

The Trade Marks (Applications And Appeals To The Intellectual Property Appellate Board) Rules, 2003

UNION OF INDIA

India

The Trade Marks (Applications And Appeals To The Intellectual Property Appellate Board) Rules, 2003

Rule

THE-TRADE-MARKS-APPLICATIONS-AND-APPEALS-TO-THE-INTELL of 2003

- Published on 5 December 2003
- Commenced on 5 December 2003
- [This is the version of this document from 5 December 2003.]
- [Note: The original publication document is not available and this content could not be verified.]

The Trade Marks (Applications And Appeals To The Intellectual Property Appellate Board) Rules, 2003 Published vide Notification G.S.R. 928(E), dated 5.12.2003, published in the Gazette of India, Extraordinary, Part 2, Section 3(i), Sl. No. 585, dated 5.12.2003.

1054.

Whereas the draft of the Trade Marks (Applications and Appeals to the Intellectual Property Appellate Board) Rules, 2003 were published, as required by section 157 of the Trade Marks Act, 1999 (47 of 1999) in Gazette of India, Extraordinary, Part II, Section 3, sub-section (i), dated the 4th October, 2003, vide notification of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) number G.S.R. 782(E), dated 4th October, 2003, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of fifteen days from the date on which copies of the Gazette containing the notification were made available to the public. And whereas the copies of the Gazette containing the notification were made available to the public on 7th October, 2003; And whereas the objections and suggestions received from the public have been considered by the Central Government; Now, therefore, in exercise of the powers conferred by section 157 of the Trade Marks Act, 1999 (47 of 1999), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement

.(1) These rules may be called The Trade Marks (Applications and Appeals to the Intellectual Property Appellate Board) Rules, 2003.(2)They shall come into force on the date of their publication in the Official Gazette.

2. Applications and appeals

.-The manner of making applications and the forms of appeals to the Appellate Board and the manner of verification thereof shall be as provided in the First Schedule to these rules.

3. Fees

.-The fees for filing applications and appeals before the Appellate Board shall be as specified in the Second Schedule to these rules which shall be paid by way of bank draft payable at Chennai drawn in favour of the Deputy Registrar, Intellectual Property Appellate Board.The First Schedule(See rule 2)Manner of Making Applications and Forms of Appeal

Serial No.	Section of the Trade Marks Act, 1999/Rule of the Trade Marks Rules, 2002	Title	Form Number
(1)	(2)	(3)	(4)
1	Section 47/57/125	Application under section 47 for removal of a trade mark from the register under section 57 or section 125	Form 1
2	Section 91	Appeal from an order or decision of the Registrar of Trade Marks in respect of goods or services falling in one class	Form 2
3	Section 91	Appeal from an order or decision of the Registrar of Trade Marks in respect of goods or services falling in two or more classes	Form 3
4	Section 91 read with rule 162 of the Trade Marks Rules, 2002	Appeal from an order or decision of the Registrar of Trade Marks in regard to the registration or removal of a trade marks agent from the register of trade marks agents	Form 4
5	Section 91	Application for condoning the delay in filing appeal Before the Intellectual Property Appellate Board	Form 5

Fee: Rs. 5,000Form 1Application for the removal of trade mark from the register or rectification of the register under section 47/57/125 of the Trade Marks Act, 1999(To be filed in triplicate alongwith statement of case in triplicate and accompanied by as many copies of each of them as there are registered users under the registration)In the matter of Trade Mark Noregistered in the name of classI/Wehereby apply tha e entry in the

register in respect of the above mentioned trade mark may be (removed) rectified in the following manner:.....The grounds of my/our application are as follows:.....No action concerning the trade mark in question is pending in any Court or before the Registrar of Trade Marks.All communications relating to this application may be sent to the following address in India:

1. State full name, address and nationality. An address for service in India should be stated if the applicant has no place of business or of residence in India.

2. Strike out the word which is not applicable.

Dated, thisday
of.....20.....Place:.....Signature for the applicant(Full
Name of the Signatory)ToThe Deputy Registrar,Intellectual Property Appellate Board,Annexe-1,
Guna Complex, II Floor,

443.

