

Industrial Property (Procedure of Tribunal) Regulations 2024

GN No. 93 of 2024

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THE INDUSTRIAL PROPERTY ACT 2019

Regulations made by the Minister under section 141 of the Industrial Property Act 2019

- 1.** These regulations may be cited as the **Industrial Property (Procedure of Tribunal) Regulations 2024**.
- 2.** In these regulations -
 - "Act" means the Industrial Property Act 2019;
 - "member" means a member of the Industrial Property Tribunal appointed under section 8 of the Act and includes the Chairperson;
 - "Registrar" means the Registrar of the Tribunal.
- 3.** For the purpose of section 9(2) of the Act, an aggrieved person shall -
 - (a) give notice of appeal in the form set out in the First Schedule by filing the notice of appeal with the Registrar;
 - (b) when filing the notice of appeal, pay the fee specified in the Second Schedule;
 - (c) simultaneously communicate a copy of the notice of appeal to the other parties to the appeal.
- 4.** For the purpose of section 9(3) of the Act, an interested person who applies for an invalidation under section 25, 34, 49, 71, 85, 99, 101, 102 or 112 of the Act shall -
 - (a) give notice of the application for invalidation in the form set out in the Third Schedule by filing the notice with the Registrar;
 - (b) when filing the notice of the application for invalidation, pay the fee specified in the Second Schedule;
 - (c) simultaneously communicate a copy of the notice of the application for invalidation to the other parties to the application for invalidation.

5. (1) The Registrar shall, on receipt of an appeal or an application for invalidation, where necessary, fix the matter for hearing within a period of 90 days from the filing of the appeal or application for invalidation and notify the parties of the date of the hearing.

(2) Where, on the date fixed for the hearing, continuation or adjournment of an appeal or application for invalidation, an appellant or applicant who has been notified of the date of the hearing, continuation or adjournment does not appear or is not represented, the Tribunal may set aside the appeal or application for invalidation.

6. The Registrar shall -

- (a) provide to the parties to an appeal or application for invalidation a copy of the determination or any order or ruling of the Tribunal; and
- (b) upon a request by any other person, issue a copy of the determination, any order or ruling, or a copy of the proceedings of the Tribunal, on payment of the appropriate fee specified in the Second Schedule.

7. The Registrar shall -

- (a) make a declaration of secrecy in the form set out in the Fourth Schedule;
- (b) receive security for costs from a party who is requested to pay such costs by the Tribunal;
- (c) keep a record of the proceedings before the Tribunal;
- (d) have the custody of every document and articles produced at a hearing before the Tribunal;
- (e) perform such other duties entrusted to him by the Tribunal in pursuance of the Act and any regulations made under it.

8. A member of the Tribunal shall -

- (a) before he begins to perform his duties under the Act, make a declaration of secrecy in the form set out in the Fourth Schedule;
- (b) maintain and help in maintaining the secrecy of any matter which comes to his knowledge in the performance of his duties or arises out of the conduct of the business of the Tribunal;
- (c) not communicate to any person any information about any matter referred to in paragraph (b), except in the performance of his duties under the Act and shall continue to maintain such secrecy after the termination of his tenure as member.

9. (1) The Tribunal shall have an official seal bearing the name of the Tribunal and its contact details.

(2) The official seal shall be kept by the Registrar.

(3) Every document issued by the Tribunal shall bear the official seal.

10. The Patents, Industrial Designs and Trademarks (Tribunal) (Rules of Procedure) Regulations 2008 are revoked.

11. These regulations shall come into operation on 1 June 2024.

Made by the Minister on 29 May 2024.

FIRST SCHEDULE

[Regulation 3(a)]

INDUSTRIAL PROPERTY TRIBUNAL

NOTICE OF APPEAL

(under section 9 of the Industrial Property Act 2019)

I/We (name of appellant(s)), of

..... (address), hereby

appeal against the decision of the Director, dated.....

Particulars of the decision appealed against -

(a)

(b)

(c)

The grounds of appeal (to be set out in detail) are as follows -

(a)

(b)

(c)

.....

Name of appellant(s)

.....

Date

.....

Signature of appellant(s)

Note - Please add additional sheet if required

SECOND SCHEDULE

[Regulations 3(b), 4(b) and 6(b)]

	FEE	(Rs)
1. For appeal		1,000
2. For application for invalidation		1,000
3. For copy of each page of determination, order, ruling or transcript of proceedings		50

THIRD SCHEDULE

[Regulation 4(a)]

INDUSTRIAL PROPERTY TRIBUNAL

NOTICE OF APPLICATION FOR INVALIDATION

(under section 9 of the Industrial Property Act 2019)

I/We (name of appellant(s)),
of (address), hereby make an
application for the invalidation of the grant of a patent or breeder's
right, the registration of a utility model, a layout-design, an industrial
design, a mark, a collective mark, a certification mark, a geographical
indication* granted/registered* on (date)

Particulars of the patent, breeders' right, utility model, layout-design, industrial
design, mark, collective mark, certification mark, geographical indication* in
respect of which the invalidation is sought -

- (a)
- (b)
- (c)

The grounds of the application for invalidation are as follows -

- (a)
- (b)
- (c)

.....

Name of applicant(s)

.....

Signature of applicant(s)

.....

Date

** Please delete as appropriate*

Note - Please add additional sheet if required

FOURTH SCHEDULE

[Regulations 7(a) and 8(a)]

DECLARATION OF SECRECY

I,..... (name), bearer of
NIC No. being appointed/
designated* as a member/Registrar of the Industrial Property Tribunal*, do hereby
declare that I shall not, during or after my tenure of office, disclose, on any account
and at any time, except in the performance of my duties under the Industrial Property
Act 2019, any information which comes to my knowledge in the performance of my
duties or out of the conduct of the business of the Tribunal under the said Act.

Made before me

.....

Name of declarant

.....

Master and Registrar
Supreme Court

.....

Signature of declarant

.....

Date

****Please delete as appropriate***