

NOTICE

The High Court of Delhi is in the process of framing Delhi High Court Intellectual Property Rights Division Rules, 2021. A draft of the proposed “*Delhi High Court Intellectual Property Rights Division Rules, 2021*” is enclosed herewith. The members of the Bar are requested to send their comments / suggestions if any, within two weeks through e-mail at ir-rules.dhc@gov.in



Registrar General
High Court of Delhi

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Delhi High Court Intellectual Property Rights Division Rules, 2021

Preamble:

Whereas, upon the promulgation of the *Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021* ("Ordinance"), now the *Tribunal Reforms Act, 2021* ("TRA 2021") and upon the recommendation of the Committee constituted to take steps further to the said legislation, the Hon'ble Chief Justice of the Delhi High Court has created the Intellectual Property Division ("IPD") in the Delhi High Court to deal with matters relating to Intellectual Property Rights ("IPR") except cases to be dealt with by the Division Bench of the Delhi High Court.

Whereas the Delhi High Court office order No. 667 /Original Side/DHC dated 7th July, 2021 records the decision of the Hon'ble Chief Justice to create the IPD.

In exercise of the powers conferred by Section 7 of the Delhi High Court Act, 1966, Section 129 of the Code of Civil Procedure, 1908, powers conferred under the various Intellectual Property statutes as amended by the TRA 2021, the Delhi High Court hereby makes the following Rules for the matters listed before it's IPD with respect to practice and procedure for the exercise of its original and appellate jurisdiction, and for other miscellaneous petitions arising out of specific statutes.

The substantive provisions governing Intellectual Property matters are contained in The Trade Marks Act, 1999; The Copyright Act, 1957; The Patents Act, 1970; The Designs Act, 2000; The Geographical Indications of Goods (Registration and Protection) Act, 1999; The Protection of Plant Varieties and Farmers' Rights Act, 2001; The Semiconductor Integrated Circuits Layout- Design Act, 2000, as also in common law.

1. Short title and commencement:

- (i) These Rules shall be called 'The Delhi High Court Intellectual Property Rights Division Rules, 2021' (DHC- IPD Rules, 2021);
- (ii) The Rules shall come into force on such date as the Chief Justice of Delhi High Court may notify in the Official Gazette.

2. Definitions.- In these Rules, unless the context otherwise requires:

- (a) "Act" (s) means the Statutes mentioned below, as applicable:
 - (i) The Copyright Act, 1957;

- (ii) The Designs Act, 2000;
 - (iii) The Geographical Indications of Goods (Registration and Protection) Act, 1999;
 - (iv) The Patents Act, 1970;
 - (v) The Protection of Plant Varieties and Farmers' Rights Act, 2001;
 - (vi) The Semiconductor Integrated Circuits Layout- Design Act 2000;
 - (vii) The Trade Marks Act, 1999;
- (b) **"Address for service"** means the address furnished by an applicant, appellant, complainant, petitioner, respondent or his authorized trade mark agent, patent agent or other agent or his legal practitioner at which service of summons, notices or other processes may be effected;
- (c) **"Agent"** includes a trade mark or patent agent as defined under Section 145, Trade Marks Act, 1999 and Section 125, The Patents Act, 1970 and who is entitled to appear before the IPD in order to make submissions and to assist the IPD;
- (d) **"Appeal"** includes an appeal filed before the IPD under the following sections of the respective Acts with the following nomenclature:
- (i) Under Section 91 of The Trade Marks Act, 1999 [C.A. (Comm. IPD-TM)];
 - (ii) Under Section 72 of The Copyright Act, 1957 [CA (Comm. IPD-CR)];
 - (iii) Under Section 117A of The Patents Act, 1970 [CA.(Comm. IPD-PAT)];
 - (iv) Under Section 31 of The Geographical Indications of Goods (Registration and Protection) Act, 1999 [C.A.(Comm. IPD-GI)];
 - (v) Under Section 56 of The Protection of Plant Varieties and Farmers' Rights Act, 2001 [C.A. (Comm. IPD-PV)];
 - (vi) Under Section 42 of the Semiconductor Integrated Circuits Layout- Design Act, 2000 [C.A. (Comm. IPD-SCD)];
 - (vii) Under Sections 36 of the Designs Act, 2000 [C.A. (Comm. IPD-DE)];
- (e) **"Appellant"** means a person making an appeal before the IPD;

- (f) **"Evidence"** shall be evidence tendered before the IPD including affidavits in evidence filed by the parties and experts along with documents filed and oral evidence if recorded;
- (g) **"Fee"** shall mean the fees prescribed in the Schedule II to these Rules;
- (h) **"Form"** shall mean the form prescribed in the Schedule I to these Rules;
- (i) **"Intellectual Property Right (IPR)"** for the purpose of these Rules, shall include:
 - i. Rights pertaining to Patents, Copyrights, Trademarks, Geographical Indications, Plant Varieties, Designs, Semiconductor integrated circuit layout-designs, Traditional Knowledge and all rights under common law, if any, associated therewith;
 - ii Actions seeking to enforce rights under common law including passing off, acts of unfair competition, disparagement, comparative advertising etc.;
 - iii. Rights seeking protection of trade secrets, breach of confidential information and related subject matters;
 - iv. Tortious actions involving intellectual property, privacy and publicity rights;
 - v. Rights pertaining to data protection, data exclusivity and related matters.

