

F. No. 6/1/2012-IPR-I
 Government of India
 Ministry of Commerce and Industry
 Department of Industrial Policy and Promotion
 (IPR-I Section)

Udyog Bhawan, New Delhi
 Dated 06.12.2012

Subject: Applications under RTI, Act, 2005 from Shri N. Ramakrishna, Hyderabad

Sir,

With reference to your Application dated 05/11/2012 received in this Department on 19/11/2012, the information pertaining to this Department is furnished as under:-

Point No.	Information sought	Information furnished
1	What steps have been taken in response to the each of the above mentioned report?	<p>The proposal for implementation of FCS in the Patent Office was already initiated in the year 1989 and the proposal was not agreed to by the D/o Expenditure in 2003. On receipt of the recommendations of Knowledge Commission, the PMO was informed accordingly mentioning that effort will be made to revive the proposal in consultation with all the Department concerned. The 88th Parliamentary Standing Committee was also informed about the status of the proposal that the same is under consideration in the DoPT. Despite repeated reference to the DOPT and Department of Expenditure, the proposal has not been finally approved.</p> <p>After implementation of the Modified Flexible Complementing Scheme for Scientist based on the recommendation of 6th CPC, the fresh proposal has again been received from the CGPTDM in March, 2012 and is under active consideration.</p>
2	Besides DIPP what are the other institutions/departments which are involved in approving FCS at Patent Office. Was there any opposition from any one/all/some of the institutions/departments? If so, please inform the same along with reasons given by the said institutions/departments therefore.	<p>Besides DIPP, the followings are the main departments involved in grant of FCS to Scientists:-</p> <ul style="list-style-type: none"> i. Department of Science & Technology ii. Department of Personnel and Training and iii. Department of Expenditure. <p>Approval of all these Departments is necessary.</p> <p>Initially, the proposal was approved by all except the D/o Expenditure. The grounds for rejection of D/o Expenditure are as under.</p> <p>a) The Patent Office is mainly concerned with the administration of Patents Act, 1970 and Patents Rules, 1972. The applicants are involved with the administrative</p>

		<p>job of registering patents, industrial designs/extension of copyrights 'rather' than carrying out any research and development activity. While their job may require some technical expertise, however, the same cannot be held as scientific and research activities warranting extension of FCS in their case.</p> <p>b) The Officers in the Patent Office only have technical qualifications and their work is different than that of scientists as they register the patents not after original research but after consulting experts in the relevant field.</p> <p>c) As per the extant rules, the Flexible Complementing Scheme can not be extended to all scientific organizations but is to be restricted to scientists and technologists holding such posts in scientific and technology departments where they are engaged in scientific activities and services. The basic functions attached to various posts of the Patent Office where the applicants are working do not include any original investigations of a scientific nature. The recruitment rules attached to these posts wherein various number of years of experience in a supervisory capacity has been prescribed also show that the duties attached to these posts are more of a supervisory nature. As such the posts do not qualify for Flexible Complementing Scheme.</p> <p>Since, the modified FCS is now in place, a fresh proposal in line with the modified FCS has been received from the O/o CGPDTM in March, 2012 and the same is under active consideration.</p>
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2. Information on other points pertains to the CGPDTM and therefore your application has been transferred to them for furnishing the information directly to you.
3. In case you are aggrieved by the reply, you may within 30 days from the receipt of the same, prefer an appeal to Smt. Anjali Prasad, Joint Secretary & Appellate Authority & Department of Industrial Policy & Promotion on the above address.

Yours faithfully,

Chandni Raina
 (Chandni Raina)
 Director & CPIO

Encl: As above