



INDUSTRIAL POLICY

**-COPY OF-
NOTIFICATION
Dated 16th May, 2013**

Whereas, certain draft rules were published, in exercise of the powers conferred by section 157 of the Trade Marks Act, 1999 (47 of 1999), in Gazette of India, Extraordinary, Part II Section 3, sub-section (i) dated 21st January, 2013, vide notification of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) number G.S.R.30(E) dated 21st January, 2013 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of forty five days from the date on which copies of the Official Gazette containing the notification were made available to the public;

And whereas, the copies of the Official Gazette containing the said notification were made available to the public on 21st January, 2013;

And whereas, no objection and suggestions were received 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 further to amend the Trade Marks (Application and Appeals to the Intellectual Property Appellate Board) Rules, 2003 namely: -

1. Short title and commencement.- (1) These rules may be called the **Trade Marks (Applications and Appeals to the Intellectual Property Appellate Board) Amendment Rules, 2013.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Trade Marks (Applications and Appeals to the Intellectual Property Appellate Board) Rules, 2003,-

(a) in the First Schedule,-

(i) in the Table, against serial numbers 3 and 4, for the existing entries under column(4), the following entries shall respectively be substituted, namely: -

“Form 3”;

(ii) for Form 1, the following Form shall be substituted, namely: -

**“FORM 1
BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD
APPLICATION FOR REMOVAL/RECTIFICATION
ORA No.**

(In the matter of -----)

Date Seal

1. Name of Applicant :
2. Address :
3. Name of Counsel and address :
4. Name(s) of Respondent (s) with address :
[In case of foreign respondent(s), the address for service in India, if any, may be furnished]
5. Relief claimed and relevant Sections :
6. Particulars of parallel or collateral proceedings :
7. In application for rectification of Trade mark :
(details of impugned trade mark/logo, if any, date of Application, date of advertisement, date of registration (if available)
8. Details of Trade Mark, if any, applied/registered :
In the name of applicant herein.
9. Facts of case:
(set out facts in brief along with the Evidence and the documents relied on)

- 10. Grounds on which relief is Sought for (in brief) :
- 11. Details of fees :
- 12. Prayer :
- 13. Affidavit as below, in support thereof. :

Dated this Day of
 Place

Signature of the applicant

List of documents:

The proof affidavit along with the documents shall be filed.

[For example, Annexure-1:
 Copy of registration certificate obtained
 by the respondent in respect of the impugned mark.

Annexure-2:
 Date as to when the applicant started using the
 mark and the date of incorporation of company

Annexure-3 and so on:
 Other documents.]

**AFFIDAVIT
 BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD**

Case No.
 (In the matter of -----)

Cause title:

... Applicant
 vs.
 ... Respondent

Shri ----- son of ----- aged at ----- residing at -----
 ----- do solemnly affirm and declare as under: -

Xxx
Xxx

Deponent

Verification

I..... (name of deponent/of Nationality, resident of
) do hereby verify that the contents of paras to Are true
 to my/our personal knowledge and paras to are believed to be true on legal advice and that
 I have not suppressed any material fact.

Dated this day of
 Place

Signature of the Deponent";

(iii) for Form-2, the following Form shall be substituted, namely: -

**"FORM 2
 BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD**

APPEAL

O.A. No.

(Appeal arising out of -----)



Cause title:

....Appellant/(rank of party before the Registry, if any)
 vs.
Respondent/(rank of party before the Registry, if any)