, Anna Salai, Teynampet,Chennai-600 018Before the Intellectual Property Appellate BoardFee: Rs.
5,000FORM 2Appeal under section 91 of the Trade Marks act, 1999 in respect of goods or services
falling in one class(To be filed in triplicate)Title of the Case:INDEX

SL.No	Description of documents relied upon	Page No
1.2.3.4		

.Signature of the applicant

For use in the Board OfficeDate of filingOrDate or receipt by postRegistration
No.....Signaturefor Deputy RegistrarBefore the Intellectual Property Appellate
BoardA.B. (add description such as full name, nationality, address, registered office
.....AppellantVs.C.D. (add description such as full name, nationality, address, registered office
and the residential or official address on which the service of notices is to be effected on the
respondent or respondents. The details of each respondent are to be given in a chronological
order).....RESPONDENTDetails of appeal:

1. Particulars of the order against which the appeal is made:

(Particulars of the order giving the details like the number, date and authority which has passed the order against which the appeal is made.)

2. Jurisdiction of the Board:

The appellant declares that the subject-matter of the order against which he wants redressal is within the jurisdiction of the Board.

3. Limitation:

The appellant further declares that the appeal is within the limitation period prescribed in section 91(1) of the Trade Marks Act, 1999.

4. Facts of the case:

(Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue or fact.)

5. Grounds for relief with legal provisions:

6. Matters not previously filed or pending with any other Court:

The appellant further declares that he had not previously filed any appeal, writ petition, or suit before any Court or any other authority regarding the matter in respect of which this appeal has been made. (In case the appellant had previously filed any such appeal, writ petition or suit, the stage at which it is pending, and if decided, the list of the decisions should be given with reference to the number of Annexure to be given in support thereof.)

7. Reliefs sought:

In view of the facts mentioned above the appellant prays for the following relief(s):-(Specify the relief(s) sought explaining the grounds for such relief(s) and the legal provisions, if any relied upon).

8. Particulars of Bank Draft.

9. List of enclosures:

1.

2.

3.

4.

10. All communications relating to these proceedings may be sent to the following address in India:

Verification I (name of the appellant)
age of nationality, resident of do hereby verify
that the contents of paras to are true to my personal
knowledge and paras to are believed to be true on legal
advice and that I have not suppressed any material fact. Dated, this day
of 20 Place: Signature of the appellant (Full Name
of the Signatory) To The Deputy Registrar, Intellectual Property Appellate Board Annex-1, Guna
Complex, II Floor,

443.

, Anna Salai, Teynampet, Chennai-600 018 Before the Intellectual Property Appellate Board Fee: Rs.
10,000 Form 3 Appeal Under Section 91 of the Trade Marks Act, 1999 in Respect of goods or services
falling in two or more classes (To be filed in triplicate) Title of the Case: Index

SL.No Description of documents relied upon Page No

1.2.3.4

..... Signature of the applicant

For use in the Board Office Date of filing Or Date of receipt by post Registration

No. Signature for Deputy Registrar Before the Intellectual Property Appellate Board A.B.
(add description such as full name, nationality, address, registered office Appellant Vs. C.D. (add.
description such as full name, nationality, address, registered office and the residential or official
address on which the service of notices is to be effected on the respondent or respondents. The
details of each respondent are to be given in a chronological order). Respondent Details of appeal:

1. Particulars of the order against which the appeal is made:

(Particulars of the order giving the details like the number, date and authority which has passed the
order against which the appeal is made.)

2. Jurisdiction of the Board:

The appellant declares that the subject-matter of the order against which he wants redressal is
within the jurisdiction of the Board.

3. Limitation:

The appellant further declares that the appeal is within the limitation period prescribed in section 91(1) of the Trade Marks Act, 1999.

4. Facts of the case:

(Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue or fact.)

5. Grounds for relief with legal provisions:

6. Matters not previously filed or pending with any other Court:

The appellant further declares that he had not previously filed any appeal, writ petition or suit before any Court or any other authority regarding the matter in respect of which this appeal has been made. (In case the appellant had previously filed any such appeal, writ petition or suit, the stage at which it is pending, and if decided, the list of the decisions should be given with reference to the number of Annexure to be given in support thereof.)

7. Reliefs sought:

In view of the facts mentioned above the appellant prays for the following relief(s):- (Specify the relief(s) sought explaining the grounds for such relief(s) and the legal provisions, if any relied upon).

8. Particulars of Bank Draft.

9. List of enclosures:

1.

2.

3.

4.

10. All communications relating to these proceedings may be sent to the following address in India:

Verification I (name of the appellant)
age of nationality, resident of do hereby

verify that the contents of paras.....to.....are true to my personal knowledge and parasto.....are believed to be true on legal advice and that I have not suppressed any material fact. Dated, thisday of.....20.....Place:.....Signature of the appellant(Full name of the Signatory)ToThe Deputy Registrar,Intellectual Property Appellate Board,Annexe-1, Guna; Complex, II Floor

443.

