

November 7, 2012

Notification Regarding Disposal of Opposition/Rectification Matters on the Basis of Requests for Withdrawal

The Office of Controller General of Patents, Designs and Trademarks (CGPDTM) has recently issued a notification directing the trademark office to initiate a special drive for disposal of those opposition/rectification matters where the opponents/applicants have withdrawn their oppositions/applications respectively either *suo-moto* or on the basis of settlement between parties to the proceedings. This would also include cases where application seeking rectification of the Register of trademarks by cancellation or variation of registered trademarks were filed but were later withdrawn.

The applicants, opponents and agents are also directed to communicate information about their request along with details about the case numbers, date of request, etc. to the concerned TMR branch offices latest by November 30, 2012.

The Section in charge of the Tribunal Section of the all offices of the Trade Marks Registry shall then segregate the opposition and rectification matters and thereafter put up relevant files/records of the cases to the designated officers on the dates scheduled for their disposal.

The cases will be taken up for disposal as follows:

Date	Matters
17.12.2012	Opposition matters relating to applications bearing No. 0000001 to 0500000
18.12.2012	Opposition matters relating to applications bearing No. 0500001 to 0900000
19.12.2012	Opposition matters relating to applications bearing No. 0900001 to 1200000
20.12.2012	Opposition matters relating to applications bearing No. 1200001 to 1600000
21.12.2012	All the rectification matters

During the period of disposal of cases all the Deputy Registrar, Assistant Registrar and Senior Examiners of Trade Marks of the concerned office are also directed to exclusively take up and dispose the cases on the basis of letter or willingness of withdrawal of the trademark application/ opposition as the case may be, and the comments of the opposite party on the said withdrawal. The hearing officer will issue a final order in the opposition/rectification matter in case of genuine withdrawal by competent or authorized person and consent of such person on behalf of the opposite party to the proceedings.

The concerned parties or their duly authorized agents are therefore requested to appear before the nominated officer of the appropriate office at a scheduled date as no separate hearing notice will be issued in such cases. They are further directed to bring the authentic copies of the following documents at the time of their appearance at the Trade Marks Registry:

- Withdrawal letter
- Letter from the other party consenting to withdrawal
- Latest PA/GPA
- Settlement deed
- Request for amendment along with the fee receipt

The notification can be accessed from the Trade Mark Registry's office at:

http://www.ipindia.nic.in/iponew/publicNotice_07_november2012.pdf