

# **PROFESSIONAL PROGRAMME**

## **UPDATES FOR INTELLECTUAL PROPERTY RIGHTS: LAWS AND PRACTICES**

(Relevant for students appearing in December, 2017 examination)

### **MODULE 3- ELECTIVE PAPER 9.4**

*Disclaimer:*

*This document has been prepared purely for academic purposes only and it does not necessarily reflect the views of ICSI. Any person wishing to act on the basis of this document should do so only after cross checking with the original source.*

*Students appearing in December 2017 Examination shall note the following:*

*Students are also required to update themselves on all the relevant Notifications, Circulars, Clarifications, etc. issued by the Competent Authorities to relate to Law of Intellectual Property Rights in India & Central Government on or before six months prior to the date of the examination.*

*These Updates are to facilitate the students to acquaint themselves with the amendments in laws relating to Intellectual Property Rights upto June, 2017, applicable for December, 2017 Examination. The students are advised to read their Study Material (2015 Edition) along with these Updates. In the event of any doubt, students may write to the Institute for clarifications at [academics@icsi.edu](mailto:academics@icsi.edu)*

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Patent (Amendment) Rules, 2016  
(Notified on May 16, 2016)

S.No.	Title	Provision of the Patent (Amendment) Rules, 2016	Description
1.	Start-Up has been Introduced as the New Category of Applicants	Insertion of clause (fb) to Rule 2	<p>Rule 2 (fb) —Start-up means an entity, where-</p> <ul style="list-style-type: none"> <li>(i) more than five years have not lapsed from the date of its incorporation or registration;</li> <li>(ii) the turnover for any of the financial years, out of the aforementioned five years, did not exceed rupees twenty-five crores; and</li> <li>(iii) it is working towards innovation, development, deployment or commercialisation of new products, processes or services driven by technology or intellectual property:</li> </ul> <p>Provided that any such entity formed by splitting up or reconstruction of a business already in existence shall not be considered as a start-up.</p> <p>Provided further that the mere act of developing</p> <ul style="list-style-type: none"> <li>a. products or services or processes which do not have potential for commercialisation, or</li> <li>b. undifferentiated products or services or processes, or</li> <li>c. products or services or processes with no or limited incremental value for customers or workflow, would not be covered under this definition.</li> </ul> <p><b>Explanation 1.</b> - An entity shall cease to be a start-up on completion of five years from the date of its incorporation/ or registration or if its turnover for any previous year exceeds rupees twenty-five crores.</p> <p><b>Explanation 2.-</b> Entity means a private limited company (as defined in the Companies Act, 2013), or a registered partnership firm registered under section 59 of the Partnership Act, 1932 or a limited liability partnership under the Limited Liability Partnership Act, 2002.</p> <p><b>Explanation 3.</b> - The term —Turnover shall have the same meaning as defined in the Companies</p>

			Act, 2013 (18 of 2013). <b>Explanation 4.</b> - An entity is considered to be working towards innovation, development, deployment or commercialisation of new products, processes or services driven by technology or intellectual property if it aims to develop and commercialise a new product or service or process, or a significantly improved existing product or service or process that will create or add value for customers or workflow. <b>Explanation 5.</b> - The reference rates of foreign currency of the Reserve Bank of India shall prevail.'
2.	Expedited Examination	Insertion of Clause (db) to Rule 2	After clause (da), the following clause shall be inserted, namely:- (db) - Request for examination means a request for examination, including expedited examination, made under section 11B in respect of rule 24B or rule 24C;
3.	Address for Service and Obligation on Patent Agent to Provide Mobile Number	Amendment in Rule 5	Every person, concerned in any proceedings to which the Act or these rules relate and every patentee, shall furnish to the Controller an address for service, including a postal address in India and an e-mail address, and such address for service shall be treated for all purposes connected with such proceedings or patent as the address of the person concerned in the proceedings or of the patentee. Unless such an address for service is given, the Controller shall be under no obligation either to proceed or deal with any proceeding, or patent or to send any notice that may be required to be given under the Act or these rules and the Controller may take <i>suo motu</i> decision in the matter: Provided that a patent agent shall also be required to furnish to the Controller a mobile number registered in India.
4.	Online Filing and Condonation of Delay in Filing under limited circumstances	Insertion of Sub-Rule (6) and Sub-Rule (7) to Rule 6.	After sub-rule (5), the following rules shall be inserted, namely:- 3 <b>Sub-Rule (6)</b> - Without prejudice to sub-rule (5) and notwithstanding anything contained in sub-rule (2) of rule 138, the Controller may condone the delay in transmitting or resubmitting a document to the patent office or performing any act by a party, if a petition for such condonation of delay is made by the party to the Controller along with a statement regarding the circumstances of the fact and evidence in support of the statement, to the satisfaction of the Controller, that the delay was due to war,

