

The Intellectual Property Appellate Board (Salaries and Allowances Payable to, and other Terms and Conditions of Service of Chairman, Vice-Chairman and Members) Rules, 2003

UNION OF INDIA

India

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Rule

THE-INTELLECTUAL-PROPERTY-APPELLATE-BOARD-SALARIES-AND-ALLOWANCES-PAYABLE-TO, AND OTHER TERMS AND CONDITIONS OF SERVICE OF CHAIRMAN, VICE-CHAIRMAN AND MEMBERS) RULES, 2003

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The Intellectual Property Appellate Board (Salaries and Allowances Payable to, and other Terms and Conditions of Service of Chairman, Vice-Chairman and Members) Rules, 2003 Published Vide Notification No. G.S.R.740(E), dated 15th September, 2003 Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) G.S.R. 740(E). - Whereas a draft of the Intellectual Property Appellate Board (Salaries and allowances payable to, and other terms and conditions of service of Chairman, Vice-Chairman and Members) Rules, 2001 was published as required under sub-section (1) of section 157 of the Trade Marks Act, 1999 (47 of 1999), vide notification of the Govt. of India, Ministry of Commerce and Industry No. GSR 371 (E) dated the 18th May, 2001 at pages 3 to 6 of the Gazette of India; Extraordinary Part II, section 3, sub-section (i) dated 18th May, 2001; Whereas, objections and suggestions were invited within a period of forty-five days from the date of on which the copies of the Official Gazette in which that notification was published, were made available to the public from all persons likely to be affected thereby; Whereas, the draft of the Intellectual Property Appellate Board (Salaries and allowances payable to, and other terms and conditions of service of Chairman, Vice-Chairman and Members) Rules, 2001 was made available to the public on 31st May, 2001; And whereas, the objections and suggestions received from the public with respect to the said draft Rules have been considered by the Central Government; Now, therefore, in the exercise of the powers conferred by clause (xxix) of sub-section (2) of 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 Intellectual Property Appellate Board (Salaries and allowances payable to, and other terms and conditions of service of Chairman, Vice-Chairman and Members) Rules, 2003. (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires - a) "Act" means the Trade Marks Act, 1999; b) "Appellate Board" means the Appellate Board established under section 83 of the Act.

3. Pay.

- The Chairman shall be entitled to a pay of Rupees Thirty thousand per month; the Vice-Chairman shall be entitled to a pay of Rupees Twenty-six thousand per month and other Members shall be entitled to a pay in the scale of Rupees Twenty-two thousand four hundred - six hundred - twenty-six thousand per month: Provided further that in the case of a person who is appointed as the Chairman, the Vice-Chairman or other Member and has retired as a Judge of High Court or retired from service under the Central Government or a State Government and is in receipt of or has received or becomes entitled to receive any retirement benefits by way of pension or gratuity or employer's contribution to the Contributory Provident Fund or other forms of retirement benefits, his pay shall be reduced by the gross amount of pension or pension equivalent to service gratuity or employers' contribution to Contributory Provident Fund or other form of retirement benefits, if any, but excluding pension equivalent to retirement gratuity, drawn or to be drawn by him.

4. Dearness Allowances and City Compensatory Allowance.

- The Chairman, the Vice-Chairman and other Members shall be entitled to dearness allowance and city compensatory allowance at the rates admissible to Group 'A' Officers of the Central Government drawing and equivalent pay.

5. Leave.

- The Chairman, the Vice-Chairman and other Members shall be entitled to thirty days earned leave for every year of service. The payment of leave salary during leave shall be governed under the provisions of rule 40 of Central Civil Services (Leave) Rules, 1972.

6. Leave Sanctioning Authority.

- In case of the Chairman, the President, and in the case of the Vice-Chairman and other Members, the Chairman, shall be the leave sanctioning authority.

7. Provident Fund.

- The Chairman, the Vice-Chairman and other Members shall be entitled to subscribe to the General Provident Fund at his option and in case of his so opting, shall be governed by the provisions of the General Provident Fund (Central Services) Rules, 1960. Provided that if the Chairman, has been a judge of a High Court immediately before his joining the Appellate Board, he shall be governed by the rules which is applicable to a Judge of a High Court.

8. Travelling Allowance.

- The Chairman, the Vice-Chairman and other Members while on tour within India or on transfer (including the journey undertaken by self and family to join the Board or on the expiry of term with the Board to proceed to his home town with family) shall be entitled to the journey allowance, daily allowance and transportation of personal effect at the same scales and at the same rates as are applicable to a Group 'A' Officer of the Central Government drawing an equivalent pay.

9. Leave Travel Concession.

- The Chairman, the Vice-Chairman, and other Members shall be entitled to Leave Travel Concession at the Same scale and at the same rate as applicable to Group 'A' Officers of the Central Government drawing an equivalent pay; Provided that if the Chairman has been a Judge of a High Court he shall be entitled to leave travel concession at the same scale and at the same rate as applicable to the Judge of a High Court.

10. Accommodation.

(1) Every person appointed to the Appellate Board as the Chairman, the Vice-Chairman or other Member shall be entitled to the use of an official residence from the general pool accommodation of the type admissible to an Officer drawing equivalent pay in the Central Government. (2) Where the Chairman, the Vice-Chairman or other Member is not provided with or does not avail himself of the general pool accommodation referred to in sub-rule (1), he may be paid every month an allowance of an amount equal to twelve and half percent of his pay in lieu thereof. (3) Where the Chairman, the Vice-Chairman or other Member occupies an official residence beyond the permissible period he shall be liable to pay additional license fee or penal rent, as the case may be, and liable to eviction in accordance with the Central Government (General Pool Accommodation) Rules, 1963.

11. Transport.

- The Chairman, the Vice-Chairman and other Members shall be entitled to the facility of staff car for journeys for official and private purposes in accordance with the staff car Rules of the Government of India.

12. Medical Facilities.

- The Chairman, the Vice-Chairman and other Members shall be entitled to medical treatment and hospital facilities as provided in the contributory Health Service Scheme Rules, 1954 and in places where the Central Health Services Schemes is not in operation, the Chairman, the Vice-Chairman and other Members shall be entitled to the facilities as provided in the Central Services (Medical Attendance) Rules, 1944.

13. Other Conditions of Service.

- Other conditions of service of the Chairman, the Vice-Chairman and other Members, with respect of which no express provision has been made in these rules, shall be such as are admissible to a Group 'A' Officer of the Central Government drawing an equivalent pay.

14. Retirement from Parent Service on Appointment as Member.

- The Chairman the Vice-Chairman or other Members who on the date of his appointment to the Appellate Board, was in service under the Central Government or a State Government, shall seek retirement from such service before his appointment to the Appellate Board.

15. Power to relax.

- The Central Government shall have power to relax the provisions of any of these rules in respect of any class or classes of persons.