Explanation:

- (i) for the purpose of these Rules, cases pertaining to the Information Technology Act, 2000 dealing with the rights and liabilities of intermediaries, online market places, e-commerce platforms involving issues relating to any of the aforementioned rights, shall be deemed to be within the purview of intellectual property rights.;
- (ii) intermediaries, online market places, e-commerce platforms shall have the same meaning as under Section 2(w) of the Information Technology Act, 2000.
- (j) **"Intellectual Property Rights Division (IPD)"** refers to the division in the Delhi High Court, to deal with matters relating to IPR, except cases to be dealt with by the Division Bench;

- (k) **"Intellectual Property Office (IPO)"** shall mean –
- (i) in case of Trademarks – Office of 'Registrar of Trademarks';
 - (ii) in case of Copyrights – Office of 'Registrar of Copyrights';
 - (iii) in case of Patents - Office of 'Controller General of Patents and Designs';
 - (iv) in case of Geographical indications–Office of 'Registrar of Geographical Indications';
 - (v) in case of Semiconductor integrated circuits layout-designs – Office of the 'Registrar of the Semiconductor Integrated Circuits Layout-Design', as per Section 3 of 'The Semiconductor Integrated Circuits Layout- Design Act, 2000';
 - (vi) in case of Designs – Office of 'Controller General of Patents, Designs and Trade Marks'.
- (l) **"IPR matters or cases or proceedings or disputes"** shall include all original proceedings, appellate and other proceedings related to IPRs as defined in Rule 2(i) above filed before the IPD and shall also include:
- (i) IPR suits, revocation applications, cancellation applications, other original proceedings, appeals and petitions from the various IPOs and all other proceedings which were hitherto maintainable before the Intellectual Property Appellate Board ("*IPAB*") under provisions of the Act(s).
 - (ii) All suits filed in which the subject matter is an IPR, either under the respective statutes or under common law including suits relating to breach of privacy, rights of publicity.
 - (iii) Writ Petitions (Civil) [WP(C)], Civil Misc. (Mains) [CM(Main)], Regular First Appeal [RFA], First Appeal from Order [FAO], Civil Revision Petition [CRP] arising out of IPR matters and disputes dealt with by the Commercial Courts in Delhi, except matters that are to be dealt with by a Division Bench;
- (m) **"legal practitioner"** shall have the same meaning as is assigned to it in the Advocates Act, 1961;
- (n) **"Patent Suit Rules, 2021"** shall mean the High Court of Delhi Rules Governing Patent Suits, 2021;
- (o) **"Petition"** includes a Civil Original Petition, Writ Petition (Civil), Civil Misc. (Main), Civil Revision Petition and Appeals:

- (i) A Civil Original Petition means a petition under any of the Act(s) filed before the IPD as an original proceeding,
- (ii) Writ Petition (Civil) means a petition/ application under Article 226 of The Constitution of India *inter alia* for issuance of a writ in the nature of mandamus, certiorari, prohibition, and quo warranto.
- (iii) Civil Miscellaneous (Main) means a petition under Article 227 of the Constitution of India; and
- (iv) Civil Revision Petition means a Petition under Section 115 of the Code of Civil Procedure, 1908;
- (v) an Appeal means a petition under any of the Act(s) filed before the IPD as an appellate proceeding;
- (p) **"Pleadings"** shall include applications, appeals, complaints, counter affidavits, counter statements, petitions, reviews, replies, rejoinders, rejoinder affidavit filed before the IPD.

3. **Applicability-** These Rules shall govern and apply to all IPR matters or cases or proceedings or disputes before the IPD of the Delhi High Court.

4. **Jurisdiction** - Every IPR matter or case or proceeding or dispute filed before the IPD shall be heard and adjudicated by a Single Judge of the IPD.

5. **Filing and Nomenclature to be adopted for filing.-**

The filing of IPR matters or cases or proceedings or disputes before the IPD shall be under the following categories with the nomenclature given below:

i. **Appeals**

Nomenclature: C.A.(Comm. IPD-TM), C.A. (Comm. IPD-CR), C.A.(Comm. IPD-PAT), C.A.(Comm. IPD-GI), C.A. (Comm. IPD-PV), C.A. (Comm. IPD-SCD), C.A (Comm. IPD-DE);

ii. **Civil Original Petitions**

Nomenclature: C.O. (Comm. IPD-TM), C.O. (Comm. IPD-CR), C.O.(Comm. IPD-PAT), C.O.(Comm. IPD-GI), C.O. (Comm. IPD-PV); C.O. (Comm. IPD-SCD);

