

**Managing Partner's
Welcome Address**



Dear Friends,

It gives me immense pleasure to bring this newsletter to you wherein, we have made efforts to bring to your kind attention some of the interesting and significant developments in the field of Intellectual Property Laws in India in the recent past.

Amendments have been carried out to The Trade Mark Rules, 2002 vide Notification No. GSR 428(E) dated 20th May, 2010 issued by the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion). As per the said notification important amendments have been made in the Rules, regarding issue of duplicate registration certificates and addition of certain classes in the classification of goods and services in the Fourth Schedule.

We have elucidated the relevant provisions of the said notification in this newsletter.

I hope you find the current edition of our newsletter informative and useful. We welcome your feedback and comments to make it an even better reading experience.

Hemant Singh

Recent Developments in IPR Laws in India

The Trade Mark Rules, 2002 (hereinafter referred to as the Rules) have been amended vide Notification No. GSR 428(E) dated 20th May, 2010 issued by the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion). Vide the said amendment, important changes have been incorporated in the Rules, regarding issue of duplicate registration certificates and addition of certain classes in the classification of goods and services in the Fourth Schedule.

These are important amendments in the rules and would go a long way:

- To diminish the tribulations being faced by the large number of registered proprietors of the Trade Marks, who were paying extra fees to get the duplicate registration certificates, even though, registration certificates were issued by the Trade Marks Registry.
- and
- To further segregate the services in class 42 into four parts as mentioned in Fourth Schedule of the existing Rules, to have apparent transparency in the services of the Trade Marks owners.



As per the **pre-existing Rule 62(3)**:-

*“The Registrar may issue a **duplicate or further copies** of the certificate of registration on request by the registered proprietor in Form TM-59 accompanied by the prescribed fee as per prescribed procedure.”*

Vide said **amendment a proviso** has been added to the said Rule 62(3) as follows:-

*“**Provided that if the Registrar is satisfied with the claim of the registered proprietor supported by evidence that the certificate of registration issued under sub-rule (1) has not been received by the registered proprietor, he may issue duplicate or copy of the certificate of registration without any further payment of fee:***

Provided further that, no such duplicate or copy of certification of registration shall be issued where such request is received after the expiry of the time limit for renewal of registration and restoration of the registered trade mark’

The **Fourth Schedule** to the Rules list out a classification of goods and services and the names of the classes.

Classes 1 to 34 are the list of goods and classes 35 to 42 are the list of services.

The **pre-existing Class 42** read as follows :-

“Providing of food and drink; temporary accommodation; medical, hygienic and beauty care; veterinary and agricultural services, legal services, scientific and industrial research; computer programming; services that cannot be classified in other classes.”



Vide the said amendment to the Fourth Schedule, for serial number 42 and the entries relating thereto, the following serial numbers and entries have been substituted, namely:-

- "42. *Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.*
43. *Services for providing food and drink; temporary accommodation.*
44. *Medical services, veterinary services, hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.*
45. *Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals."*

With this amendment the Fourth Schedule is in sync with the Nice Classification.

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