, Anna Salai, Teynampet, Chennai-600 018 Before the Intellectual Property Appellate Board Fee: Rs. 3,000 Form 4 Appeal under Section 91 of the Trade Marks act, 1999 read with rule 162 of the Trade Marks rules, 2002 in respect of Registration or Removal of a trade marks agent from the register of trade marks agents (To be filed in triplicate) Title of the Case: Index

SL.No Description of documents relied upon Page No

1.2.3.4

.Signature of the applicant

For use in the Board Office Date of filing Or Date of receipt by post Registration

No.....Signature for Deputy Registrar Before the Intellectual Property Appellate

Board A.B. (add description such as full name, nationality, address, registered

office.....Appellant Vs. C.D. (add description such as full name, nationality, address, registered office and the residential or official address on which the service of notices is to be effected on the respondent or respondents. The details of each respondent are to be given in a chronological order). Respondent Details of appeal:

1. Particulars of the order against which the appeal is made:

(Particulars of the order giving the details like the number, date and authority which has passed the order against which the appeal is made.)

2. Jurisdiction of the Board:

The appellant declares that the subject-matter of the order against which he wants redressal is within the jurisdiction of the Board.

3. Limitation:

The appellant further declares that the appeal is within the limitation period prescribed in section 91(1) of the Trade Marks Act, 1999.

4. Facts of the case:

(Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue or fact.)

5. Grounds for relief with legal provisions:

6. Matters not previously filed or pending with any other Court:

The appellant shall declare that he had not previously filed any appeal, writ petition or suit before any Court or any other authority regarding the matter in respect of which this appeal has been made.(In case the appellant had previously filed any such appeal, writ petition or suit, the stage at which it is pending, and if decided, the list of the decisions should be given with reference to the number of Annexure to be given in support thereof.)

7. Reliefs sought:

In view of the facts mentioned above the appellant prays for the following relief(~):- (Specify the relief(s) sought explaining the grounds for such relief(s) and the legal provisions, if any relied upon).

8. Particulars of Bank Draft.

9. List of enclosures:

1.

2.

3.

4.

10. All communications relating to these proceedings may be sent to the following address in India:

.....Verification I
.....(name of the appellant)
age.....of.....nationality, resident of.....do hereby
verify that the contents of parasto.....are true to my personal
knowledge and parasto.....are believed to be true on legal
advice and that I have not suppressed any material fact. Dated, thisday
of.....20.....Place:.....Signature of the appellant(Full Name

Of The Signatory)ToThe Deputy Registrar,Intellectual Property Appellate Board,Annexe-1, Guna Complex, II Floor

443.

, Anna Salai, Teynampet,Chennai-600 018Before The Intellectual Property Appellate BoardFee: Rs. 2,500 For delay of per monthOr part thereofForm 5Application for leave to Condone the Delay in filing appeal under Section 91(2) of the Trade Marks act, 1999(To be filed in triplicate together with statement of case in triplicate)In the matter of order or decision of the Registrar of Trade Marks in trade mark application/ Registered Trade Mark NoI/We hereby apply for leave to condone the delay in filing the appeal.The grounds for making this application are set forth in the accompanying statement.(To be enclosed on separate sheet duly signed by the applicant).All communications relating to this application may be sent to the following address in India:.....

.....Dated, this
.....day of.....

20.....Place:.....Signature of the applicant(Full name of the Signatory)ToThe Deputy Registrar,Intellectual Property Appellate Board,Annexe-1, Guna Complex, II Floor

443.

, Anna Salai, Teynampet,Chennai-600 018The Second Schedule(See rule 3)Fees

Entry No.	On what payable	AmountRs.	Corresponding Form Number
(1)	(2)	(3)	(4)
1	On application under Section 47, 57 or 125 for removal of a trademark from the register or rectification of the register.	5,000	Form 1
2	On appeal from an order or decision of the Registrar of Trade Marks in respect of goods or services falling in one class	5,000	Form 2
3	On appeal from an order or decision of the Registrar of Trade Marks in respect of goods or services falling in two or more classes	10,000	Form 3
4	On appeal from an order or decision of the Registrar of Trade Marks in regard to the registration or removal of a trade marks agent from the register of trade marks agents	3,000	Form 4
5	On application for condoning delay for filing appeal	2,500 for delay of per month or part	Form 5

thereof