			<p>revolution, civil disorder, strike, natural calamity, a general unavailability of electronic communication services or other like reason in the locality where the party resides or has place of business, and that such situation was of such severity that it disrupted the normal communication in that area and that the relevant action was taken as soon as reasonably possible not later than one month from the date when such situation had ceased to exist:</p> <p>Provided that the delay condoned by the Controller shall not exceed the period for which the national emergency was in force, or six months from the expiry of the prescribed period, whichever is earlier. <b>Sub-Rule (7):</b> Any liability or burden of proof regarding the authenticity of any document filed, left, made or given under these rules, including electronically transmitted documents, shall lie only with the party filing, leaving, making or giving the document</p>
5.	Fringe Benefit for the Start-Up Entity Concerning Fees	Insertion of Sub-Rule 3(B) in Rule 7	<p>After sub-rule 3A, the following sub-rule shall be inserted, namely:-</p> <p>(3B) In case an application processed by a start-up is fully or partly transferred to any person other than a natural person or a start-up, the difference, if any, in the scale of fees between the fees charged from a start-up and such person to whom the application is transferred, shall be paid by the new applicant along with the request for transfer:</p> <p><b>Explanation.-</b> Where the start-up ceases to be a start-up after having filed an application for patent due to lapse of more than five years from the date of its incorporation or registration or the turnover subsequently crosses the financial threshold limit as defined, no such difference in the scale of fees shall be payable.</p>
6.	Procedure and Method of Paying the fess	Insertion of Proviso to Rule 7(4)	<p>(a) The fees payable under the Act or these rules may be paid at the appropriate office either in cash or through electronic means or may be sent by bank draft or banker's cheque payable to the Controller of Patents and drawn on a scheduled bank at the place where the appropriate office is situated and if the draft or banker's cheque is sent by post, the fees shall be deemed to have been paid on the date on which the draft or banker's cheque has actually reached the Controller.</p>
7.	Refund of Fees	Insertion of Sub-Rule 4A to Rule 7	<p>After sub-rule (4), the following sub-rule shall be inserted, namely:-</p> <p>(4A) Notwithstanding anything contained in sub-</p>