iii. **Writ Petitions (Civil)**

Nomenclature: Writ Petition (C)-IPD

iv. **Civil Miscellaneous Main**

Nomenclature: Civil Misc. (Main)-IPD

v. **Regular First Appeal (RFA)**

Nomenclature: RFA-IPD

vi. **Execution First Appeal (EFA)**

Nomenclature: EFA-IPD

vii. **Civil Revision Petition (CRP)**

Nomenclature: CRP-IPD

6. Procedure for Appeals

- (i) Appeals under Rule 2(d) of the present rules before the IPD shall be filed in the formats/ forms prescribed in Schedule I, within the period of limitation as prescribed in the respective Act(s) along with the requisite Court fees as prescribed in Schedule II.
- (ii) Appeals shall consist of the memorandum of parties, synopsis, list of dates, a brief memorandum of appeal, grounds of challenge in the appeal, the order impugned and affidavit of Appellant/ party filing the Appeal along with other details as required in the Form applicable.
- (iii) Forms, correspondence and all other relevant documents forming the part of the record of the IPO shall ordinarily accompany the appeal.
- (iv) Documents that are not part of the record of the IPO shall generally not be accepted by the IPD except with the leave of the Court.
- (v) Memorandum of appeal shall specify as to whether the documents being filed are part of the record of the IPO and if any additional documents are being filed, the details thereof shall be specified. Such documents shall be accompanied with an application seeking leave of the Court, in which case principles akin to Order XLI Rule 27 Code of Civil Procedure, 1908 would apply.

- (vi) No evidence shall be recorded in Appeals. However, the IPD may direct the appearance of any witness, who has deposed before the IPO for the purpose of seeking any clarification.
- (vii) In all Appeals, all the contesting parties before the IPO, shall be impleaded as Respondents. The respective IPO shall also be impleaded as a Respondent.
- (viii) Filing of a reply would be only upon specific directions of the Court, if the need arises. Respondents cannot claim as a matter of right, opportunity to file a reply to such appeal. The opposite party shall however during the course of hearing or otherwise, be entitled to produce copies of any relevant record intended to be relied upon. In exceptional circumstances, the Court may permit an opposite party to file a reply to such an appeal.
- (ix) Reply, if so directed, shall be filed within the period prescribed by the Court or within 60 days from the service of the appeal or from the date of first appearance in the appeal, whichever is earlier.
- (x) Rejoinder to the reply, if so directed, shall be filed within the period prescribed by the Court or within 30 days from the date of service of reply upon the Appellant.
- (xi) Filing of any further affidavits or pleadings shall be strictly with the leave of the Court.
- (xii) Procedures applicable to Civil Appeals filed before the Single Judge: The Delhi High Court Rules and Orders as also the Practice directions issued from time to time, to the extent there is no inconsistency with these Rules, shall be applicable to appeals filed before the IPD.

7. Procedure for Original Petitions (Civil Original Petition)

- (i) Original petition shall consist of memorandum of parties, synopsis, list of dates and all other details specified in the respective forms and shall be accompanied by the affidavit of the Petitioner/party filing the petition.
- (ii) Averments shall be made in the original petition specifying as to which of the documents filed form part of the record of the IPO.
- (iii) Admission/denial of the documents shall not be compulsory in the original petitions filed before the IPD. All documents shall be read as part of record, unless challenged by any party. Such challenge shall

be raised in the very first instance i.e. in the Reply or Rejoinder. If any specific document is denied or challenged by any party, the admission/denial of the said document(s) shall be conducted as per the Delhi High Court (Original Side) Rules, 2018. Denial of documents which is evasive or without just reason or cause, would be liable to be penalized with heavy costs.

- (iv) Framing of issues shall also not be compulsory in the original petitions. Upon completion of pleadings, the Court may proceed to hear the petition finally.
- (v) Filing of evidence may be directed by the Court, only if the same is deemed necessary. The evidence shall usually be in the form of affidavits. Oral evidence including cross-examination may be directed for reasons to be recorded in the order. If oral evidence is directed, the procedure for recording of evidence and other related procedures shall be governed by the Delhi High Court (Original Side) Rules, 2018.
- (vi) Original petitions filed before the IPD under the respective statutes shall be filed in the formats/ forms prescribed in Schedule I of the present Rules [within the period of limitation as prescribed in the respective Act(s)] along with the requisite Court fees prescribed in Schedule II.
- (vii) Original petitions shall be accompanied with all the relevant records from the respective IPO including the relevant correspondence.
- (viii) The parties shall also file all other relevant documents in support of the relief sought in the original petition.
- (ix) In case of an original petition relating to patents, the complete specification of the patent along with different versions/claims, if relevant, as also the relevant forms filed before the IPO, shall also be filed.
- (x) Reply, if so directed, shall be filed within the period prescribed by the Court or shall be filed within 60 days from the service of the petition or from the date of first appearance in the petition, whichever is earlier.
- (xi) Rejoinder to the reply, if so directed, shall be filed within the period prescribed by the Court or within 30 days from the date of service of reply upon the Petitioner.

