

T R Mohan, Advocate (Roll No. MS.1635/2015)

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TRM/ADV/MS1635/2015/PATENT

Chennai

05 Nov 2015

The Controller General of Patents, Designs & TradeMarks

Bhoudhik Sampada Bhavan

Near Antop Hill Head Post Office

S M Road, Antop Hill

Mumbai-400037

APPLICATION FOR REGISTRATION OF PATENT AGENT : T R Mohan

(Patents Act, 1970 Sec 126 and Rules 109(1) or 112)

Sir,

1. Reference is made to your letter No.CG/RTI/2015/266 dated 23.10.2015 disposing my RTI application DOIPP/R/2015/60420 dated 03.10.15 where in it is brought to my notice that my application for registration as a Patent Agent would be considered in due course of time only after the Writ appeal WA.532/2014 filed against Judgment passed in the W.P. 8472 of 2006 in the matter of S.P.Chockalingam vs. Controller of Patents & Ors. by Hon'ble High Court of Madras is disposed off and based on its outcome.

2. As I understand from the Order given in the W.P 8472 of 2006 by the Hon'ble High Court of Madras in para 3 followed by para 53 of the order (relevant extracts given below)

“3. It is an admitted fact that Section 126 of Patents Act (herein after referred to as "the Act"), deals with qualification for registration of patent agents. Section 126 of the Patents Act, prior to the amendment read as follows :

"(1) A person shall be qualified to have his name entered in the register of patent agents if he fulfills the following conditions, namely :-

(a) he is a citizen of India;

(b) he has completed the age of 21 years;

(c) he has obtained a (degree in science, engineering or technology from any University established under law for the time being in force) in the territory of India or possesses such other equivalent qualifications as the Central Government may specify in this behalf, and, in addition-

(i) is an advocate within the meaning of the Advocates Act, 1961 (25 of 1961);

(ii) has passed the qualifying examination prescribed for the purpose; (or)

(iii) has, for a total period of not less than ten years, functioned either as an examiner or discharged the functions of the Controller under section 73 or both, but ceased to hold any such capacity at the time of making the application for registration;

(d) he has paid such fee as may be prescribed.”

“53. In the result, this writ petition is allowed, declaring that the impugned amendment introduced to Section 126 of the Patents Act 1970, by Section 67 (a) of the Patents (Amendment) Act, 2005 (Act 15 of 2005) as illegal, unconstitutional, ultra vires, void and unenforceable.”

I am eligible for being granted registration as a Patent agent as I meet the stipulated criteria for registration, namely, I am qualified in Science, Technology apart from being an Advocate.

3. Given the stand taken by the CGPDTM in filing the WA. 532/2014 in the Hon'ble High Court of Madras, I want to explore my options of relief and remedy. Towards meeting this requirement, I would like to have photo copies of the WA.532/2014 along with the WP. 8472 of 2006 to decide my future course of action.

4. I request you to kindly, send me the photo copies of the WA.532/2014 filed by your office and WP.8472/2006 filed originally by Mr. S.P. Chockalingam in Hon'ble High Court of Madras. I may be informed about the cost I need to bear to get these photo copies.

5. I request an early action so as to take my next course of action as the delay is affecting my profession.

Thanking you,

Yours Sincerely,