

MINISTRY OF COMMERCE AND INDUSTRY
(Department of Industrial Policy and Promotion)
NOTIFICATION

New Delhi, the 25th April, 2018

G.S.R. 415(E).—In exercise of the powers conferred by the proviso to article 309 of the Constitution, and in supersession of (1) the Controller General of Patents, Designs and Trade Marks Group 'A' Recruitment Rules, 2007, and (2) the Ministry of Commerce and Industry, Patent Office (Senior Joint Controller) Recruitment Rules, 2012, except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules regulating the method of recruitment to the posts in Patent Office in the Office of the Controller General of Patents, Designs and Trade Marks under the Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Ministry of Commerce and Industry, Patent Office (Controllers and Examiners) Recruitment Rules, 2018.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Application.**—These rules shall apply to the posts specified in column (1) of the Schedule annexed to these rules.

3. **Number of posts, classification, level in the pay matrix.**—The number of the said posts, their classification, level in the pay matrix attached thereto shall be as specified in columns (2) to (4) of the said Schedule.

4. **Method of recruitment, age limit, qualifications, etc.**—The method of recruitment, age limit, qualifications and other matters relating thereto shall be as specified in columns (5) to (13) of the aforesaid Schedule.

5. **Disqualification.**—No Person,-

(a) who has entered into or contracted a marriage with a person having a spouse living; or

(b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said post:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

6. **Power to relax.**—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

7. **Saving.**—Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes, ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

Name of Post.	Number of Post.	Classification.	Level in the Pay Matrix.	Whether Selection or Non-Selection post.	Age limit for direct recruits.
(1)	(2)	(3)	(4)	(5)	(6)
1.Senior Joint Controller of Patents and Designs.	5* (2018) *Subject to variation dependent on workload.	General Central Service Group 'A' Gazetted, Non - Ministerial.	Level 13A in pay matrix (Rs.131100-216600).	Selection post.	Not applicable.

Educational and other qualifications required for direct recruits.	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.	Period of Probation, if any.	Method of recruitment, whether by direct recruitment or by promotion or by deputation/absorption and percentage of the vacancies to be filled by various methods.
(7)	(8)	(9)	(10)
Not applicable.	Not applicable.	Not applicable.	By promotion failing which by deputation (including short term contract).

In case of recruitment by promotion or deputation or absorption, grades from which promotion / deputation / absorption to be made.	If a Departmental Promotion Committee exists, what is its composition.	Circumstances in which Union Public Service Commission is to be consulted in making recruitment.
(11)	(12)	(13)
<p>Promotion: Joint Controller of Patents and Designs in level 13 in the pay matrix with two years regular service in the grade and having successfully completed two to four weeks of training in Intellectual Property Rights from a Government or Government recognised institute including Rajiv Gandhi National Institute of Intellectual Property Management</p> <p>Note: Where juniors who have completed their qualifying or eligibility service are being considered for promotion, their senior would also be considered provided they are not short of the requisite qualifying or eligibility service by more than half of such qualifying or eligibility service or two years, whichever is less and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying or eligibility service.</p> <p>Deputation (including short term contract): Officers under the Central Government or State Government or Union territory Administration or Universities or Recognised Research Institutions or Public Sector Undertakings or Semi Government or Autonomous or Statutory Organisations:</p> <p>(a)(i) holding analogous posts on regular basis; or (ii) with two years regular service in posts of level 13 in the pay matrix after appointment thereto on regular basis; and</p> <p>(b) possessing the following educational qualifications and experience:</p> <p>Essential: Master Degree in Science or Bachelor Degree in Engineering or Technology from a recognised University in any of the subjects given below, as may be specified in the advertisement on the basis of requirement:</p> <p>(i) Master Degree in Physics or Chemistry or Bio-Chemistry or Microbiology or Molecular Biology or Bio-Technology or Bio-Physics or Computer Science or Information Technology or Polymer Science; or</p> <p>(ii) Degree in Engineering or Technology in Civil or Mechanical or Textile or Electrical or Electronics or Electronics and Telecommunication or Computer Science or</p>	<p>Group 'A' Departmental Promotion Committee (for considering promotion) consisting of:</p> <p>(i) Joint Secretary (Administration- Office of Controller General of Patents, Designs and Trade Marks), Department of Industrial Policy and Promotion - Chairman.</p> <p>(ii) Controller General of Patents, Designs and Trade Marks - Member.</p> <p>(iii) Joint Secretary (Administration), Department of Commerce - Member.</p>	<p>Not applicable.</p>

