

Dr. Reddys Laboratories Limited vs Controller General Of Patents Designs ... on 3 August, 2022

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

\$~39, 49, 50 & 1(SB)

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C)-IPD 4/2022 & REVIEW PET. 102/2022

DR. REDDYS LABORATORIES LIMITED

Through: Mr. Ranjan Narula, Ms.
Ojha & Ms. Deeksha Si
Advocates (M-98915842

versus

CONTROLLER GENERAL OF PATENTS DESIGNS AND
TRADEMARKS

Through: Mr. Harish V. Shankar
Mr. Srish Kumar Mishr
Mehlawat & Mr. Alexan
Paikaday, Advocates.

49 WITH

+ W.P.(C)-IPD 88/2021

TERRACE PHARMACEUTICALS PVT. LTD.

Through: None.

versus

THE CONTROLLER GENERAL OF PATENTS, DESIGNS AND
TRADE MARKS & ANR.

Through: Mr. Harish V. Shankar
Mr. Srish Kumar Mishr
Mehlawat & Mr. Alexan
Paikaday, Advocates.

50 WITH

+ W.P.(C)-IPD 103/2021

PARVESH KAMBOJ

Through: None.

Signature Not Verified

Digitally Signed

By:DEVANSHU JOSHI

Signing Date:05.08.2022

17:19:36

W.P.(C)-IPD 4/2022 & connected matters

versus

THE CONTROLLER GENERAL OF PATENTS AND
TRADEMARKS & ORS.

Through: Mr. Harish V. Shankar
Mr. Srish Kumar Mishra
Mehlawat & Mr. Alexander
Paikaday, Advocates.

AND

1 (SB)

+ W.P.(C) 1907/2022 & CM APPL. 5485/2022, 11118/2022 &
12729/2022

SOUMYA JOSHI

..... Petitioner

Through: None.
versus

REGISTRAR OF TRADEMARKS NEW DELHI
& ANR.

..... Respondent

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 03.08.2022 REVIEW PET. 102/2022 in W.P.(C)-IPD 4/2022 (Disposed off case)

1. Vide previous order dated 18th May, 2022, this Court had directed the CGPDTM to file a status report regarding hearing of oppositions to trademark applications where the limitation period for filing such oppositions had been extended vide order dated 21st March, 2022, as also on the appointment of additional officers for this purpose.

2. Pursuant to the same, Mr. Shankar, Id. CGSC has placed on record a status report dated 1st August, 2022 informing the Court that 30 hearing officers have been engaged on a contractual basis, for hearing and disposal of opposition matters in Trademark Registries across the country. In addition, 8 candidates have been promoted from the post of Senior Examiner to Assistant Registrar for looking into disposal of the opposition matters. The UPSC is also stated to have selected 11 candidates, whose names have been recommended for appointment. Thus, a total of approximately 50 hearing officers appear to be in the process of being engaged for hearing of the pending opposition cases. In this regard, Mr. Narula, Id. Counsel, submits that these proceedings in opposition matters have commenced in different Trademark Registries.

3. Mr. Harish V. Shankar, Id. CGSC, also submits that a public notice dated 1st August, 2022 has been released by the Office of the CGPDTM, encouraging amicable settlements in opposition and rectification proceedings. It is noticed that this notification encourages parties to report already settled opposition and rectification cases and use alternative dispute mechanisms to settle such matters. As per this notification, a separate link has been generated to ask the parties to file documents for the said purpose. The relevant portion of the said notification is set out below:

"We also encourage all concerned that in cases, wherein an opposition or rectification is pending before the TMR and the parties have not arrived at an amicable settlement, they should settle the disputes utilizing the various alternate mechanisms

for dispute resolutions. Parties are invited to submit the supporting documents positively for already settled matter which is not yet resolved before TMR. The link for settlement of opposition cases is given below:

<http://ipindiaonline.gov.in/trademarkefiling/OppositionSettlementRequest.aspx>

The above link shall be active from August 02, 2022 to October 02, 2022."

4. Mr. Narula, Id. Counsel also informs the Court that this notification has been received positively by the intellectual property rights fraternity and endeavours are being made by counsels to explore the amicable resolution of opposition proceedings.

5. Mr. Harish, Id. CGSC seeks further time to explore whether the office of the CGPDTM could tie up with any established mediation centre or empanel mediators, for the purpose of speeding up mediation in the pending opposition proceedings.

6. Considering the submissions made today and the affidavit on record, let a further status report be filed by the next date giving the exact details of all the officers appointed to hear the pending opposition matters and the manner in which such hearings have commenced. The office of CGPDTM may consider hearings being fixed on the basis of older matters being taken up first and the cause list being published on the website of the CGPTDM. Additionally, let a senior official from the office of the CGPDTM, who has instructions in this regard, also appear on the next date, either virtually or physically.

7. List on 9th September, 2022.

8. This is a part-heard matter.

W.P.(C) 1907/2022 & CM APPLs. 5485/2022, 11118/2022 , 12729/2022

9. These matters have already been disposed of vide order dated 31st March, 2022 and need not be shown in the cause list further.

PRATHIBA M. SINGH, J AUGUST 3, 2022 Rahul/MS