			rule (4), upon the withdrawal of an application in respect of which a request for examination has been filed, but before issuance of first statement of objection, the fee may be refunded to the extent prescribed in the First Schedule on a request made by the applicant in Form 29.
8.	Introduction of New Form 30, where no Form is Specified	Amendment to Sub-Rule (2) of Rule 8	In the principal rules, in rule 8, for sub-rule (2), the following sub-rule shall be substituted, namely:- (2) Where no Form is so specified for any purpose, the applicant may use Form 30 specified in the Second Schedule.
9.		Amendment to Rule 13	In the principal rules, in rule 13,- <b>(i) for sub-rule 4, the following sub-rule shall be substituted, namely:-</b> (4) Where the invention requires explanation through drawings, such drawings shall be prepared in accordance with the provisions of rule 15 and shall be supplied with, and referred to in detail, in the specification, including the claims where the features illustrated in the drawings shall be followed by their respective reference signs in parentheses: Provided that in case of a complete specification, if the applicant desires to adopt the drawings filed with the provisional specification as the drawings or part of the drawings for the complete specification, it shall be sufficient to refer to them in the complete specification as those left or filed with the provisional specification.; <b>(ii) in sub-rule (7), for clause (b), the following clause shall be substituted, namely:-</b> (b) The abstract shall contain a concise summary of the matter contained in the specification and the summary shall indicate clearly the technical field to which the invention belongs, technical advancement of the invention as compared to the existing knowledge and principal use of the invention excluding any speculative use and where necessary, the abstract shall contain the chemical formula, which characterises the invention.; <b>(iii) for sub-rule (8), the following sub-rule shall be substituted, namely:-</b> (8) The period within which reference to the deposit shall be made in the specification under sub-clause (A) of clause (ii) of sub-section (4) of section 10 shall be three months from the date of filing of the application: Provided that in case of a request for publication under rule 24A, such

			reference shall be made on or before the date of filing of such request.
10.	Amendment to Specifications	Amendment to Rule 14	<p>In the principal rules, for rule 14, the following rule shall be substituted, namely: -</p> <p>14. Amendments to Specifications. –</p> <ul style="list-style-type: none"> <li>• When amendments are made to a provisional or complete specification or any drawing accompanying it, the pages incorporating such amendments shall be retyped and submitted to form a continuous document.</li> <li>• A marked copy clearly identifying the amendments carried out and a statement clearly indicating the portion (page number and line number) of the specification or drawing being amended along with the reason shall also be filed.</li> <li>• Amendments shall not be made by slips pasted on, or as footnotes or by writing in the margin of any of the said documents.</li> <li>• (4) When a retyped page or pages incorporating amendments are submitted, the corresponding earlier page shall be deemed to have been superseded and cancelled by the applicant.</li> </ul>
11.	Filing of International Applications	Amendment in Rule 20	<p>In the principal rules, in rule 20, for sub-rule (1), the following sub-rule shall be substituted, namely:-</p> <p>An application corresponding to an international application filed under Patent Cooperation Treaty may be made in Form 1 under sub-section (1A) of section 7.</p> <p><b>Explanation.-</b> For the purpose of this rule, "an application corresponding to an international application" means an international application as filed under Patent Cooperation Treaty which includes any amendments made by the applicant under Article 19 and communicated to Designated Office under Article 20 or any amendment made under sub-clause (b) of clause (2) of Article 34 of the Treaty:</p> <p>Provided that the applicant, while filing such application corresponding to an international application designating India, may delete a claim, in accordance with the provisions contained in rule 14.</p>
12.	Reply to Office Action – Time Period Reduced	Amendment to Rule 24(B) (5) and (6)	<p>Rule 24(B) (5) The time for putting an application in order for grant under section 21 shall be six months from the date on which the first statement of objections is issued to the applicant to comply</p>



			<p>with the requirements.</p> <p>Rule 24(B) (6) The time for putting an application in order for grant under section 21 as prescribed under sub-rule (5) may be further extended for a period of three months on a request in Form 4 for extension of time along with prescribed fee, made to the Controller before expiry of the period specified under sub-rule (5)</p>
13.	Expedited Examination of Applications	Insertion of Rule 24C	<p>In the principal rules, after rule 24B, the following rule shall be inserted, namely:-</p> <p>24C. Expedited examination of applications.-</p> <p>(1) An applicant may file a request for expedited examination in Form 18A along with the fee as specified in the first schedule only by electronic transmission duly authenticated within the period prescribed in rule 24B on any of the following grounds, namely:-</p> <p>(a) That India has been indicated as the competent International Searching Authority or elected as an International Preliminary Examining Authority in the corresponding international application; or</p> <p>(b) That the applicant is a start-up.</p> <p>(2) A request for examination filed under rule 24B may be converted to a request for expedited examination under sub-rule (1) of rule 24C by paying the relevant fees and submitting requisite documents as required under sub-rule (1).</p> <p>(3) Except where the application has already been published under sub-section (2) of section 11A or a request for publication under rule 24A has already been filed, a request for expedited examination shall be accompanied by a request for publication under rule 24A.</p> <p>(4) Where the request for expedited examination does not comply with the requirements of this rule, such a request shall be processed in accordance with the provisions contained in rule 24B, with an intimation to the applicant, and shall be deemed to have been filed on the date on which the request for expedited examination was filed.</p> <p>(5) The Controller shall refer the request for expedited examination along with the application and specification and other documents to the examiner, in respect of the applications where the request for expedited examination has been received, in the order of filing of such requests. Provided that a request for expedited examination under this rule filed by a start-up shall not be</p>