<p>Information Technology or Metallurgical or Chemical or Food Technology or Bio-medical or Polymer Technology; and</p> <p>(iii) Twelve years research experience with record of original research papers and Knowledge of patenting procedures including drafting of patenting specifications; or</p> <p>(iv) Twelve years practical experience in supervisory capacity in an Industrial or Engineering Organization of repute out of which at least eight years experience should have been in patent and/or design search. Knowledge of patenting procedures including drafting of patenting specifications; or</p> <p>(v) Twelve years experience in Group 'A' post in Patent Office.</p> <p>Note 1: The departmental officers in the feeder category who are in the direct line of promotion shall not be eligible for consideration for appointment on deputation. Similarly, deputationists shall not be eligible for consideration for appointment by promotion.</p> <p>Note 2: Period of deputation including period of deputation (including short term contract) in another ex-cadre post held immediately preceding this appointment in the same or some other organisation or department of the Central Government shall ordinarily not exceed three years and the maximum age limit for appointment by deputation shall be not exceeding fifty six years as on the closing date of receipt of applications.</p>	
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(1)	(2)	(3)	(4)	(5)	(6)
2. Joint Controller of Patents and Designs.	13* (2018) *Subject to variation dependent on workload.	General Central Service Group 'A' Gazetted, Non-Ministerial.	Level 13 in pay matrix (Rs.123100-215900).	Selection post.	Not applicable.

(7)	(8)	(9)	(10)
Not applicable.	Not applicable.	Not applicable.	By Promotion.

(11)	(12)	(13)
<p>Promotion: Deputy Controller of Patents and Designs in level 12 in the pay matrix with five years regular service in the grade and having successfully completed two to four weeks of training in Intellectual Property Rights from a Government or Government recognised institute including Rajiv Gandhi National Institute of Intellectual Property Management.</p>	<p>Group 'A' Departmental Promotion Committee (for considering promotion) consisting of: (i) Joint Secretary (Administration - Office of Controller General of Patents, Designs and Trade Marks), Department of Industrial Policy and Promotion - Chairman. (ii) Controller General of Patents, Designs and Trade Marks - Member.</p>	Not applicable.

<p>Note: Where juniors who have completed their qualifying or eligibility service are being considered for promotion, their senior would also be considered provided they are not short of the requisite qualifying or eligibility service by more than half of such qualifying or eligibility service or two years, whichever is less and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying or eligibility service.</p>	<p>(iii) Senior Joint Controller of Patents and Designs - Member. (iv) Joint Secretary (Administration), Department of Commerce - Member.</p>	
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(1)	(2)	(3)	(4)	(5)	(6)
3. Deputy Controller of Patents and Designs.	51* (2018) *Subject to variation dependent on workload.	General Central Service Group 'A' Gazetted, Non-Ministerial.	Level 12 in pay matrix (Rs.78800-209200).	Selection post.	Not applicable.

(7)	(8)	(9)	(10)
Not applicable.	Not applicable.	Not applicable.	By Promotion.

(11)	(12)	(13)
<p>Promotion: Assistant Controller of Patents and Designs in level 11 in the pay matrix with five years regular service in the grade and having successfully completed two to four weeks of training in Intellectual Property Rights from a Government or Government recognised institute including Rajiv Gandhi National Institute of Intellectual Property Management.</p> <p>Note: Where juniors who have completed their qualifying or eligibility service are being considered for promotion, their senior would also be considered provided they are not short of the requisite qualifying or eligibility service by more than half of such qualifying or eligibility service or two years, whichever is less and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying or eligibility service.</p>	<p>Group 'A' Departmental Promotion Committee (for considering promotion) consisting of: (i) Joint Secretary (Administration - Office of Controller General of Patents, Designs and Trade Marks), Department of Industrial Policy and Promotion - Chairman. (ii) Controller General of Patents, Designs and Trade Marks - Member. (iii) Senior Joint Controller of Patents and Designs - Member. (iv) Joint Secretary (Administration), Department of Commerce - Member.</p>	Not applicable.

