

Mr.Piyush Goyal

Minister of Commerce

Government of India

New Delhi

Mr. Ravinder

Joint Secretary

DPIIT

Delhi

Mr O P Gupta

Controller General of Patents, Designs and Trade Marks

Mumbai

Re: URGENT-Request for *suo motto* adjournment of all IP filing time lines and deadlines at the IPO in view of the COVID-19 pandemic till May 01, 2020

Dear Sir,

We write to you on behalf of AIPPI (International Association for the Protection of Intellectual Property) which represents IP practitioners globally including large number of IP practitioners in India.

This has reference to Public notice dated 19th March, 2020 issued by the Controller General of Patents, Designs and Trade Marks confirming that delay in transmitting or re-submitting of documents to Patent office would be condoned under Rule 6(6) of The Patents Rules on filing of a petition, which should be made no later than one month from the date when such COVID-19 outbreak ceased to exist.

While, we appreciate the relaxation envisaged therein in terms of meeting deadlines, we request you to defer all deadlines by the IPO on its own accord, to give full effect and practical compliance to the Prime Minister's appeal to Indian citizens to stay at home during this unprecedented trying times. It may be underscored here that while intellectual property is an important and undeniable aspect of business and economy in the present world, dispensation of IP work and deadlines is certainly not essential service in the present circumstances. Mention may be made that in many cities including Delhi, Mumbai, Gurugram, etc., where complete lockdown of all non-essential services has been brought into effect, it is extremely difficult and in some cases not feasible to work in a normal manner. Such restrictions would cause irreparable prejudice and cannot be considered fair and reasonable unless the prescribed deadlines are *suo motto* adjourned. It may also be mentioned here that an exercise of individual filing condonation of delay applications in all matters will put enormous financial burden on IP right holders, as it would involve large number of requests which would be required to be made.

We, as representatives of the IP fraternity would urge you to opt for and declare a broader and fair interpretation to cover all deadlines envisaged under IP laws, as deadlines may not be segregated in the event of a natural calamity like COVID-19. It is pertinent to mention here that the Ministry of Finance has also recognized COVID-19 situation as a natural calamity to invoke the "force majeure clause" to remove difficulty. However, legal interpretations and opinions can vary and therefore it is urged that a clarification is necessary **that IPO would be adjourning all deadlines on its own accord.**

For all the above reasons and keeping the gravity of the situation in mind, it is urged that all deadlines may be deferred by IPO *suo motto* and service of office actions/hearing notices/other documents or publications which initiate statutory timelines under IP legislations may be deferred immediately till return of normalcy. Exceptional contingencies require exceptional resolution! We hope that your office would accept our sincere request keeping the circumstances in consideration which are life threatening and issue appropriate notification/direction to such effect accordingly.

Warm regards,

Hemant Singh

President- AIPPI India Group