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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 1st September, 2023*+ **W.P.(C)-IPD 9/2023****SAURAV CHAUDHARY** Petitioner

Through: Ms. Meenakshi Ogra, Mr. Rishi Vohra, Mr. Tarun Khurana and Ms Chhavi Panday, Advocates (M: 9999498955).

versus

UNION OF INDIA & ANR. Respondents

Through: Ms. Nidhi Raman CGSC with Mr. Zubin Singh, Advocate for R-1 and 2 (M: 9891088658) with Mr. Naveen Chaklan in person.

**CORAM:
JUSTICE PRATHIBA M. SINGH****Prathiba M. Singh, J.(Oral)**

1. This hearing has been done through hybrid mode.
2. The present writ petition has been filed by the Petitioner challenging the abandonment of its patent application number 201911031496 titled "*Blind-Stitch Sewing Machine and Method of Blind Stitching*". The prayer in the writ petition is to restore the patent application of the Petitioner.
3. The case of the Petitioner is that it had filed an application through one "*M/s Delhi Intellectual Property LLP*" having office at 4-K, 4th Floor, Gopala Tower, 25, Rajendra Place New Delhi-110008. One Mr. Naveen Chaklan, Partner at the said firm was stated to be dealing with the



Petitioner's patent application.

4. According to the Petitioner, the application was filed on 3rd August, 2019 and a request for examination was filed on 21st February, 2022. Thereafter, the FER in respect of the subject application was issued on 29th April, 2022 with a direction by the Patent Office that the response should be filed within a period of six months.

5. It is the case of the Petitioner that repeated follow ups were made by the Petitioner on various dates i.e. 15th March, 2022, 28th August, 2022, 5th November, 2022, 19th November, 2022, 14th December, 2022, 22nd December, 2022 and 8th January, 2023. However, it did not receive any reply from the patent agent. During the process, the Petitioner found out that the application was deemed to be abandoned due to non-filing of the response to the FER. Thereafter, the Petitioner engaged a new patent agent. Finally, the Petitioner filed a request for restoring the patent application on 28th January, 2023.

6. On the last date of hearing, the Court after hearing the parties passed the following direction:

*“8. Since the entire case of the Petitioner hinges upon the various emails, stated to have been sent by the Petitioner to his patent agent, **it is deemed appropriate to issue notice to the Patent Agent - M/s Delhi Intellectual Property LLP at 30/11, UGF, East Patel Nagar Near Jaypee Siddharth Hotel, New Delhi-110008 as also through e-mails - patent@delhiip.com, saurav.chaudhary80@gmail.com and raman@delhiip.com and Phone No. +91 1149099711.**”*



7. Mr. Naveen Chaklan, a Patent Agent at the firm, who possesses a Masters of Pharmacy (M. Pharm) degree and is also a lawyer duly enrolled has appeared before the Court today pursuant to the order dated 31st July, 2023.

8. He submits that his firm “*M/s Delhi Intellectual Property LLP*” has two partners, namely, himself and Mr. Sharad Kumar. In addition, there are two more lawyers who are working in the said firm. The firm provides registration services for trademarks, patents, copyrights and designs. He further submits that the firm also conducts litigation before district courts in IPR matters.

9. On a query from the Court, as to why so many emails of the Appellant went un-replied, he submits that he would need to verify his email account and then respond. He also submits that there may be WhatsApp messages, which he would also like to verify.

10. Mr. Naveen Chaklan shall file an affidavit explaining the position leading up to the abandonment of the Appellant's patent application No. 201911031496 titled “*Blind-Stitch Sewing Machine and Method of Blind Stitching*”.

11. In the affidavit, Mr. Naveen Chaklan shall disclose the correspondence if he has any, with the Appellant, after the filing of the patent application and set out any other relevant information bearing in mind the order dated 31st July, 2023 and the allegations made in the appeal. Let a copy of the petition be supplied to Mr. Naveen Chaklan by Id. Counsel for the Petitioner.

12. Ms. Nidhi Raman, Id. CGSC shall also obtain instructions from the Office of CGPDTM as to the manner in which trademark agents and patent



agents ought to be regulated inasmuch as such agents have a huge responsibility of applying, registering and maintaining trademarks and patents. They also have a responsibility to adhere to deadlines as prescribed in the Act and the Rules and file their pleadings and attend to the matters diligently. There is no supervisory or regulatory authority over trademark and patent agents which appears to be the need of the hour. There are repeated cases wherein litigants have raised allegations against such Trade Marks Agents and Patent Agents and apart from reprimand from courts, there are no other consequences that visit them.

13. The Indian IP Office has seen a steady increase in filing of trademark and patent applications over the last five years as the following figures from the Annual Report of the Office of CGPTDM show:

Patent filings:

S. No.	Year	Number of Applications Filed
1.	2021-2022	66,440
2.	2020-2021	58,503
3.	2019-2020	56,267
4.	2018-2019	50,659
5.	2017-2018	47,854

Trade Mark filings:

S. No.	Year	Number of Applications Filed
1	2021-2022	4,47,805
2	2020-2021	4,31,213
3	2019-2020	3,34,805
4	2018-2019	3,23,798
5	2017-2018	2,72,974



14. In order to be able to file any patent and qualify as a patent agent, the person would have to fulfil the eligibility criteria prescribed under the Act and Rules, as also take an examination and clear the same. Such patent agents do not come within the ambit of the Bar Council of India or the Advocates' Act, 1961.

15. Let Ms. Nidhi Raman, Id. CGSC obtain instructions as to the manner in which the office of the CGPDTM intends to regulate or supervise the functioning of trademark agents and patent agents and a report be filed in this regard by the next date of hearing.

16. Affidavit to be filed by Mr. Naveen Chaklan within four weeks. Rejoinder, if any, be filed within two weeks.

17. List on 9th November, 2023 on top of the board.

PRAITHIBA M. SINGH
JUDGE

SEPTEMBER 1, 2023

mr/sk