- (xii) Filing of any further affidavits or pleadings shall be strictly with the leave of the Court.
- (xiii) Procedures applicable to original petitions: The Delhi High Court (Original Side) Rules, 2018 and orders as also the practice directions issued from time to time, to the extent there is no inconsistency with these Rules, shall be applicable to original petitions filed in the IPD.

8. Procedure for Writ Petitions (Civil)

- (i) Writ Petitions filed in the IPD, challenging any orders passed by the IPO, shall consist of a synopsis and list of dates and events, memo of parties, Memorandum of the writ petition including grounds of challenge, prayer/ relief sought, affidavit in support. The Petitioner shall also state both in the application and in the affidavit whether any other remedy was availed of in respect of the same impugned order and if so, provide details thereof including any order passed therein.
- (ii) The impugned order shall be annexed with the writ petition.
- (iii) Procedures applicable to Writ Petitions (Civil): The Delhi High Court Rules and orders as also the practice directions issued from time to time, to the extent there is no inconsistency with these Rules, shall be applicable to writ petitions filed in the IPD.

9. Procedure for Civil Miscellaneous Main Petition

- (i) The Civil Miscellaneous Main Petitions challenging orders passed by the Commercial Courts or other district courts/civil courts, relating to IPR disputes shall be filed and listed before the IPD. The formats for the said petitions will be governed by The Delhi High Court Rules and Orders.
- (ii) The Civil Miscellaneous Main shall consist of the memo of parties, synopsis and list of dates and events, Civil Miscellaneous main petition, the grounds challenging the order, prayer/the relief sought, affidavit and the impugned order.
- (iii) Copies of pleadings, order sheets of Trial Court:

The petitioner shall file the relevant pleadings of the original proceedings, relevant order sheets, issues if framed in the case, pleadings in the relevant interim applications and documents which the petitioner intends to rely upon.

Provided that every endeavor shall be made to place on record pleadings / documents (other than case law) referred to in the impugned order. It shall be sufficient if copies of the documents mentioned above are filed with self-certification of the counsel for the petitioner to the effect that each such document is the true copy of its respective original in the file of the Trial Court.

- (iv) Ordinarily the Civil Miscellaneous (Main) Petition may be decided on the basis of the grounds raised in the petition and the record filed with the same. No opposite party as a matter of right shall be entitled to file a reply to such a petition. The opposite party shall however during the course of hearing be entitled to produce copies of any relevant record intended to be relied upon. In exceptional circumstances, the Court may permit an opposite party to file a reply to such a petition.

10. Procedure for Regular First Appeal

- (i) Regular First Appeals shall be governed by The Delhi High Court Rules and Orders/Practice directions and pleadings shall be filed as per the Forms / formats prescribed therein.
- (ii) Appeals shall consist of the memo of parties, synopsis, list of dates and events, regular first appeal (memorandum of appeal), grounds of challenge to the judgment/decreed appealed from/challenge in the appeal, prayer/ relief prayed for. Certified copy of the judgment/decreed impugned shall be filed within the period of limitation along with affidavit.
- (iii) The entire record forming part of the original proceeding shall be filed with the RFA, to the extent possible.

11. Procedure for First Appeal from Order

- (i) The First Appeal from Order shall be governed by The Delhi High Court Rules and Orders and pleadings shall be filed as per the Forms / formats prescribed therein.
- (ii) Appeals shall consist of the memo of parties, synopsis, list of dates and events, first appeal from order (memorandum of appeal), grounds of challenge to the order appealed from/ grounds of challenge in the appeal, prayer/relief sought, order impugned and affidavit.

12. Procedure for Civil Revision Petition

- (i) Civil Revision Petitions shall be governed by The Delhi High Court Rules and Orders/Practice directions. Pleadings therein shall be filed as per the Forms / formats prescribed therein.
- (ii) Revision Petitions shall consist of the memo of parties, synopsis, list of dates and events, revision petition, grounds of challenge to the impugned order, prayer/relief sought, order impugned and affidavit.
- (iii) Filing of a reply would be only upon specific directions of the Court, if the need arises. Respondents cannot claim as a matter of right, opportunity to file a reply to such petition. The opposite party shall however during the course of hearing or otherwise, be entitled to produce copies of any relevant record intended to be relied upon. In exceptional circumstances, the Court may permit an opposite party to file a reply to such a petition.

13. Procedure for CM (Mains), FAOs, RFAs, CRPs

- (i) All CM (Mains), FAOs, RFAs, CRPs shall be accompanied with the relevant pleadings of the original proceedings, relevant order sheets, issues if framed in the case, pleadings of relevant interim applications and documents which the petitioner intends to rely upon. Provided that every endeavor shall be made to place on record pleadings / documents (other than case law) referred to in the impugned order.
- (ii) It shall be sufficient if copies of the documents mentioned above are filed with self-certification of the counsel for the petitioner to the effect that each such document is the true copy of its respective original in the file of the Trial Court.
- (iii) Ordinarily the Court may decide these Petitions and Appeals on the basis of the grounds raised in the petition and the record filed with the same.
- (iv) Filing of a reply would be only upon specific directions of the Court, if the need arises. Respondents cannot claim as a matter of right, opportunity to file a reply to such petition. The opposite party shall however during the course of hearing or otherwise, be entitled to produce copies of any relevant record intended to be relied upon. In exceptional circumstances, the Court may permit an opposite party to file a reply to such a petition.

