

MEMORANDUM OF UNDERSTANDING ON BILATERAL CO-OPERATION

between

The Office of the Controller General of Patents, Designs and Trade Marks,
Department of Industrial Policy and Promotion, Ministry of Commerce
and

Industry of the Republic of India

and

the German Patent and Trade Mark Office

(Deutsches Patent- und Markenamt)

The Office of the Controller General of Patents, Designs and Trade Marks (CGPDTM), Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce and Industry of the Republic of India and the German Patent and Trade Mark Office (DPMA) ("the Offices"), taking into consideration the development dimension of industrial property, acknowledge the huge efforts and investment of the Indian Government in the modernisation of the Indian patent system and will endeavour to foster co-operation between the CGPDTM and the DPMA aimed at further complementing both institutions in order to promote economic and technological exchanges between Germany and India.

It has been recognised that there is a need to promote innovation and to improve and strengthen the national intellectual property systems with a view to providing an effective response to the challenges created by the knowledge-based society and the introduction of new technologies.

Against this background the Offices declare their willingness to undertake the following activities in accordance with their respective national legislation and within the limits of their respective financial and human resources:

I. Objective

The objective of this Memorandum of Understanding is to further co-operation between the Offices in the field of intellectual property rights, in accordance with the responsibilities of the two institutions in this area.

II. Areas of Cooperation

The Offices intend to co-operate in the strengthening of the intellectual property offices, both in India and in Germany, for the benefit of their respective industry, research and citizens.

To this end the Offices intend to develop a relationship on the basis of mutual trust, respect and common values, in the areas of capacity building, human resource development and public awareness programmes in intellectual property (IP).

III. Capacity Building

The Offices intend to work together in capacity building in intellectual property rights including automation and modernisation of intellectual property offices, development of databases, and procedural rationalization and simplification of processing of industrial property applications, *inter alia*, through the exchange of information on patent data and best practices in patent examination procedures.

IV. Human Resource Development

The two Offices intend to cooperate in the training of personnel and human resource development in the area of intellectual property rights with a view to strengthening the working of the intellectual property (IP) systems in the two countries, including in training in examination of applications for industrial property rights.

V. Public Awareness Programmes

The two Offices intend to work together in the organisation of public awareness and sensitisation programmes in the area of intellectual property rights. This could include the joint organisation of seminars, symposia, and workshops for stakeholders, including inventors, scientists, professionals, IP managers, etc. as well as for the general public with the objective of creating an intellectual property sensitive society.

VI. Automation

The Offices intend to explore possibilities of updating the respective information technology systems in their offices, in order to optimise data exchange, mutual access to databases and administration procedures like electronic filing.

For this purpose, the Offices could exchange information on their respective automation policies, strategies and plans for the development or implementation of information systems in their Institutions.

VII. Patent databases and data exchange

The Offices intend to work together with a view to making more complete and better-quality patent information available to their examiners and the general public.

The Offices may exchange information on both patent applications and granted patents in accordance with their respective law. This information will be exchanged in electronic form.

VIII. IP awareness and innovation

The Offices may co-operate in the creation and implementation of services which will raise awareness of the importance of industrial property in all sectors of society.

This could include the joint organisation of seminars, symposia, workshops and training programmes for stakeholders in industrial property such as inventors, scientists, researchers, entrepreneurs, academics, lawyers, IP professionals and civil servants working in areas related to industrial property.

The activities in this field might include the development of a network of centres devoted to the promotion of IP and innovation.

These activities should be co-ordinated with other partners such as government agencies, universities, chambers of commerce, etc., which should play a leading role in the sustainability and maintenance of the network.

IX. Annual Action Plan

The Offices would jointly draw up an Annual Action Plan that will set out the specific co-operation activities to be carried out each year.

The Annual Action Plan, *inter alia*, might include,

- a. Exchange of experiences between India and Germany in training of intellectual property office functionaries, IP managers, IP professionals and IP policy makers.
- b. Development of appropriate modules and curricula for such training.

- c. Development of continued institutional cooperation for regular academic exchanges between IP institutes in the two countries.
- d. Exchange of information and best practices in the automation of IP offices, developing IP databases and examination procedures of patents, trademarks, designs, geographical indications, etc.
- e. Exchange of best practices in spreading awareness about IP among students, industrialists and the civil society.
- f. Exchange of information about institutional mechanisms for addressing potential concerns between right holders and consumers.
- g. Joint activities on specific IP issues.
- h. Exchange of experience in the area of protection of Traditional Knowledge.

Each Annual Action Plan should include the detailed planning for carrying out of the co-operation activities including the scope of the action, administration and assignment of resources, total costs and their distribution, time schedule and any other information deemed necessary.

An Annual Action Plan would not necessarily need to include co-operation activities in all the fields specified in this Memorandum of Understanding.

X. Monitoring Mechanism

A Joint Consultative Mechanism (JCM) should be established for drawing up the Annual Action Plans, for overseeing their implementation and for facilitating the exchange of views on any point of interest for the two Offices.

The JCM should meet at least once a year to approve the Annual Action Plan, and monitor and evaluate the co-operation activities carried out. It should also meet at the formal written request of either of the Offices, subject to the agreement of the other office.

XI. Funding

The implementation of each activity will be subject to the availability of the required funds in the annual budgets of the respective Offices.

XII. General

Cooperation of the two Offices should be guided by this Memorandum for at least two years from the date of its signing.

Where one side should not wish to continue the activities mentioned in this Memorandum, it should inform the other side accordingly in a timely manner, ie. at least three months in advance.

In the event that cooperation is terminated earlier than currently intended, cooperation measures that were already planned under the annual work programme should be completed.

This Memorandum of Understanding is signed in two originals in the German and English languages.

Place: New Delhi

Date: October 30, 2007

For the Office of the
Controller General of
Patents, Designs and Trade
Marks, Department of
Industrial Policy &
Promotion



Ajay Shankar
Secretary
Department of Industrial Policy & Promotion
Ministry of Commerce & Industry
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Trade Mark Office



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