			<p>questioned merely on the ground that the start-up ceased to be a start-up after having filed an application for patent due to the lapse of more than five years from the date of its incorporation or registration, or the turnover subsequently crossed the financial threshold limit, as defined.</p> <p>(6) The period within which the examiner shall make the report under sub-section (2) of section 12, shall ordinarily be one month but not exceeding two months from the date of reference of the application to him by the Controller.</p> <p>(7) The period within which the Controller shall dispose of the report of the examiner shall be one month from the date of receipt of such report by the Controller.</p> <p>(8) A first statement of objections along with any document, if required, shall be issued by the Controller to the applicant or his authorised agent within fifteen days from the date of disposal of the report of examiner by the Controller.</p> <p>(9) Reply to the first statement of objections and subsequent reply, if any, in respect of an application where the request for expedited examination was filed, shall be processed in the order in which such reply for such application is received.</p> <p>(10) The time for putting an application in order for grant under section 21 shall be six months from the date on which the first statement of objections is issued to the applicant.</p> <p>(11) The time for putting an application in order for grant under section 21, as prescribed in sub-rule (10) may be further extended for a period of three months on a request for extension made in Form 4 along with the prescribed fee, made to the Controller before the expiry of the period specified under sub-rule (10).</p> <p>(12) The Controller shall dispose of the application within a period of three months from the date of receipt of the last reply to the first statement of objections or within a period of three months from the last date to put the application in order for grant under section 21 of the Act, whichever is earlier: Provided that this time limit shall not be applicable in case of pre-grant opposition.</p> <p>(13) Notwithstanding anything contained this rule, the Controller may limit the number of requests for expedited examination to be received during the year by way of a notice to be published</p>
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14.	Hearing Via Communication Means including Video Conferences	Amendment to Rule 28	(6) The hearing may also be held through video-conferencing or audio-visual communication devices: Provided that such hearing shall be deemed to have taken place at the appropriate office. <b>Explanation.</b> — For the purposes of this rule, the expression —communication device shall have the same meaning as assigned to it in clause (ha) of sub-section (1) of section 2 of the Information Technology Act, 2000 (21 of 2000). (7) In all cases of hearing, written submissions and the relevant documents, if any, shall be filed within fifteen days from the date of hearing.
15.	Issuance of Certificate of Renewal of Patent	Amendment in Rule 93	93. Entry of Renewal fee.- Upon receipt of the payment of the prescribed renewal fee in respect of a patent, the Controller shall enter in the register of patents the fact that the fee has been paid and the date of payment of such fee and issue a certificate of renewal of the patent.
16.	Restriction of Adjournment of Hearing	Insertion of Rule 129A	129A.- Adjournment of hearing - An applicant for patent or a party to a proceeding may make a request for adjournment of the hearing with reasonable cause along with the prescribed fee prescribed in First Schedule, at least three days before the date of hearing and the Controller, if he thinks fit to do so, and upon such terms as he may direct, may adjourn the hearing and intimate the parties accordingly: Provided that no party shall be given more than two adjournments and each adjournment shall not be for more than thirty days.
17.	Supply of Certified Copies and Certificates	Amendment in Rule 133	133. Supply of certified copies and certificates under sections 72 and 147.- (1) Certified copies of any entry in the register, or certificates of, or extracts from patents, specifications and other public documents in the patent office, or from registers and other records including records in computer floppies, diskettes or any other electronic form kept there, may be furnished by the Controller on a request therefor made to him and on payment of the fee specified therefor in the First Schedule: Provided that certified copies shall be issued in the order in which the request is filed. (2) Notwithstanding anything contained in sub-rule (1), certified copies shall be furnished within a period of one week if such request is made along with the fee specified therefore in the First

