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Annexure-I

**Particulars/bio-data for the post of Technical Member in the Intellectual  
Property Appellate Board**

1. Name : BIRENDRA PRASAD SINGH
2. Fathers Name : LATE RAMJEE SINGH RAMAN
3. Date of Birth : 25/12/1959
4. Education qualification : BE (AMIE Electrical), LLB
5. Whether SC/ST/OBC : Neither
6. Date of enrolment as an Advocate/registration as Patent Agent : Not applicable
7. Present assignment : Assistant Controller of Patents & Designs,  
Group Leader,  
(Electrical & Electronic Group)  
IPO Delhi.
8. Address
  - (a) Official : Patent Office, Boudhik Sampada Bhawan,  
Plot No. 32, Sector-14, Dwarka, New Delhi-  
110 078.
  - (b) Residential : D-14 D, MIG Flats, Maya Puri, New Delhi-  
110 064.
  - (c) E-mail : [birendrap.singh@nic.in](mailto:birendrap.singh@nic.in),  
[bpsraman@gmail.com](mailto:bpsraman@gmail.com)
  - (d) Telephone no. : (O) – 011-28034321  
(M) -9968070507
  - (e) Fax No. : 011-28034301/02
  - (f) Preferred contact Address from the above  
[write (a) or (b)] : (a)
9. Background/Experience for The last ten years & present Work (enclosed separate sheet, If required) : Separate sheet enclosed

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10. Details of special knowledge & experience in dealing with Patent law (enclose separate Sheet if required) : Separate sheet enclosed
11. Citations of the important Patent cases appeared in The Supreme Court of India/ in any of the High Courts. : Separate sheet enclosed
12. Published work, if any, on available on Trade Mark Law/Patent Law (enclosed copy) : Quality Policy and Standards of Patent Office (available on official website of office)



Signature of the applicant

Designation: Assistant Controller of  
Patents & Designs.

Office address: Patent Office, Boudhik  
Sampada Bhawan,  
Plot No. 32, Sector-14,  
Dwarka, New Delhi-  
110 078.

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(To be filled by employer, if employed)

- (i) It is certified that the information furnished by Shri BIRENDRA PRASAD SINGH has been checked as per the service records of the individual and found correct.
- (ii) It is certified that no disciplinary/vigilance case is either pending or contemplated against Shri BIRENDRA PRASAD SINGH
- (iii) In the event of his/her selection Shri BIRENDRA PRASAD SINGH will be relieved of his duties from this office.
- (iv) His Annual Confidential Report (Photocopies, duly attested) for the last five years are sent herewith.

Date : 01/10/10



Name : Shri P.H. Kurian

Designation : Controller General of Patents,  
Designs & Trade Marks.

Telephone No. 022-24132735

Official Seal :

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**BACK GROUND/EXPERIENCE AND SPECIAL KNOWLEDGE IN PATENTS**

Name : BIRENDRA PRASAD SINGH  
Father's Name : Late RAMJEE SINGH 'RAMAN'  
Present Address : THE PATENT OFFICE,  
BAUDHIK SAMPADA BHAWAN  
SECTOR-14, PLOT NO. 32  
DWARKA, NEW DELHI-110078  
PH: +91-11-28034321  
Fax: +91-11-28034301  
Residential Address : D-14 D, MIG FLATS,  
MAYAPURI,  
NEW DELHI-110064  
PH: +91-11-25141008

Date of Birth : 25-12-1959

**Academic/Professional**

Qualifications : (a) Secondary School Exam in 1<sup>st</sup> Div. In March-1975  
(b) Intermediate Science in 1<sup>st</sup> Div. In July-1977  
(c) Diploma in Electrical Engineering (IAF)  
(d) AMIE Sec. A & B Electrical Engineering Branch.  
(e) LL. B. Degree from University of Delhi.

**Previous Employment/Experience:**

S.No.	Employer	Post Held	Duration	Nature of Job
1	Indian Air Force	Senior Non-Commissioned Officer	1977-1992 (15 Yrs)	1. Monitoring maintenance aspect of Fighter/transport aircrafts/helicopters. 2. Instructor for aircraft maintenance crew on electrical systems of Cheetah & Chetak helicopters
2	The Patent Office	Examiner of Patents & Designs	1992-2003 (11 Yrs)	1. Examination & novelty search of Patent application including classification 2. Examination of Design applications. 3. Specialization in inventions

