

## **Trade Marks (Applications and Appeals to the Intellectual Property Appellate Board) Rules, 2003**

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## **Trade Marks (Applications and Appeals to the Intellectual Property Appellate Board) Rules, 2003**

Whereas the draft of the Trade Marks (Applications and Appeals to be Intellectual Property Appellate Board) Rules, 2003 were published, as required by Section 157 of the Trade Marks Act, 1999 (47 of 1999) in the 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 GSR 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.

### SCHEDULE 1

#### **MANNER OF MAKING APPLICATIONS AND FORMS OF APPEAL**

THE FIRST SCHEDULE			
<i>(See Rule 2) . MANNER OF MAKING APPLICATIONS AND FORMS OF APPEAL</i>			
SI. 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 or for rectification of 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	Form 5

BEFORE THE INTELLECTUAL PROPERTY APPELLATE

BOARD Fee: Rs 5000

SCHEDULE 2

THE SECOND SCHEDULE

(See Rule 3)

THE SECOND SCHEDULE (See Rule 3) FEES			
Entry No.	On what payable	Amount Rs	Corresponding Form Number
(1)	(2)	(3)	(4)
1.	On application under Sections 47, 57 or 125 for removal of a trade mark from the register or rectification of the register	5000	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	5000	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	3000	Form 4
5.	On application for condoning delay for filing appeal	2500 for delay of per month or part thereof	Form 5