14. Procedure for Suits

(i) Suits before the IPD shall be governed by the provisions of The Commercial Courts Act, 2015 as also the Delhi High Court (Original Side) Rules, 2018.

(ii) In addition to these Rules, Patent suits and actions shall be governed by the Patent Suit Rules, 2021.

15. Pleadings to be accompanied by affidavit of authorized representative and relevant documents

All pleadings shall be accompanied by the affidavit of the authorized representative/ parties concerned and documents establishing the authorization such as Board Resolution and Power of Attorney.

16. Advance Copy

In all matters filed before the IPD advance copy shall be served at the address for service as also through email at least 48 hours in advance, upon the Respondents including the counsels/agents, who may have represented the Respondents before the IPO, or trial court, or authority as the case may be. Along with the advance copy so provided, the likely date of listing shall be intimated. Upon advance copy being served, parties/counsels/agents/authority shall be represented on the first date of hearing before the Court. For the sake of expeditious disposal, no further notice would be liable to be issued and the matter may be heard and disposed of on the first day of listing.

17. Nomination of Counsel by the IPO

The respective IPOs may nominate their counsel in order to appear before the IPD as also for production of records, if called for.

18. Process Fee

There shall be a onetime process fee as prescribed in The Delhi High Court (Original Side) Rules, 2018 with necessary modifications to include Appellant and Petitioner as Plaintiff and Respondent as the Defendant.

19. Intervention by third parties

In the matters listed before the IPD, intervention by the third parties may be permitted suo moto or on an application by any person. Such person shall seek to intervene by means of an application stating the nature of interest before the IPD. The IPD may refuse or grant leave after hearing, if so required, the parties concerned on the application, on such terms and conditions as it deems fit.

20. Consolidation of matters or cases or proceedings or disputes

Where there are multiple proceedings relating to the same or related IPR, irrespective of whether the said proceedings are between the same parties or not, the IPD shall have the power and the discretion to direct consolidation of proceedings, hearings, and also to direct consolidated recording of evidence/ common trial and consolidated adjudication.

21. Summary Adjudication

In cases not relating to patents before the IPD, the Court may pass summary judgment, without the requirement of filing a specific application seeking summary judgment on principles akin to those contained in Order XIII A, Code of Civil Procedure, 1908 as applicable to commercial suits under the Commercial Courts Act, 2015

22. Summary Adjudication in Patent cases

In addition to the provisions in the Commercial Courts Act, 2015 for Summary judgment, summary adjudication maybe considered by the Court in patent cases falling in any of the following categories.

- (a) Where the remaining term of the patent is 5 years or less;
- (b) A certificate of validity of the said patent has already been issued by any High Court or the Supreme Court;
- (c) If the Defendant is a repeated infringer of the same or related Patent;
- (d) If the validity of the Patent is admitted and only infringement is denied.

23. Application of Statutes

The IPD, as may be applicable to the cases listed before it, apply the provisions of:

- (i) The Commercial Courts Act, 2015 for suits and counter claims in matters relating to IPRs;

- And
(ii) Patent Suit Rules, 2021.

24. General Clause

Procedures not specifically provided for in these Rules shall, in general, be governed by The Civil Procedure Code, 1908 as amended by The Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.

25. Power to remove difficulties

If any difficulty arises in giving effect to the provisions of these Rules, the IPD may, by order, make such provision not inconsistent with these Rules as may appear to be necessary or expedient for removing the difficulty.

26. Panel of Experts

The Court may, in any IPR matter, seek assistance of expert(s) relating to the subject matter of the dispute as may be necessary. The opinion of the expert shall be persuasive in nature and shall not be binding on the Court. The IPD may maintain a panel of experts to assist the Court which panel may be reviewed from time to time. The remuneration of the expert(s) shall be decided by the IPD.

27. Law Researchers

- (i) Judges of the IPD would also be entitled to appoint two law researchers who would assist them in techno-legal aspects, on a daily basis, in addition to the law researchers appointed under the Delhi High Court Rules.
- (ii) Such Law Researchers may possess a degree in any technical field or specialization in any IPR subject or have experience in the field of IPR;
- (iii) The tenure of such Law Researcher(s) shall be a minimum period of 6 months;
- (iv) The remuneration of such Law Researcher(s) will be INR 50,000/- per month.

28. Strict guidelines of written submissions and timelines for oral submissions

The Court may direct the filing of written submissions in advance, prior to the date fixed for oral arguments. The Court may also fix specific timeslots and restricted time limits for oral arguments, as deemed appropriate.