			Schedule.
18.	Power of Attorney – Time Period (Form-26)	Amendment to Rule 135 (1)	In the principal rules, in rule 135, for sub-rule (1), the following sub-rule shall be substituted, namely:- (1) The authorisation of an agent for the purposes of the Act and these rules shall be filed in Form 26 or in the form of a power of attorney within a period of three months from the date of filing of such application or document, failing which no action shall be taken on such application or documents for further processing till such deficiency is removed.

## Trade Marks Rules, 2017

(Notified on March 6, 2017)

### Introduction

The Trade Mark Rules, 2017 have been notified and have come into effect from 06th March, 2017. These Rules, which replace the erstwhile Trade Mark Rules 2002, will streamline and simplify the processing of Trade Mark applications.

*Some salient features of the revamped Rules are as follows:*

- Number of Trade Mark (TM) Forms have been reduced from 74 to 8.
- To promote e-filing of TM applications, the fee for online filing has been kept at 10% lower than that for physical filing.
- Based on stakeholder's feedback, the fees for Individuals, Start-ups and Small Enterprises have been reduced from that proposed in the draft Rules – i.e. only Rs 4,500 as against Rs 8,000 for e-filing of TM applications proposed at the draft stage.
- Modalities for determination of well-known trademarks have been laid out for the first time.
- The provisions relating to expedited processing of an application for registration of a trade mark have been extended right upto registration stage (hitherto, it was only upto examination stage).
- Over all fees have been rationalized by reducing the number of entries in Schedule I from 88 to just 23.
- Modalities for service of documents from applicants to the Registry and vice-versa through electronic means have been introduced to expedite the process; e-mail has been made an essential part of address for service to be provided by the applicant or any party to the proceedings so that the office communication may be sent through email.
- Hearing through video conferencing has been introduced.
- Number of adjournments in opposition proceedings has been restricted to a maximum of two by each party, which will help dispose of matters in time.
- Procedures relating to registration as Registered User of trademarks have also been simplified.

It may be recalled that the examination time for a Trade Mark application has already been brought down from 13 months to just 1 month in January 2017; this is despite a stupendous 35% jump in Trade Mark filings in 2015-16 vis a vis the previous year. The new Rules should give a boost to the Intellectual Property Regime in India.

#### The Trademark Rules, 2017: Salient Features:

S.No.	Key Features	Description
1.	Increase in the Registration Fees	<p>The fee for filing of an application for registration of Trademark has been increased by more than 100% other than individuals, small enterprises and start-ups.</p> <p>The fee further differs for physical and e-filing of applications for registration of Trademarks to encourage digitization.</p> <p>a. Physical filing - Rs.10000 b. E-filing - Rs.9000</p> <p>Concessional Registration Fees</p> <p>A concessional fee structure has been provided for individuals, small enterprises and start-ups below:</p> <p>a. Physical filing - Rs.5000 b. E-filing - Rs.4500</p>

