

HIGH COURT OF DELHI

PRESS-RELEASE

Creation Of Intellectual Property Division in the Delhi High Court

The Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 was promulgated by the President of India and was notified on 4th April, 2021. The said Ordinance amended Acts relating to protection of Intellectual Property Rights (IPR) and few other enactments namely –

- i. Trade Marks Act, 1999
- ii. Protection of Plant Varieties & Farmers' Rights Act, 2001
- iii. Patents Act, 1970
- iv. Copyright Act, 1957
- v. Geographical Indications of Goods (Registration and Protection) Act, 1999
- vi. Cinematograph Act, 1952
- vii. Customs Act, 1962
- viii. The Airports Authority of India Act, 1994
- ix. National Highways (Land and Traffic) Act, 2002
- x. The Finance Act, 2017

The effect of the Ordinance is that various Boards/Appellate Tribunals, which existed under these statutes, have been abolished. The power to deal with all the pending matters before the said Boards/Tribunals as also fresh matters under these statutes, have now been vested in the High Courts.

Under the various Intellectual Property related statutes, the Intellectual Property Appellate Board (IPAB) was dealing with appeals from the IP offices as also matters such as revocation of Trade Marks, Patents, etc. The IPAB, prior to its abolition, had a

substantial number of pending matters. As per information received from the IPAB, approx. 3000 cases are now to be transferred to the High Court of Delhi. In addition, the Delhi High Court is already seized of various categories of IPR matters namely suits relating to Infringement of Trade Marks, Copyrights, Patents, Writ Petitions, Revision petitions arising from IPR suits before the Commercial Courts, appeals from orders/judgements the Commercial Courts concerning IPR suits etc.,

In order to have streamlined and comprehensive review of the manner in which a large quantum of IPR cases ought to be dealt with, Hon'ble the Chief Justice of High Court of Delhi, Justice D.N. Patel constituted a committee comprising of Hon'ble Ms. Justice Prathiba M. Singh and Hon'ble Mr. Justice Sanjeev Narula. The Committee submitted its report to Hon'ble the Chief Justice both in respect of IPR and non-IPR subject statutes.

Based on the recommendations of aforesaid Committee, Hon'ble the Chief Justice has been pleased to direct creation of Intellectual Property Division (IPD) in this court to deal with all matters related to Intellectual Property Rights. The IPD so created, besides dealing with original proceedings, would also deal with the Writ Petitions (Civil), CMM, RFA, FAO relating to Intellectual Property Rights disputes (except those which are required to be dealt with by the Division Bench). This has been done in order to avoid multiplicity of proceedings and to avoid possibility of conflicting decisions with respect to matters relating to the same trademarks, patents, design etc.

IPD Benches shall be notified by Hon'ble the Chief Justice from time to time. Exclusive IPD Benches are also likely to be created for dealing with such matters. Office-Order is also going to be issued specifying nomenclature to be given to such petitions and also about payment of court-fee for such matters.

The Delhi High Court is also in the process of framing comprehensive Rules for the IPD. A Committee has already been constituted for framing of the '*Delhi High Court Patent Rules*' which shall govern the procedures for adjudication of patent disputes before the Delhi High Court. The first draft of these Rules have already been notified for stakeholders' comments, which have been received.

The creation of Intellectual Property Division (IPD) in the High Court of Delhi is a significant step which is in line with global practices in this regard. Such IP Divisions or IP Courts, which exclusively deal with IPR matters, already exist in UK, Japan, Malaysia, Thailand, China etc., The creation of IPD with comprehensive Rules governing IPR matters, is a momentous step taken towards efficient disposal of such matters.

Separate directions are also being issued for non-IPR statutes.