PERMISSION FROM AIT**





**Appendix 'D'**  
(Ref para 42 of SOP - IPR Cell, AIT)

**PROCEDURE TO BE FOLLOWED FOR FILING IPR**

1. **Patent Filing.** Applicant / Inventors can file a patent in two ways:-
  - (a) The Applicant/ inventor can file the patent on his/her own.
  - (b) The Applicant/ Inventor can take the help of a patent filing professional or agency.

Step 1: Write down the details of the invention (idea or concept)

Step 2: Include drawings, diagrams, or sketches explaining the working of the invention

Step 3: check whether the invention is patentable subject matter

Step 4: Conduct the Patentability search

The next step is to check whether your invention is patentable as per the Indian Patent act.

Check the following aspects:

- (a) Novelty.
- (b) Non-obviousness.
- (c) Industrial application.

Step 5: Filing the patent application:

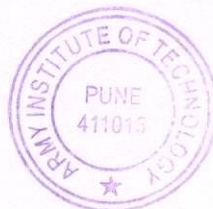
Drafting the patent application and submitting it to the Patent Office; the Patent application can be with Provisional Specification or Complete Specification. In case a Provisional Application is filed the complete specification has to be filed within 12 months of the date of filing of the Provisional Specification.

Step 6: Publication of the application:

After filing the complete specification along with the Patent application, the application is published after 18 months of first filing. The inventor can also make an early publication request along with prescribed fees. The patent application is published within a month in case of an early publication request.

Step 7: Request for examination:

The patent application is examined only after receiving a request for the examination. As per the rules of the patent application process in India, the patent is thoroughly examined based on the merits of the invention as claimed in the patent application form. The patent





office queues the application for examination only after a formal request for examination is made. The process can be expedited by submitting an appropriate form.

#### Step 8: Grant of patent:

The communication between controller and patent applicant will ensure that all objections raised in the patent application are resolved. If the examiner finds no objections in the patent application, he grants the patent. The patent is then published in the official patent gazette. Preparing and filing a new PCT application is optional.

## 2. Copyright Filing.

### Step 1: File an Application

The author of the work files an application either physically in the copyrights office or through speed/registered post or through e-filing facility available on the official website (copyright.gov.in). Along with the application, the requisite fee must be paid. The fee may vary depending on the type of copyright and the type of work.

### Step 2: Examination

In the next step, the examination of the copyright application takes place. Once the dairy number is issued, there is a minimum of 30 days waiting period. In this period, the copyright examiner reviews the application. The period of waiting will also allow the objections to be reviewed. The process gets divided into two segments:

(a) If no objections are raised, the examiner goes ahead to review and scrutinize the application to find out any discrepancies. If some discrepancies are found, a letter of discrepancy is sent to the applicant. Based upon his reply, a hearing is conducted by the registrar. Once the discrepancy is resolved, the applicant is allowed to move forward to the next step.

(b) In case objections are raised by anyone against the applicant, letters are sent to both parties and they are called to be heard by the registrar.

### Step 3: Registration

In this step, the registrar might ask for more documents. Once completely satisfied with the copyright claim made by the applicant, the Registrar of Copyrights would enter the details of the copyright into the register of copyrights and issue a certificate of registration. The registration process of copyright is completed when the applicant is issued the Extracts of the Register of Copyrights (ROC).

## 3. Trade Mark Filing.

### Step 1: Application filing

The application for registration of a Trademark must be made in the prescribed manner and filed along with the fee for trademark registration.. Trademark applications can be filed online on the Trademark Registry portal or through a Trade Mark agent.

### Step 2: Trademark Application:





A trademark application number is provided on filing of the application.

#### Step 3: Trademark Examination

The Trademark Examiner would issue a trademark examination report after reviewing the application for correctness and according to the provisions of the Trademarks Act. The Trademark Examiner shall issue an examination report to the applicant or its attorney; the response to the Examination report has to be submitted with 30 days from the receipt of the report. The Trademark Examiner may in certain applications accept the trademark registration application and allow for the trademark to be published in the Trademark journal.

#### Step 4: Trademark Journal Publication

Once accepted, the proposed trademark is published in the Trademark Journal which shall on publication be open for opposition by any interested party within 4 months from the date of publication.

#### Step 5: Trademark Registration

After clearing the objections or oppositions for the trademark application, the trademark registration certificate will be issued by the Trademark Registry to the applicant. Once the trademark registration certificate is issued, the trademark is considered to be a registered trademark of the owner, granting the trademark owner exclusive use of the mark. The life of a Trademark is 10 years which then has to be renewed for 10 years.

### 4. Geographical Indication Filing.

#### Step 1: Filing of the Application

Every application for the registration of a geographical indication shall be made in the prescribed form accompanied by the prescribed fee.

#### Step 2: Preliminary scrutiny and examination

The Examiner will scrutinize the application for any deficiencies.

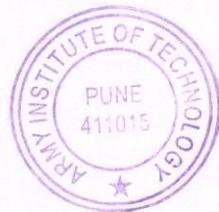
The applicant should clarify the same within one month of the communication in this regard. Thereafter an Examination Report would be issued.

#### Step 3: Show cause notice

If the Registrar has any objection to the application, he will communicate such objection to the applicant. The applicant must respond within two months or apply for a hearing. The Registrar may not accept the application, if the objections raised are not clarified by the applicant.

#### Step 4: Publication in the geographical indications Journal

Every application, within three months of acceptance, shall be published in the Geographical Indications Journal.





**Step 5: Opposition to Registration**

Any person can file a notice of opposition within three months (extendable by another month on request which has to be filed before three months) opposing the GI application published in the Journal. The registrar shall serve a copy of the notice on the applicant. Thereafter, both sides will lead their respective evidence by way of affidavit and supporting documents.

**Step 6: Registration**

Where an application for a GI has been accepted, the registrar shall register the geographical indication. The registrar shall issue to the applicant a certificate with the seal of the Geographical indications registry.

**5. Design Filing.****Step 1: Application filing**

Any person claiming to be the proprietor of any new or original design may apply for registration.

**Step 2: First Examination Report (FER) by the Indian Design Office**

A First Examination Report (FER) is issued for defects in the application (if any) within six months from the date of filing of the application.

**Step 3: Reply to FER by the applicant**

The reply must be given within 6 months from date of filing: Extension of time up to 3 months is available upon payment of a prescribed fee.

**Step 4: Registration**

In case of any deficiencies and discrepancies, the applicant is required to rectify the same within a period of one month of its communication. If no serious objections are pending, the design gets registered.

**Step 5: Publication**

Once an application is registered, it is published in the Patent Office Journal ordinarily within one month.