2.	Categorization Of Applicant	Under the new rules, the Applicants are categorized as An individual, Start Up, Small Enterprise and other than this along with the detailed definition of the Applicants.
3.	Definition of Small Enterprises and Start-Ups	<p>Small Enterprise has been defined as in case of an enterprise engaged, in the manufacture or production of goods or providing services, an enterprise where the investment in plant and machinery or equipment in case of services does not exceed the limit specified for medium enterprise under sub-section (1) of Section 7 of the Micro, Small and Medium Enterprises Development Act, 2006.</p> <p>Whereas, Start-up means an entity in India recognized as start up by the competent authority under Start-up India initiative, and in case of foreign entity, an entity fulfilling the criteria for turnover and period of incorporation /registration as per Start-up India initiative and submitting declaration to that effect.</p>
4.	Reduction in number of forms	<p>The number of forms have been reduced and simplified to total of 8 forms from the earlier count of around 75. Now, all Trademark applications whether single class, multi class, collective marks is through the same form.</p> <p>The numbers have been replaced with the alphabet. These are the list of forms introduced by the Trademark Rules, 2017 (hereinafter referred to as Rules):</p> <ul style="list-style-type: none"> <li>• TM-A: Application for Registration for goods and services (one or more than one class) [marks, collective marks, certificate marks, series].</li> <li>• TM-M: Amendment of Trademark application; seeking grounds of decision; application of deposition of regulation of collective trademark; alteration of regulation of certification trademark; request for certified copy; duplicate registration certificate; extension of time; request to review of decision to Registrar; inspection of document; request to Registrar for particulars of advertisement; review of Registrar's decision; petition (not otherwise charged) for obtaining Registrar's order for any interlocutory matter in a contesting proceeding; request to inclusion of a mark in list of well-known trademarks;</li> </ul>

		<p>any other matter not covered in other TM forms.</p> <ul style="list-style-type: none"> <li>• TM-R: Application of renewal of a trademark; request for renewal with surcharge; request for restoration of a trademark.</li> <li>• TM-C: Application for search certificate request.</li> <li>• TM-O: On a notice of opposition; application for rectification of register; application under rule 99, 135, 140; application under Section 25 of Geographical Indication of Goods Act, 1999 to invalidate a trademark or counter statement thereto.</li> <li>• TM-P: Request to replace subsequent proprietor as registered proprietor on register, request to amend the details of registered proprietor or registered user(s); request to amendment of registered trademarks; request for amendment in specification of goods or services; request for conversion of goods; request for dissolution of association between trademarks.</li> <li>• TM-U: Application for recordal of registered user(s); request for amendment in details of registered user(s); application for cancellation or variation or registered user(s); application for intervene in the proceedings by third party.</li> <li>• TM-G: Application of registration of a trademark agent; request for continuation as a trademark agent; restoration of the trademark agent name in register; alteration related to details of trademarks agents in the register.</li> </ul>
5.	E-services for communications	E-mail will be the mode of communication by the Registry with the applicant. Any service of document by e-mail shall be construed as delivery to the applicant in terms of Rule-18.
6.	Hearing Through Online Mode	Hearing, under Rule - 115, could also be granted and taken up through video conferencing or other means of audio-visual communication. This would ensure efficient hearings and lesser adjournments in cases.
7.	Online Counter	The counter statement filed in response to notice of opposition is not needed to be physically served upon

	Statement	the party if it is already available online in the official online records. This would bring more transparency.
8.	Well-known Trademarks	<p>A new Rule allows for determination and inclusion of trade marks on a “list of well-known trademarks”. Rule 124 states that any person can enlist marks as well-known mark with the Registrar along with statement of case, evidence and documents and fee of INR 1 lakh. Prior to making decision, the Registrar must invite objections from the general public. Once the Trademark is declared as well-known trademark, it would be published in the journal.</p> <p>Any person, by filing an appropriate form with fees (INR 1,00,000) along with a Statement of Case supported by documentary evidence, can request the Registrar to determine its mark as ‘well-known’. To determine whether a mark is ‘well-known’, the Registrar shall take into account pertinent provisions under the Trade Marks Act, 1999. The Registrar may also invite objections from the general public before determining a mark ‘well-known’.</p>
9.	Applicant's Affidavit for claiming "use"	An affidavit has to be filed by the applicant along with the required evidence and documents for claiming "use" of particular mark.
10.	Prior-User Affidavit	When the use of the trademark is claimed prior to the date of application, the applicant shall file an affidavit testifying to such use along with supporting documents.
11.	Sound marks are made easier to register	Specific provisions have been introduced for sound marks outlining criteria/procedure for registration. Rule 26(5) of the Rules provides that when the application has been made for a Sound Trademark. Along with a graphical representation of its notation, the reproduction of a sound mark has to be submitted in a MP3 format not exceeding a 30 second length, recorded on a medium that allows for clear and audible replaying. TM-A provides that in case of sound marks representation of specific musical notes must be submitted at the place provided for the trademark.
12.	Oppositions/ Cancellations	If prior to ‘formal service’ of a Notice of Opposition by the Trade Marks Office (TMO), an applicant downloads the said notice from the TMO website and files a counter statement, the requirement of formal



