### MINISTRY OF INDUSTRY

(Development of Industrial)  

*New Delhi, the 25th May, 1987*

G.S.R.449.—In exercise of the powers conferred by the proviso to article 309 of the Constitution and in substitution of the Trade Marks Registry (Group 'A' and 'B' posts) Recruitment Rules, 1981, in so far as they relate to the post of Examiner of Trade Marks except as respects things done or omitted to be done before such substitution, the President hereby makes the following rules, regulating the method of recruitment to the Group 'B' post for the Trade Marks Registry under the Controller General, Patents, Designs and Trade Marks, Department of Industrial Development, Ministry of Industry, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Trade Marks Registry (Group 'B' post) Recruitment Rules, 1986.

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

2. **Number of post, classification and scale of pay.**—Number of the said post, its classification and the scale of pay attached thereto, shall be as specified in columns 2 to 4 of the Schedule annexed to these rules.

3. **Method of recruitment, age limit, other qualifications etc.**—The method of recruitment, age limit, qualifications, etc. are as mentioned in the Schedule below.

### THE SCHEDULE

<table>
<thead>
<tr>
<th>Name of the post</th>
<th>No. of Classification</th>
<th>Scale of pay</th>
<th>Whether selection post or non-selection post</th>
<th>Age limit for direct recruits</th>
<th>Writhe benefit of added years of service under Rule 30 of CCS (Pension) Rules 1972</th>
<th>Education and other qualifications required for direct recruits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Examiner of Trade Marks (1986)</td>
<td>10</td>
<td>General: Rs. 650-300- Selection Central Service: 740-35-810- Group 'B' 40-1000-EB- Gazetted: 40-1200.</td>
<td>Not exceeding 33 years. (Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Central Government).</td>
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<td></td>
<td>(i) Degree in Law of a recognised University, or equivalent. (ii) 3 years experience of legal affairs or trade marks.</td>
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*Note 1: Qualifications are subject to variation dependent on workload.*

and other matters relating to the said post shall be as specified in columns 5 to 14 of the said Schedule.

4. **Disqualification.**—Persons who—

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

(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.

5. **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 and in consultation with the Union Public Service Commission, relax any of the provisions of these rules in respect of any class or category of persons.

6. **Saving.**—Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Ex-service men and other special category of persons in accordance with the orders issued by the Central Government, from time to time, in this regard.
Circumstances in which U.P., S.C. is to be consulted in making rect.

Method of rect., whether by direct rect., or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods.

In case of rect., by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made

If a D.P.C. exists, what is its composition

Circumstances in which U.P., S.C. is to be consulted in making rect.

Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.

Period of probation, if any

Age: No. 2 years

Educational Qualification: Yes.

By promotion, falling which by transfer on deputation, and failing both by direct rect.

Promotion:

(i) Assistant Examiner of Trade Marks with 3 years' regular service in the grade.

(ii) P.A. to Controller General with 3 years' regular service in the grade.

Note: The crucial date for determining the age 'limit' shall be the closing date for receipt of applications from candidates other than those in the Andaman and Nicobar Islands and Lakshadweep.

relaxable at the discretion of the Union Public Service Commission in case of candidates otherwise well qualified.

Note 2: The qualifications regarding experience is/are relaxable at the discretion of the Union Public Service Commission in case of candidates belonging to Scheduled Castes and Scheduled Tribes, if at any stage of selection, the Union Public Service Commission is of the opinion, that a sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.

Desirable:

Degree in Science or Engineering/Technology of a recognized University or equivalent.

Note: The eligibility list for promotion shall be prepared with reference to the date of completion by the officers of the prescribed qualifying service in the respective grade/post.

Transfer on deputation:

Officers under the Central/State Governments:

Group 'B' Departmental Consultation with the U.P., S.C. necessary

Promotion Committee consisting of

1. Controller General, Patents, Designs & Trade Marks—Chairman.
2. Joint Registrar of Trade Marks—Member.
3. Deputy Registrar of Trade Marks/Assistant Registrar of Trade Marks—Member.
4. An officer of appropriate status belonging to SC/ST—Member.

Note: The proceedings
(a) holding analogous posts;
(b) with 3 years' regular service in posts in the scale of Rs. 550-900 or equivalent; or
(c) with 8 years' regular service in posts in the scale of Rs. 425-700 or equivalent; and

(b) possessing the educational qualifications and experience laid down for direct recruits under column 8.

(The departmental officers in the feeder category who are in the direct line of promotion will not be eligible for consideration for appointment on deputation. Similarly, deputationists shall not be eligible for consideration for appointment by promotion. (Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organisations/departments shall ordinarily not exceed 3 years.))