

INDIA ON LOCKDOWN DUE TO THE COVID 19 OUTBREAK – HOW WILL THE IPO FUNCTION?

With the present situation of the Novel Coronavirus at hand and the lockdown situation in India, various courts, tribunals and other judicial bodies have taken different steps for functioning amidst the unprecedented situation. The Intellectual Property Offices including the Trademark office, Copyright Office, Patent Office and Design Office have issued various notifications regarding scheduled hearings and also document submissions.

All the official notifications issued by the IPO amidst the COVID 19 outbreak, are listed below for your reference:

Trademark Office:

1. The public notice dated March 16, 2020 states that all hearings scheduled in trademark applications, between March 17, 2020 and April 15, 2020 have been adjourned and that the same shall be rescheduled in due course. The notification further states that the hearings scheduled after 15 April, 2020 will remain as it is.

The said notice can be accessed at:

http://www.ipindia.nic.in/writereaddata/Portal/Images/pdf/Public-Notice_adjournment.pdf

2. The public notice dated March 19, 2020 states that the hearings fixed in trademark opposition cases, at the Trademark Registry, Chennai, on March 12, 2020 which were adjourned to March 30, 2020, vide notice dated March 16, 2020, are cancelled.

The said notice can be accessed at:

<http://ipindia.nic.in/newsdetail.htm?669/>

3. The public notice dated March 23, 2020 states that the applicant can file request for extension of time (now or after situation becomes normal) under Section 131 of the Trade Marks Act, 1999 and Rules 109 & 110 of Trade Marks Rules, 2017, with regards to the delay in submission of document in time in prevailing conditions and such request will be considered by the Registrar in



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accordance to law.

The said notice can be accessed at: http://ipindia.nic.in/writereaddata/Portal/News/671_1_Public-Notice_adjournment_General.pdf

Copyright Office:

1. The public notice dated March 16, 2020 states that all hearings relating to copyright matters scheduled from March 17, 2020 to March 31, 2020 have been adjourned and the said matter shall be rescheduled in due course of time.

The said notice can be accessed at: <http://copyright.gov.in/Documents/PublicNotice39.pdf>

Patent Office:

1. The public notice dated March 19, 2020, states that condonation of delay/extension of timelines to file responses/documents relating to various proceedings under the Patents Act and corresponding rules made thereunder, can be filed as per sub-rule (6) of Rule 6 of the Patents Rules. The delay in transmitting or resubmitting documents to the Patent Office will be condoned/timeline be extended by the Controller on a petition for such condonation of delay/extension of time made not later than one month from the date when such COVID.19 outbreak ceased to exist.

The said notice can be accessed at: http://ipindia.nic.in/writereaddata/Portal/News/668_1_PUBLIC_NOTICE.pdf

2. The public notice dated March 25, 2020 states that all the hearings in Patent Office scheduled between March 23, 2020 and April 14, 2020 stand cancelled. Further dates of the rescheduled hearings shall be communicated in due course.

The said notice can be accessed at: <http://www.ipindia.nic.in/newsdetail.htm?670/>

Intellectual Property Appellate Board:

1. The public notice dated March 13, 2020 stated that the hearings fixed on March 16, 2020 and March 17, 2020 at Chennai have been re-scheduled and are reposted to April 07, 2020 & April 08, 2020, respectively.

The said notice can be accessed at: <https://ipab.gov.in/>

2. The public notice dated March 16, 2020 stated that the matters listed at Delhi from March 16, 2020 to March 31, 2020 have been rescheduled as detailed below:
 - Matters listed on March 18, 2020 are now rescheduled to April 01, 2020
 - Matters listed on March 19, 2020 are now rescheduled to April 01, 2020
 - Matters listed on March 20, 2020 are now rescheduled to April 01, 2020
 - Matters listed on March 23, 2020 are now rescheduled to April 21, 2020

- Matters listed on March 24, 2020 are now rescheduled to April 22, 2020
- Matters listed on March 25, 2020 are now rescheduled to April 03, 2020
- Matters listed on March 30, 2020 are now rescheduled to April 13, 2020
- Matters listed on March 31, 2020 are now rescheduled to April 15, 2020

The said notice can be accessed at: <https://ipab.gov.in/>

Corrigendum:

The public notice dated March 24, 2020, states that all the Offices under administrative control of the office of Controller General of Patents, Designs and Trade Marks will remain close for a period of 21 days with effect from March 25, 2020. In view of the above, due dates falling due during the above said period in the matter of timelines/periods prescribed under the IP Acts and Rules administered by the office of Controller General of Patents, Designs and Trade Marks, with respect to completion of various acts/proceedings, filing of any reply/document, payment of fees, etc. regarding any IP applications filed with the offices under the administrative control of the office of Controller General of Patents, Designs and Trade Marks, for computation of time, shall be the date of next day on which the offices re-open as per Section 10 of the General Clauses Act, 1897.

The said notice can be accessed at: <http://www.ipindia.nic.in/latest-news.htm>

In furtherance to the above public notice dated March 24, 2020, and in compliance to the order dated April 14, 2020, issued by the Ministry of Home Affairs, Govt. of India, the public notice dated April 14, 2020, states that all the Offices under administered by the office of Controller General of Patents, Designs and Trade Marks, shall not be physically accessible to public (in person) for a further period up to May 03, 2020 with effect from April 15, 2020. Further the relaxation notified in the above public notice dated March 24, 2020, shall also be extended accordingly. All the hearings scheduled up to May 03, 2020 also stand adjourned with fresh hearing dates to be notified thereafter.

All the e-filing services of the offices under the office of Controller General of Patents, Designs and Trade Marks shall remain un-affected and would be available 24x7.

The said notice can be accessed at:

http://www.ipindia.nic.in/writereaddata/Portal/News/674_1_Public_Notice_for_extended_lockdown.pdf

Also, in accordance with the order dated April 14, 2020, issued by the Ministry of Home Affairs, Govt. of India, the office order date April 20, 2020, issued by the Head of Office, all higher rank officers were asked to attend office at New Delhi, on all working days with immediate effect.

The said notice can be accessed at:

http://www.ipindia.nic.in/writereaddata/Portal/Images/pdf/Office_Order_dt_20.04.2020.pdf

In furtherance to the public notice dated March 24, 2020 and dated April 14, 2020 the due dates, and in compliance to the order dated May 01, 2020, issued by the Ministry of Home Affairs, Govt. of India, the public notice dated May 04, 2020, states that with respect to timelines/periods prescribed under the IP Acts and Rules administered by office of Controller General of Patents, Designs and Trade Marks, towards completion of various acts/proceedings, filing of any reply/document, payment of fees, etc. in the matters of any IP applications filed with the offices under the office of

Controller General of Patents, Designs and Trade Marks, falling due between the above said lockdown period, shall be May 18, 2020.

The said notice can be accessed at:

http://www.ipindia.nic.in/writereaddata/Portal/News/681_1_Public_Notice_dated_4-5-2020.pdf

Further our COVID – 19 page provides all the recent updates about the current scenario from a legal perspective.

Read More at: <https://singhania.in/covid-19/>

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