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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C)-IPD 49/2023 & CM 153/2023.  
**INTELLECTUAL PROPERTY ATTORNEYS ASSOCIATION**  
**(IPAA)** ..... Petitioner

Through: Mr. C.M. Lall, Sr. Adv. with  
Ms. Nancy Roy, Mr. Gaurav Miglani,  
Mr. Rahul Vidhani, Mr. Mahir  
Malhotra, Mr. Ajay Sahni, Mr.  
Raghav Malik, Ms. Priya Rao, Mr.  
Ranjan Narula and Mr. Devender  
Lalwani, Mr. Nageshwar Kumar,  
Ms. Elisha Sinha, Mr. Prakhar Singh,  
Ms. Mokshita Gautam and Mr.  
Saurabh Kumar, Advs.  
Mr. Sharvan Bansal, Adv.  
Mr. Vikram Grover and Mr. Harish  
K. Chauhan, Adv.

versus

**THE CONTROLLER GENERAL OF PATENTS, DESIGNS &  
TRADE MARKS & ANR.** ..... Respondents

Through: Mr. Harish Vaidyanathan  
Shankar, CGSC with Mr. Sirish  
Kumar Mishra, Mr. Sagar Mehlawat,  
Mr. Alexander Mathai Paikaday, Mr.  
M. Sriram and Mr. Krishan V., Advs.  
Ms. Rekha Vijayam, Joint Controller  
of Patents & Designs, Head of  
Office, IT Office (CGPDTM)

**CORAM:**  
**HON'BLE MR. JUSTICE ANISH DAYAL**

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**ORDER**  
**08.01.2024**



1. Pursuant to previous order dated 22<sup>nd</sup> December, 2023, Mr. Harish Vaidyanathan Shankar, CGSC states that they are in the process of preparing a status report / reply which will be filed within the next 3 weeks.
2. Considering the deliberations and submissions made in the Court today, it would be apposite if two independent status reports are filed, one by respondent no.1 (*Controller General of Patents, Designs & Trade Marks*) as also another by respondent no.2 (*Union of India through Ministry of Commerce and Industry*). This is considered necessary in the following context.
3. The issue before the Court is with respect to the limitation of time imposed by the impugned office orders dated 13 and 25<sup>th</sup> September, 2023. As per the impugned office orders, search of database/ Trademark Register is not to be available between 10 a.m. to 3:30 p.m. on working days.
4. Ms. Rekha Vijayam, Joint Controller of Patents & Designs, Head of Office, IT Office (CGPDTM), is present in Court. She submits that this limitation has been imposed primarily due to two reasons.
5. *Firstly*, the officers of the Registry are required to search the register during the working hours of the day for their own assessment of applications/files and allowing access to the register for public search during these hours overloads the system, impeding and hampering the work of the officers of the Registry.
6. *Secondly*, the database of the Registry is resident on a software developed by the Trademark Registry under the guidance of NIC (.NET and Oracle). She further states that the hardware, which is available for the Registry, is itself obsolete and therefore the process for upgradation is in pipeline, in that the system is expected to shift to a cloud based system. For this purpose, tenders have apparently been floated and therefore the process



is expected to take some more time.

7. In this context, it is necessary that both respondent nos. 1 and 2 should file an independent status report, in that while respondent no. 1 would report as to the difficulties faced by them, the solutions proposed and implemented; respondent no. 2, the nodal ministry will report as to details of decisions taken for ensuring that the system is upgraded, the status and timeline of that process, and whose responsibility it is to ensure implementation.

8. Further, per suggestion of Mr. Harish Vaidyanathan Shankar, CGSC, a consultation process be initiated between the petitioner association and the Controller's Office in order that some amelioration/rationalization can be achieved, regards the limitation of time span for which these data bases are available to the public.

9. Mr. Lall, Senior Counsel for the petitioner states that they are ready to cooperate in the said process, in the interim, till the main issue as noted above, is sorted out. For this purpose, representative(s) of the petitioner association shall meet the Controller (respondent no. 1) on 11<sup>th</sup> January, 2024 at 4:00 p.m. initially (subsequent meetings may be fixed as agreed between the parties) in order that some constructive solutions can be achieved.

10. Mr. Lall, Senior Counsel further submits that aside from limitation of time imposed for public search of Registry database, there are numerous other problems relating to process of e-filing and opening relevant links of the website. The petitioner association shall present a list of specific grievances to the Controller in these consultative meetings, and attempts will be made by the Controller to resolve these grievances at the earliest. Minutes of the said consultative meetings may be recorded and be filed in this Court along with supporting affidavit by respondent no.1.

11. It is apparent from the submissions before this Court that the Registry,



taking care of Intellectual Property matters, cannot possibly be working under an outdated system, considering it also invites a lot of international filings and investments. It is therefore expected that the competent authorities shall take up this matter on an urgent and serious basis so that solutions are found and implemented at the very earliest.

12. List on 5<sup>th</sup> February, 2024.

13. Order be uploaded on the website of this Court.

14. Ms. Rekha Vijayam, Joint Controller of Patents & Designs, Head of Office, IT Office (CGPDTM) shall remain present in the Court on the next date in order to clarify issues that may arise.

**ANISH DAYAL, J**

**JANUARY 8, 2024/sm/ig**