29. Patents/Trade Mark Agents

Before the IPD, Agents who are registered as Patent agents or Trademark agents as also any professional having knowledge of the said subject matter of the dispute shall have a right of audience, to assist the Court along with the counsels/legal practitioners representing the parties.

30. Hot-tubbing or other modes of recording evidence:

In the case of evidence by experts, the same may be recorded by resorting to procedures such as Hot-tubbing or other such procedures, as the Court deems fit.

31. Costs:

In cases before the IPD, actual costs may be awarded by the Court as already provided for in the Delhi High Court (Original Side) Rules, 2018.

SCHEDULE I

FORM-I

[Form under Sections 47, 57, 125 of the Trade Marks Act, 1999]

(COURT FEES: _____)

IN THE HIGH COURT OF DELHI AT NEW DELHI
(Intellectual Property Division – Original Civil Jurisdiction)

CO (Comm-IPD/TM) _____ of _____

...Petitioner(s)/Applicant(s)

(Full Name, address, e-mail and mobile number of the petitioner(s)/applicant(s). In case of foreign petitioner(s)/applicant(s), address for service in India to be furnished)

Versus

...Respondent(s)

(Full Name(s), address, e-mail and mobile number of the Respondent(s). In case of foreign Respondent(s), address for service in India to be furnished)

PETITION/APPLICATION UNDER SECTIONS 47, 57, 125 OF THE TRADE MARKS ACT, 1999 FOR _____
(score out the provision not applicable)

The Petitioner(s)/ Applicant(s) above named respectfully submits as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Name and address of the Trade Marks Agent, if any :

4. Trade mark sought to be :
cancelled/varied/rectified –
 - (i) Registration no.
 - (ii) Word mark/Device mark
(The mark as appearing in the
Registration Certificate be affixed)
 - (iii) Date of filing of Application
 - (iv) Date of advertisement in the Trade
Marks Journal and details thereof
 - (v) Details of Opposition(s) filed if any
 - (vi) Date of grant of registration
 - (vii) Renewal details
5. Relief prayed and relevant section(s) :
6. Proprietor of the registered trade mark :
7. Details of predecessor-in-interest of the trade :
mark, if any
8. Current status of the trade mark (print out from :
the website of the Registry of Trade marks to
be attached)
9. Date of user claimed in the application for :
trade mark.
10. Disclaimer/other conditions, if any :
11. Interest of the petitioner, in brief :
12. Grounds for seeking relief :
13. Details of any other proceedings pending with :
respect to the same trade mark within the
knowledge of the petitioner/Applicant
including the forum
14. Prayer :

[Name & Signature of the
Advocate for the
Petitioner(s)/Applicant(s)]

15. Verification :

(Signature of the
Petitioner(s)/ Applicant(s))

16. Affidavit in support

List of Documents

1. Copy of registration certificate obtained by the respondent in respect of the impugned mark.
2. Current status of the trade mark printed from the website of the Trade Marks Registry
3. Any other relevant document(s)

NOTE:

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the petition.

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FORM-II

[Form under Section 91 of the Trade Marks Act, 1999 and under Rule 156 of the Trade Marks Rules, 2017]

[COURT FEES: _____]

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(Intellectual Property Division – Appellate jurisdiction)**

CA (Comm-IPD/TM)_____ of _____

...Appellant(s)

(Full Name, address, e-mail and mobile number of the Appellant(s). In case of foreign Appellant(s), address for service in India to be furnished)

Versus

...Respondent(s)

(Full Name, address, e-mail and mobile number of the Respondent(s). In case of foreign respondent(s) address for service in India to be furnished)

**APPEAL UNDER SECTION 91 OF THE TRADE MARKS ACT, 1999 OR
UNDER RULE 156 OF THE TRADE MARKS RULES, 2017
CHALLENGING THE ORDER DATED _____ PASSED BY
_____**

The appellant(s) above named respectfully submits as under

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Name and address of the Trade Mark Agent, if any :
4. Date of the impugned order appealed against :

5. Authority which passed the impugned order :
6. Provision under which the impugned order passed :
7. Period of limitation :
8. Delay, if any, in filing the appeal and reasons thereof :
9. Grounds of appeal :
10. Details of any other proceedings pending in respect of the same trade mark within the knowledge of the Appellant :
11. Prayer :

(Name & Signature of
the
Advocate/Appellant(s))

12. Verification :

[Signature of the
Appellant(s)]

13. Affidavit in support. :

List of Documents

1. Copy of the impugned order passed by the IPO
2. Any other relevant documents forming part of the record of the IPO.

NOTE:

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the petition.

