

The Trade Marks (Removal Of Difficulties) Order, 2004

UNION OF INDIA

India

The Trade Marks (Removal Of Difficulties) Order, 2004

Rule

THE-TRADE-MARKS-REMOVAL-OF-DIFFICULTIES-ORDER-2004 of 2004

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The Trade Marks (Removal Of Difficulties) Order, 2004 Published vide S.O. 540(E), dated 28.4.2004, published in the Gazette of India, Extraordinary, Part II, Section 3(ii), dated 28.4.2004.

1056.

Whereas section 84 of the Trade Marks Act, 1999 (47 of 1999) (hereinafter referred to as the said Act), which came into force on the 15th day of September, 2003 inter alia provides that the jurisdiction, powers and authority of the Intellectual Property Appellate Board (hereinafter referred to as the Appellate Board) may be exercised by Benches thereof and a Bench shall consist of one Judicial Member and one Technical Member; And whereas clauses (n) of sub-section (1) of section 2 of the said Act defines "Member" to mean a Judicial Member or a Technical Member of the Appellate Board and to include the Chairman and the Vice-Chairman; And whereas clause (zd) of sub-section (1) of section 2 of the said Act defines "Technical Member" to mean a Member who is not a Judicial Member; And whereas clause (k) of sub-section (1) of section 2 of the said Act defines "Judicial Member" to mean a Member of the Appellate Board appointed as such under the said Act and to include the Chairman and the Vice-Chairman; And whereas clause (a) of sub-section (3) of section 84 provides that notwithstanding anything contained in sub-section (2) of the said section, the Chairman may, in addition to discharging the functions of a Judicial Member or Technical Member of the Bench to which he is appointed, discharge the functions of the Judicial Member or, as the case may be, the Technical Member, of any other Bench; And whereas a difficulty has arisen in constituting Benches of the Intellectual Property Appellate Board due to the leave of absence of the Technical Member; Now, therefore, in exercise of the powers conferred by section 156 of the Trade Marks Act, 1999 (47 of 1999), the Central Government hereby makes the following Order, namely:-

- 1. Short title and commencement .-(1) This Order may be called the Trade Marks (Removal of Difficulties) Order, 2004.**
- 2. It shall come into force on the date of its publication in the Official Gazette.**
- 2. During the vacancy in the office of Technical Member, due to leave of absence of a Technical Member appointed as such, then a Bench of the Intellectual Property Appellate Board may consist of the Chairman and the Vice-Chairman.**