

**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

Sir,

With reference to your Application dated 05/11/2012 received in this Department on 16/11/2012, the information pertaining to this Department is furnished as under:-

S.No	Information sought	Information furnished
1	Whether DIPP has recommended/recognized Patent Office as Scientific or not, if yes from what date and when it is forwarded to DST the nodal agency for their approval? If not please furnish the reasons.	Department of Science & Technology has declared the Patent Office as Science & Technology Institution on 11 <sup>th</sup> November, 1987 itself. Consequently, DIPP recommended the Group 'A' posts in the Patent Office as Scientific posts and for extending the FCS in 1989. However, there is no formal orders issued by the Department of Expenditure or DoPT declaring Patents Office as 'scientific/technical' organization.
2.	Whether Department of Science & Technology committee recommended FCS to the Patent Office as a scientific Organization? If yes from that date and why this has not been implemented so far?	Yes, the Expert Committee headed by Secretary, DST approved the proposal for extension of FCS in Patent Office on 29.03.2001. However, the matter regarding declaration of the posts in the Patent Office as scientific posts could not be settled in spite of repeated references in this regard to DOPT and D/o Expenditure.  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.

		<p>The 88<sup>th</sup> 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>
3.	<p>National knowledge Commission recommendations on IPR to Prime Minister Office also suggest to implement Flexible Complementing Scheme to Scientific/Technical (Group-A) Officers at Patent Office. What action has been taken by DIPP on this?</p>	<p>Besides DIPP, the followings are the main departments involved in grant of FCS to Scientists:-</p> <ul style="list-style-type: none"> <li>i. Department of Science &amp; Technology</li> <li>ii. Department of Personnel and Training and</li> <li>iii. Department of Expenditure.</li> </ul> <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>
4.	<p>88<sup>th</sup> Parliamentary Standing Committee headed by Shri Murali Manohar Joshi also suggested to implement FCS to Examiners working in the Patent Office in 2008. Then why thus has not been implemented so far?</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 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</p>

		<p>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>
5	What is monthly/yearly quota or target fixed (new files as well as Amended files) per an examiner in a month/year by Ministry of Commerce and Industry	No such target has been fixed by the Department of Industrial Policy and Promotion.
6	What is monthly/yearly quota or target fixed by CGPDTM new files as well as Amended files) per an examiner in a month/year?	Information to be provided by the CGPDTM
7	If so far FCS is not implemented what is the exact reasons behind this?	The proposal has finally not been approved by the Department of Personnel & Training and D/o Expenditure.
8	DIPP has recruited 257 examiners recently. How many people have refused offers given by CGPDTM/DIPP?	Information to be provided by the CGPDTM
9	Many examiners are leaving the office after joining during training itself?, what are all the necessary steps taken by DIPP or CGPDTM in order to retain them in the office?	Information to be provided by the CGPDTM
10	Whether any time DIPP/CGPDTM has filed an affidavit before any court saying that "FCS" will be or going to be implemented in the Patent Office. On what date and what you have agreed to in the affidavit is gist?	No such affidavit has been filed before any court by the DIPP.

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