FORM-III

[Form under Section 19A of the Copyright Act 1957]

(COURT FEES: _____)

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(Intellectual Property Division – Original Civil Jurisdiction)**

CO (Comm-IPD/CR)_____ of _____

...Petitioner(s)/Complainant(s)

(Full Name, address, e-mail and mobile number of the Complainant (s). In case of foreign Complainant (s), address for service in India to be furnished)

Versus

...Respondent(s)

(Full Name(s), address, e-mail and mobile number of the Respondent(s). In case of foreign Respondent(s), address for service in India to be furnished)

**PETITION/COMPLAINT UNDER SECTION 19A OF THE
COPYRIGHT ACT, 1957**

The Petitioner(s)/complainant(s) above named respectfully submits as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Name, address, e-mail, mobile number and nationality of the owner/Author/assignor :
4. Description of the work (Literary, Dramatic, Musical, Artistic, Cinematograph Film, Sound Recording) including
 - i. Title of the work

- ii. Name, address and nationality of the publisher
- iii. Year of first and last publication
- iv. Country of first and last publication
- 5. If the copyright in the work is registered, :
details of registration be provided
- 6. Date of Assignment (copy of assignment :
deed be attached)
- 7. Grounds for revocation of assignment or :
Nature of dispute relating to the assignment
- 8. Details of any other proceedings pending :
with respect to the same work within the
knowledge of the complainant(s)
- 9. Royalty payable, if any and justification :
thereof
- 10. Prayer :

[Name & Signature of the
Advocate for the
Petitioner(s)/Complainant(s)]

- 11. Verification :

(Signature of the
Petitioner(s)/Complainant (s))

- 12. Affidavit in support :

List of Documents

- 1. Copy of assignment deed be attached
- 2. Any other relevant documents

NOTE:

- 1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
- 2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the petition.

FORM-IV

**[Form under 31, 31A, 31B, 31C, 31D, 32, 32A, 33A of the Copyright Act
1957]**

(COURT FEES: _____)

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(Intellectual Property Division – Original Civil Jurisdiction)**

CO (Comm-IPD/CR)_____ of _____

**...Petitioner(s)/Complainant(s)/
Applicant(s)**

(Full Name, address, e-mail and
mobile number of the
Petitioner(s)/Complainant(s)/Applica
nt(s). In case of foreign
Petitioner(s)/Complainant(s)/Applica
nt(s), address for service in India to
be furnished)

Versus

...Respondent(s)

(Full Name(s), address, e-mail and
mobile number of the Respondent(s).
In case of foreign Respondent(s),
address for service in India to be
furnished)

**PETITION/COMPLAINT/APPLICATION UNDER SECTIONS 31, 31A,
31B, 31C, 31D, 32, 32A, 33A OF THE COPYRIGHT ACT, 1957.**

(score out the provision not applicable)

The petitioner(s)/complainant(s)/ applicant(s) above named respectfully submits
as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the :
Advocate
3. Name, address, e-mail, mobile number and :
nationality of the owner/Author, if known. If
owner/author is dead, details of heirs, legal
representatives if known to the

- Petitioner(s)/Complainant(s)/Applicant(s)
4. Details of copyright society, if applicable :
 5. Description of the work (Literary, Dramatic :
Musical, Artistic, Cinematograph Film, Sound
Recording) for which licence is sought/tariff is
to be paid
 - i. Title of the work
 - ii. Name, address and nationality of the
publisher
 - iii. Whether work is published/unpublished
 - iv. Year of first and last publication
 - v. Country of first and last publication
 6. If the work(s) for which licence is sought is a :
Collection/Repertoire or a part thereof, then
the name of the copyright owner of the entire
Collection/Repertoire
 7. Details of Tariff Scheme published by the :
Copyright society, if applicable
 8. If the licence is applied for reproduction, :
publishing or re publishing/issuance of copies
 - i. Medium through which copies would be
issued -print/electronic/digital/online
 - ii. Estimated cost of the work to be
published
 - iii. Proposed retain price per copy of the
work
 - iv. Rate of royalty, currently being charged
by the owner, if available or prevailing
standards of royalty for such works
 - v. Rate of royalty, last paid by the
Complainant(s), if applicable
 - vi. Rate of royalty, which the
Complainant(s) considers reasonable to
be paid to the copyright owner
 - vii. Means available to the Complainant (s)
for payment of royalty
 - viii. Language of proposed publication
 9. If the licence is applied for performance in :
public

- i. Number of performances of work proposed to be made under the licence applied for
 - ii. Proposed place(s), date(s) and venue(s) of performance
 - iii. Estimated cost of each performance
 - iv. Rate charged by the owner for comparable performances, if available or prevailing standards of royalty for such works
 - v. Rate of royalty, which the applicant considers reasonable, to be paid to the copyright owner
 - vi. Means available to the Complainant(s) for payment of royalty
10. If the licence is applied for communication to public by broadcast :
- i. Duration of broadcast and the number of times it is proposed to be broadcast
 - ii. The name of the channels and territorial coverage of the broadcast
 - iii. Prevailing standards of royalties in regard to such works
 - iv. Rate of royalty, which the applicant considers reasonable, to be paid to the copyright owner
 - v. Means of the applicant for payment of the royalty
11. Details of publication in newspaper as per :
Section 31A(2):
12. Nature of activities of the :
Petitioner(s)/Applicant(s)/Complainant(s)
undertaken for persons with disability as per
Section 31B, if applicable
13. Details of prior notice given under Section :
31C(2) or 31D(2), if applicable
14. Whether the licence sought is in respect of a :
work which is not an Indian work, for the
purposes of teaching, scholarship, research,
systematic instructional activities or for

dissemination of the results of specialised, technical or scientific research to experts in a particular field under Sec.32?