(1)	(2)	(3)	(4)	(5)	(6)
4. Assistant Controller of Patents and Designs.	196* (2018) *Subject to variation dependent on workload.	General Central Service Group 'A' Gazetted, Non-Ministerial.	Level 11 in pay matrix (Rs.67700-208700).	Selection post.	Not applicable.

(7)	(8)	(9)	(10)
Not applicable.	Not applicable.	Not applicable.	By promotion.

(11)	(12)	(13)
<p>Promotion: Examiner of Patents and Designs in level 10 in the pay matrix with five years regular service in the grade and having successfully completed two to four weeks of training in Intellectual Property Rights from a Government or Government recognised institute including Rajiv Gandhi National Institute of Intellectual Property Management.</p> <p>Note: Where juniors who have completed their qualifying or eligibility service are being considered for promotion, their senior would also be considered provided they are not short of the requisite qualifying or eligibility service by more than half of such qualifying or eligibility service or two years, whichever is less and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying or eligibility service.</p>	<p>Group 'A' Departmental Promotion Committee (for considering promotion) consisting of:</p> <p>(i) Joint Secretary (Administration - Office of Controller General of Patents and Designs and Trade Marks), Department of Industrial Policy and Promotion - Chairman.</p> <p>(ii) Controller General of Patents and Designs and Trade Marks - Member.</p> <p>(iii) Senior Joint Controller of Patents and Designs - Member.</p> <p>(iv) Joint Secretary (Administration), Department of Commerce - Member.</p>	Not applicable.

(1)	(2)	(3)	(4)	(5)	(6)
5. Examiner of Patents and Designs.	673* (2018) *Subject to variation dependent on workload.	General Central Service Group 'A' Gazetted, Non - Ministerial.	Level 10 in pay matrix (Rs. 56100-177500).	Not applicable.	Not exceeding thirty five years. (Relaxable for Government Servants up to five years in accordance with the instructions or orders issued by the Central Government from time to time). Note: The crucial date for determining the age-limit shall be the closing date for receipt of applications and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Jammu and Kashmir State, Lahul and Spiti district and Pangi sub division of Chamba district of Himachal Pradesh, Union territory of Andaman and Nicobar Islands or Union territory of Lakshdweep.

(7)	(8)	(9)	(10)
<p>Essential: Master Degree in Science or Bachelor Degree in Engineering or Technology from a recognised University in any of the subjects given below, as may be specified in the advertisement on the basis of requirement:</p> <p>(a) Master Degree in Physics or Chemistry or Bio-Chemistry or Microbiology or Molecular Biology or Bio-Technology or Bio-Physics or Computer Science or Information Technology or Polymer Science; or</p>	Not applicable.	Two years.	By direct recruitment Note: Vacancies caused by the incumbent being away on deputation or long illness or study leave or under other circumstances for a duration of one year or more may be filled by deputation basis from other officers of Central Government or State Government or autonomous bodies under Central Government or State

(b) Degree in Engineering or Technology in Civil or Mechanical or Textile or Electrical or Electronics or Electronics and Telecommunication or Computer Science or Information Technology or Metallurgical or Chemical or Food Technology or Bio-medical or Polymer Technology.			<p>Government:</p> <p>(a)(i) holding analogous posts on regular basis; or</p> <p>(ii) with three years' regular service in the posts of level 7 in pay matrix; and</p> <p>(b) Possessing the qualifications and experience prescribed for direct recruits under Column (7).</p>
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(11)	(12)	(13)
Not applicable.	<p>Group 'A' Departmental Confirmation Committee (for considering confirmation) consisting of:</p> <p>(i) Joint Secretary (Administration - Office of the Controller General of Patents, Designs and Trade Marks), Department of Industrial Policy and Promotion - Chairman.</p> <p>(ii) Controller General of Patents, Designs and Trade Marks - Member.</p> <p>(iii) Director, Department of Industrial Policy and Promotion - Member.</p> <p>Composition of Selection Committee for selection of candidates for appointment on direct recruitment basis:</p> <p>"Recruitment shall be in accordance with the procedure or mechanism approved by the Central Government from time to time."</p>	Not applicable.

[F. No. P-24017/48/2017-IPR-I]

RAJIV AGGARWAL, Jt. Secy.

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