

**GOVERNMENT OF INDIA  
COMMERCE AND INDUSTRY  
LOK SABHA**

UNSTARRED QUESTION NO:974  
ANSWERED ON:19.07.2002  
INTELLECTUAL PROPERTY APPELLATE BOARD  
ALE NARENDRA

**Will the Minister of COMMERCE AND INDUSTRY be pleased to state:**

- (a) whether two crucial laws pertaining to protection of intellectual property rights were notified in December, 1999 and there was a proposal to constitute the Intellectual Property Appellate Board for implementation;
- (b) if so, whether the Board has been constituted and started to enact the laws;
- (c) if not, the reasons for the delay in constituting the Board;
- (d) whether the Government are aware that overseas parties are taking undue advantage of the non-enactment of said laws by marketing various products under Indian brand names; and
- (e) if so, the time by which the Board is likely to be constituted?

**Answer**

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (DR. RAMAN SINGH)

- (a) : The Trade Marks Act, 1999 and the Geographical Indications of Goods (Registration & Protection) Act, 1999 were notified on 30-12-1999. The Trade Marks Act, 1999 provides for the establishment of an Intellectual Property Appellate Board (IPAB) as an appellate forum for appeals against orders of the Registrar of Trade Marks. The IPAB is an appellate forum against the decisions of the Registrar of Geographical Indications also. The IPAB will not implement these Acts which would be implemented by the existing Trade Marks Registry and the newly set up Geographical Indications Registry.
- (b) : The IPAB has not yet been constituted.
- ( c) : Infrastructure facilities for IPAB have already been set up. The process for appointment of suitable persons to the posts of Chairman, Vice-Chairman and Technical Members, as per the qualifications prescribed in section 85 of the Trade Marks Act, 1999 is at an advanced stage.
- (d) : The scope of the Trade Marks Act, 1999 and the penal provisions thereunder have been amplified and strengthened vis-À-vis the Trade and Merchandise Marks Act, 1958 which will be repealed and replaced. The Geographical Indications of Goods (Registration & Protection) Act, 1999 seeks to provide protection for goods bearing Indian geographical indications. The enactment of this Act is expected to prevent the abuse of products bearing geographical indications of goods originating in India in order to deceive or cause confusion in the relevant markets. Civil and criminal remedies for marketing of products, whether Indian or foreign, under a false trade marks are also available under the existing Trade and Merchandise Marks Act, 1958.
- (e) : Government's endeavour is to constitute the Board at the earliest.