

To Shri Chaitanya Prasad

Controller of Patents

Indian Patent Office

Dear Sir:

Re: TENTATIVE SUGGESTIONS FOR THE INDIAN PATENT OFFICE WEBSITE (OPPOSITION DECISIONS)

The IPO initiative to foster transparency by digitizing all patent data has yielded significant dividends and helped drive Indian patent practice to altogether new heights. In the last couple of years, the database has seen much improvement and serves as a valuable resource for all stakeholders. However, there are a few small glitches, which we wish to bring to your attention in the hope that they could be rectified at your earliest convenience.

No proper "Decision" Search:

1. The link to the Controller's Decisions available at the Home Page of the Patent Office Website leads to a page having a range of search options based on certain parameters. Such parameters include Patent Number, Opponent, Section, Decision Date, Application Number and Applicant Name.

However, there are some problems with the use of the above parameters. Illustratively, if the decision date option (parameter) is selected, all the decisions stored in the database come up in the result. This happens even if those decisions do not belong to the time range specified. Eg. If one searches for patent office decisions between 1.1.2010 and 1.1.2011, one gets all the patent office decisions that are part of the database and not just the ones between this time range. In short, one is unable to search for decisions during the course of a particular year, or a particular month, although the search engine *prima facie* evinces the possibility of such a search function.

Comment [u1]: This has been addressed and updated. Now one can search by decision date/range

When the search results are exhibited, it is done in a tabular format, showing the respective columns bearing the following headings:

- a. Application Number
- b. Name of Applicant
- c. Section under which the Case has been filed
- d. Controller's Name
- e. Decision Date.

However, there are problems with this section as explained below:

Decision Date:

2. The contents of the “Decision Date” column appears to contain gross errors, in that the vast majority of cases are shown as having been decided on the “same” date, despite actually being decided on different dates altogether. For instance, 63/BOM/1975, 73/BOM/1973, 232/MUM/2001, 244/DEL/1999, 419/BOM/1992 all show their decision dates to be 24/2/2009 in the tabular column, although the actual dates of decision (as evident from the text of the decisions themselves) are different. As you can appreciate, this is a huge problem and one is unable to get a sense of the latest decisions or decisions in a particular year, since the dates of decisions as showcased on the website are wrong. Also, the decisions do not appear in the results in any chronological/alphabetical order. It would be helpful to have this rectified so that the search function may be more meaningful and accurate.

Comment [u2]: This problem still seems to be there. In fact, I checked with this very example cited.

Section Search:

3. Problems arise when one searches by the “Section” parameter. Illustratively, when one attempts to study all the decisions related to patent opposition, one would expect that they include both Section 25(1) [pre-grant oppositions] and Section 25(2)[post grant oppositions]. Logic dictates therefore that when using “Section 25” as the search parameter, all the pre-grant and post-grant decisions would show up in the results. However, this is not the case. In fact, when “Section 25” is used as the search parameter, it throws up fewer number of cases than when one uses “Section 25 (1)” as the search parameter. This is clearly wrong, as section 25 is the wider superset and section 25(1) the narrower subset.

Comment [u3]: This problem seems to have been address prima facie. At least a search with section 25 is revealing Section 25(1) and 25(2) cases too. Whether the improvement extends to all Section 25 cases needs more detailed search.

Also, the total number of cases appearing in the result of search using “Section 25(1)” as the parameter did not cover the entire set of patent opposition decisions pronounced by the Controller under section 25(1). Rather, some of the popular cases that were decided do not find mention in the database and do not show up when a search in this regard is made. The same is the case when using Section 25(2) as the search parameter. This was even more problematic, as this search sometimes showed that there were only 3 post grant decisions by the Controller in the entire dataset, which is obviously wrong. For example, cases like 197086 (1782/Del/2004), 198079(693/MAS/2000) which are post grant decisions under S. 25(2) do not appear at all if a search is made with S. 25(2) as the parameter. May we please request that this be redressed soon?