		<p>service stands waived and the matter proceeds further.</p> <p>Time for filing ‘evidence in support of opposition’ and ‘evidence in support of application’ is two months. Time for filing ‘evidence in reply’ is one month. All timelines were earlier extendible by one month which is no longer the case.</p> <p>Each party can apply for a maximum of two adjournments of a hearing.</p> <p>In cancellation actions, if a registered proprietor does not file a counter statement within the prescribed time period, the applicant applying for cancellation can file evidence without waiting for the Registrar’s formal intimation. Also, an impugned registration will not be cancelled simply because its registered proprietor does not file a counter statement within time.</p> <p>In uncontested cases, if an applicant/ opponent does not want to pursue an application/ opposition, it should be specifically withdrawn and not abandoned; otherwise the Registrar can award costs which would be in excess of what it would cost to formally withdraw the application/ opposition in question.</p>
13.	Extended time for Renewal of registration	An application for the renewal of the registration of a trademark shall be made in Form TM-R along with the prescribed fee. Such renewal of a mark can be done 1 (one) year prior to the expiration of its registration whereas in the Repealed Rules it was 6 (six) months prior to the expiration of registration.
14.	No Extension Time in Filing of Evidence	The new rules have become little stringent for filing evidence in opposition proceedings. Now delay in such filing will not be accepted whereas in the old rules extension of one month along with respective fees was given.
15.	Assignments	Previously, an application to record assignment invited differential fees depending on the time that had elapsed between the change in title and the date on which the application was being filed at the TMO to record the change. All assignment requests will now attract a flat fee. Also, documentation is less onerous as certified copies of certain documents may now be accepted in place of originals.
16.	Dispensing Of Service Of Notice Of Opposition	Rule 42 of the Rules provides for the notice of opposition. Ordinarily, the Registrar shall serve a copy

	If Counter Statement Is Filed Prior To Service	of the notice of opposition to the applicant(s) within 3 months from its receipt at the office. But, if the applicant has already filed the counter statement on the basis of copy of notice of opposition available on the official website, the requirement of the service of such copy to the applicant(s) shall be dispensed with.
17.	Three-Dimensional marks are made registrable	The application for 3-D marks is filed in Form TM- and it shall specifically be stated that the mark is 3-D mark. Two-dimensional graphic reproduction of the trademark has to be furnished in three different views. In case the Registrar considers that the trademark is not 3-dimensional mark then he may call upon the applicant to furnish up to five further different views of the trademark and description of words and if needed for additional description, specimen of the Trademark.
18.	Reduction and limitation in the number of adjournments	Rule-50 provides that during an opposition hearing, a party is not entitled to ask for more than two adjournments thus reducing the time for registration of trademarks.
19.	Agency:	In case of revocation of authorisation of agent by an applicant or opponent, or withdrawal by an agent from any proceedings, the applicant or opponent must provide a fresh address for service in India within a period of two months. If not, the application/ opposition will be deemed abandoned.
20.	Concession on Online filing	With the objective of increasing online filings, 10% discount on official fees has been given to applicants who are filing the applications or forms online.
21.	Start Up Discounts	The New rules offers 50% discounts on the official fees to the individuals, start-ups and small enterprises for new applications as well as for filing applications for expedited processing.