



## CENTRiiK's NEWSLETTER

### **DRAFT PATENTS (2ND AMENDMENT) RULES, 2019 PUBLISHED FOR OBJECTIONS OR SUGGESTIONS**

The following draft rules to further amend the Patents Rules, 2003 which the Central Government proposes to make in exercise of the powers conferred by section 159 of the Patents Act, 1970, are hereby published as required by sub-section (3) of the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft rules will be taken into consideration after the expiry of a period of thirty days from the date on which copies of the Gazette of India, in which this notification is published, are made available to the public.

DRAFT RULES (1) these rules may be called the Patents (2nd Amendment) Rules, 2019.

- In the Patents Rules, 2003 (hereinafter referred to as said rules), in rule 7, for sub-rule (3), the following sub-rule shall be substituted
- In the said rules, sub-rule (3A) will be deleted.
- In the said rules, sub-rule (3B) will be deleted.
- In the said rules, the Explanation to sub-rule (3B) shall be inserted after sub-rule (3) and shall be substituted.
- In the said rules, in the FIRST SCHEDULE, the following amendments shall be carried out, namely:- (i) columns 5 and 8 will be deleted; (ii) the present column 6 will be renumbered as 5; (iii) the present column 7 will be renumbered as 6; (iv) the present column 9 will be renumbered as 7; and (v) the title row of the table will be substituted with the following
- In the said rules, the proviso in sub-rule 5 of Rule 24C, will be replaced with the following,

For further information, you may refer to <http://ipindia.nic.in/newsdetail.htm?578>

## **DRAFT DESIGNS (AMENDMENT) RULES, 2019. PUBLISHED FOR OBJECTIONS OR SUGGESTIONS**

The IPO on 25 October 30, 2019 published the Draft Designs (Amendment) Rules, 2019 for open remarks and recommendations. The amendments proposed in the warning which is to be presented in the Designs Rules 2001 will be considered by the administration after the expiry of a time of 30 days from the date on which duplicates of the Gazette of India in which the notice is distributed has been made accessible to the general public for review. Intrigued people can bring up criticisms or give recommendations to the Indian Patent Office by means of an email to or post to Dr. Ashish Kumar, Senior Development Officer, DPIIT.

In rule 2 of the Designs Rules, 2001 (hereinafter referred to as the said rules), after clause (ea), the following clause shall be inserted

In Rule 10 of the said rules, clause (1) shall be substituted, namely:- “For the purposes of the registration of designs and of these rules, articles shall be classified as per current edition of “International Classification for Industrial Designs (Locarno Classification)” published by World Intellectual Property Organization (WIPO).”

For further information, you may refer to <http://ipindia.nic.in/newsdetail.htm?579/a>

## **WORLD INTELLECTUAL PROPERTY INDICATORS: FILINGS FOR PATENTS, TRADEMARKS, INDUSTRIAL DESIGNS REACH RECORD HEIGHTS IN 2018**

Asia accounted for more than two-thirds of all patent, trademark and industrial design applications in 2018, with China driving overall growth in demand for intellectual property (IP) rights as the United States of America (U.S.) maintained its primacy in patent applications filed in export markets.

Innovators across the globe filed 3.3 million patent applications in 2018, up 5.2% for a ninth straight yearly increase, according to WIPO’s annual World Intellectual Property Indicators (WIPI) report. Global trademark filing activity rose to 14.3 million, while that for industrial designs reached 1.3 million.

“Asia continues to outpace other regions in filing activity for patents, trademarks, industrial designs and other intellectual property rights that are at the center of the global economy,” said WIPO Director General Francis Gurry. “China alone accounted for almost half of all the world’s patent filings, with India also registering impressive increases. Asia has become a global hub for innovation.”

In addition, worldwide plant variety applications grew by 8.9% to reach 20,210 applications in 2018, while data received from 92 national and regional authorities showed some 65,900 protected geographical indications (GIs) in 2018.

<b>IP rights</b>	<b>2017</b>	<b>2018</b>	<b>Growth (%) 2017-2018</b>
Number of patent applications	3,162,300	3,326,300	5.2
Number of classes specified in trademark applications	12,395,700	14,321,800	15.5
Number of designs contained in industrial design applications	1,242,100	1,312,600	5.7
Number of plant variety applications	18,550	20,210	8.9
Number of geographical indications in force	n.a.	65,900	n.a.

## **FLIPKART DECLARED AS A WELL KNOWN TRADEMARK**

In the matter of Flipkart Internet Private Limited v. Somasundaram Ramkumar [C.S.No.848 of 2017], the Madras High Court on 13 September 2019 , Granted permanent injunction in favor of Plaintiff regarding the mark “FLIPPINGKART”.

In the decision given by Madras high court, it was stated “the Defendant had adopted the registered trademark of the Plaintiff only with a mala fide intention to spoil the immense goodwill and reputation earned by the Plaintiff among the consumers/general public and therefore, the same would not only amounts to infringement of the Plaintiff’s registered trademark, “FLIPKART”, but also it would amounts to passing off their goods or business or services as those of Plaintiff.”

Also Flipkart was declared as a well known Trademark.