				relating to electrical engineering field as well as computer implemented inventions.
3	The Patent Office	Assistant Controller of Patents & Designs	2003- Till Date (7 Yrs +)	<ol style="list-style-type: none"> <li>1. Administering and executing various provisions of The Patent Act, 1970 and the rules made there under.</li> <li>2. Functioning as Controller Patents and Designs in accordance with the law.</li> <li>3. Involved in granting patents, offering hearings for the applicants of patent and third parties in capacity of quasi-judicial authority</li> <li>4. Adjudication of Patent litigation in accordance with the provisions of the Patent law including revocation and restoration of patents and related issues.</li> <li>5. Developed and formulated the guidelines for examination of computer implemented inventions in Indian Patent Office.</li> <li>6. Actively participated in development and implementation of the software modules for patent processing as domain expert.</li> <li>7. Coordination with National Informatics Center (NIC) and all the IP Offices</li> <li>8. Discharged the responsibility of Head of Office of Patent Office, Delhi.</li> <li>9. Successfully participated in development and implementation of e-filing module of patent application.</li> <li>10. Actively participated in development of Draft Manual of practice and procedure of the Patent Office.</li> <li>11. Developed the quality policy and standards of the Patent Office.</li> <li>12. Involved in preparation of draft Quality Manual of the Patent Office.</li> <li>13. Involved in preparation of draft patent rules for IPO to function as ISA/IPEA.</li> <li>14. Participated in development of Patent office procedure (POP) and development of corresponding</li> </ol>

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				electronic modules 15. Functioning as Group Leader of electrical and electronic group at IPO, Delhi
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Date: 29-09-2010  
Place: New Delhi



(B.P.SINGH)  
Assistant Controller of Patents &  
Designs

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*This is land mark judgment of Hon'ble High court Calcutta. The undersigned was examiner of this case and rejected the priority date claim of the applicant on the ground that Italy was not a convention country on the date of filing the basic application in that country. The matter was appealed in Calcutta High court where single Judge has referred the matter to Division bench which upheld the decision of The Patent Office.*

**Daniel AC Officine Meccaniche SPA V. Contoller of**  
**Patents and Designs (AID No. 19 of 1998)**

The questions before the division bench of Calcutta high court were:

- (a) Whether the appeal was maintainable under section 116 of the patent act and
- (b) Whether the order of the controller dismissing appellants application under section 135 of the act was inconformity with the letter and spirit of section 133 of the act or not.

The applicants had applied for a patent in Italy on 31-03-1994. Italy was declared convention country, as far as India was concerned, on 03-01-1995. On 15<sup>th</sup> march 1995, an application was filed by the applicant under sections 133,135 of the Act in which the applicant claimed priority on the basis of application filed in Italy as a convention country.

Initially the Controller objected to recognize the priority date and later after a hearing issued a reasoned order dated 06-07-1998 stating that the applicant was not entitled to claim the priority on the basis that the basic application as the same had not been filed before a convention country because when the application was filed in Italy, Italy was not a conventional country. The controller accordingly held that the application shall not be preceded as conventional application and if the applicant

Case law submission in accordance with column 11 of annexure-1:

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complied the requirements of the law, it may proceed as an ordinary application.

On the first question the court held that the controller has refused to proceed with the application and has required the applicant to amend his application in the manner directed by the controller before the controller would proceed with the application at all. The order is clearly covered by section 15(1) and therefore is appealable under section 116(2).

On the second question the court held that section 135 requires the basic application to be an "application of patent in respect of invention in a convention country". On a literal interpretation, the phrase plainly means that the basic application is made in order to qualify the applicant for a priority claim under section 135. In other words, an application made to a country, which may subsequently be declared, as a convention country will not do. Further the court also held that the provisions of section 2(d) and 133 are not expressed in a language, which can be construed as operating retrospective.

The argument of the appellant that the notification under the 1970 Act as far as the six convention countries prevailing during 1911 Act, has been issued subsequent to the making of the patent application was nullified as these application were saved by the provision of section 162 of the 1970 Act.

The court held that the appellants right flows from the provision of section 135 read with section 133(1) of the Patent Act. The notification was not given retrospective effect and the privileges of reciprocity were therefore extended to the 72 countries including Italy for the first time in 1995. The appellant's basic application was made in 1994 when Italy was not a convention country. There has, therefore, been no discrimination between the appellant and the applicants with pending applications under the 1911 Act and the tribunal rightly held that the application of the appellant under section 135 could not be proceeded with.

The appeal was accordingly dismissed without any order as to costs.



Case law submission in accordance with column 11 of annexure-1:

B P SINGH, ASSISTANT CONTROLLER OF PATENTS AND DESIGNS