Comment [u4]: This seems to have been partly addressed. While the cases which have been marked to include S. 25(2) are coming up with a Section 25(2) search, some of the cases like 198079(693/MAS/2000), despite being about S. 25(2) are being shown to involve only Section 25 and hence not coming up with a section 25(2) search.

More worryingly, search for decisions on Section 3(d) yielded no result. Only two decisions appear under Section 3 in the entire database.

Jumping Between Pages:

4. As has already been stated in point 1, in case a search is performed using the “Decision Date” parameter, all the decisions in the database are displayed as a result, with 15 decisions shown per page. Given the huge number of decisions, the total number of these pages goes past 100.

However, there is no way to jump to a specified page from another page. The maximum skip can be made for 10 pages only. For example, if one is at page 1, he/she can furthest go to page 11 with a single click and not beyond that. There's no way he/she can skip to, say, page 58. This can easily be solved by using the common practice of putting a drop down box beside the page numbers, wherein the desired page number can be mentioned and the search engine will take one to that page. Also, if one wishes to go to one of the later pages, say page 120, one has to shift through 10 pages at a time and clicking for such shifts more than a few times in a short span of time causes the search engine to malfunction. This has led to the results yielding more than 200 pages of cases at one time and only 120 pages on a later date. Hence obtaining the full repository of decisions for research is extremely difficult under such circumstances.

Comment [u5]: This has been addressed.

No Files:

5. A considerable number of links (for decisions) are blank links. When clicked, a 'No File' message is displayed! Examples include application numbers 123/DEL/2006, 2452/DEL/2006 etc. Certain other case links, when clicked yield a page with a blank space. Examples include, 1523/MUM/2008, 1624/DEL/2005 etc. Yet other links lead to a pdf document titled 'Doc 2', which when clicked reveals itself to be a blank pdf file. Example: 2077/DELNP/2004, 2147/DELNP/2007 etc. Under such circumstances, we would request you to please rectify these errors. We would recommend that if decision files cannot be traced for some of the patent applications, this ought to be explicitly stated in the database.
6. There are certain pages, which duplicate the results of an earlier page verbatim. For instance, page 111 (as it appeared during a certain search using the date criteria) duplicated the decisions mentioned in page 2. This signifies an innate problem within the search engine itself.
7. There are several instances, wherein one link to a decision leads to a pdf document containing not just that decision, but another unconnected decision (for example, decisions having application numbers 142410 and 143348). These decisions, which do not bear any relationship whatsoever with each other insofar as their facts and parties are concerned, need to be uploaded in separate documents having different links.
8. There are several pdf files of cases, where the contents are barely legible [for instance, 176112(303/Bom/92), 180043 (307/BOM/1994) etc.].
9. The search engine regularly remains out of service for considerable periods of time. During those periods, the results may still be shown in pages following a search, but clicking on the links of the decisions does not result in the relevant decision document/files, but simply a link to the patent office homepage.

Comment [u6]: This problem is still there. I tried with all these examples.

Comment [u7]: This will require more detailed search. Seems to have been solved prima facie on a few random checks.

Comment [u8]: This problem is still there.

Comment [u9]: Solved to some extent as per the random examples tested. Not all the contents are properly legible but vast improvement on how they were before.

Comment [u10]: This will require regular visits to the page. This time it worked smoothly enough.

May we please request that the above glitches be examined and fixed at your convenience, so that stakeholders may benefit in a more meaningful way from the digitization and transparency initiative that the IPO has been spearheading. Further, apart from the above issues, it will also be tremendously useful to have a search engine with a keyword-search parameter for greater finesse of search.

With our continued appreciation for your wonderful leadership at the IPO, we remain:

Most sincerely yours,

Professor Shamnad Basheer, Founder, SpicyIP
Shouvik Kumar Guha, Associate, SpicyIP