15. Whether the Petitioner(s)/Complainant :
(s)/Applicant(s) sought a licence from the owner of copyright? If so details thereof
16. Whether copies of the work are available in :
India or have been put on sale in India?
17. Grounds for grant of Compulsory :
Licence/opposing Tariff Scheme
18. Prayer :

[Name & Signature of the
Advocate for the
Petitioner(s)/
Complainant(s)/Applicant
(s)]

19. Verification :

(Signature of the
Petitioner(s)/
Complainant(s)/Applicant
(s))

20. Affidavit in support :

List of Documents

1. Copy of assignment deed.
2. Any other relevant documents forming part of the record of the IP Office.

NOTE:

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the petition.

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FORM-V

[Form under Section 31C(5) of The Copyright Act, 1957 by the Copyright Owner]

(COURT FEES: _____)

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(Intellectual Property Division – Original Civil Jurisdiction)**

CO (Comm-IPD/CR)_____ of _____

**...Petitioner(s)/Complainant(s)/
Applicant(s)**

(Full Name, address, e-mail and mobile number of the Petitioner(s)/Complainant(s)/Applicant(s). In case of foreign Petitioner(s)/Complainant(s)/Applicant(s), address for service in India to be furnished)

Versus

...Respondent(s)

(Full Name(s), address, e-mail and mobile number of the Respondent(s). In case of foreign Respondent(s), address for service in India to be furnished)

PETITION/COMPLAINT/APPLICATION UNDER SECTIONS 31C(5) OF THE COPYRIGHT ACT, 1957.

The petitioner(s)/complainant(s)/applicant(s) above named respectfully submits as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Details of ownership of Sound Recordings for which relief is claimed by Petitioner(s)/Complainant(s)/Applicant(s) :
4. Details of the cover versions being published by the Respondent(s) :

5. Details of prior notice issued by the Respondent(s) to the Owner(s)/Petitioner(s)/Complainant(s)/Applicant(s) :
6. Royalty paid, if any :
7. Alterations made by the Respondent (s), if any :
8. Breach(es) by the Respondent(s) :
9. Whether order of injunction ceasing the making of further copies of the Sound Recording is sought. If so grounds thereof :
10. Amount and details of royalty claimed by the Petitioner(s)/Complainant(s)/Applicant(s) :
11. Prayer :

[Name & Signature of the Advocate for the Petitioner(s)/Complainant(s)/Applicant(s)]

12. Verification :

(Signature of the Petitioner(s)/Complainant(s)/Applicant(s))

13. Affidavit in support :

List of Documents

1. Relevant document.

NOTE:

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the petition.

FORM-VI

[Form under Section 50 of the Copyright Act 1957]

(COURT FEES: _____)

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(Intellectual Property Division – Original Civil Jurisdiction)**

CO (Comm-IPD/CR) _____ of _____

**...Petitioner(s)/Complainant(s)/
Applicant(s)**

(Full Name, address, e-mail and
mobile number of the
Petitioner(s)/Complainant(s)/Applica
nt(s). In case of foreign
Petitioner(s)/Complainant(s)/Applica
nt(s), address for service in India to
be furnished)

Versus

...Respondent(s)

(Full Name(s), address, e-mail and
mobile number of the Respondent(s).
In case of foreign Respondent(s),
address for service in India to be
furnished)

**PETITION/COMPLAINT UNDER SECTION 50 OF THE COPYRIGHT
ACT, 1957**

The Petitioner(s)/Complainant(s)/Applicant(s) above named respectfully
submits as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Name, address, e-mail, mobile number :
and nationality of the
owner/Author/assignor
4. Description of the work (Literary, :
Dramatic Musical, Artistic,
Cinematograph Film, Sound Recording)
including

- i. Title of the work
- ii. Name, address and nationality of the publisher:
- iii. Year of first and last publication
- iv. Country of first and last publication
5. Details of registration :
6. Grounds for rectification :
7. Details of any other proceedings pending with respect to the same work within the knowledge of the petitioner(s) :
8. Prayer :

[Name & Signature of the
Advocate for the
Petitioner(s)/
Complainant(s)/Applicant(s)]

9. Verification :

(Signature of the
Petitioner(s)/
Complainant(s)/Applicant(s))

10. Affidavit in support :

List of Documents

1. Copy of assignment deed be attached
2. Any other relevant documents

NOTE:

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the petition.

=====

2. Any other relevant documents.

NOTE:

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the petition.

=====

[Signature of the
Appellant(s)]

15. Affidavit in support.

List of Documents

1. Copy of the impugned order passed by the IPO
2. Any other relevant documents forming part of the record of the IPO.

NOTE:

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
 2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the petition.
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