

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

UNSTARRED QUESTION NO:4056
ANSWERED ON:20.12.2005
INTELLECTUAL PROPERTY RIGHTS APPELLATE TRIBUNAL
Yaskhi Shri Madhu Goud

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

- (a) whether the Intellectual Property Rights Appellate Tribunal to adjudicate disputes under TRIPS has been set up;
(b) if so, the details of disputes that it has so far adjudicated since its inception in September, 2003 year-wise.;
(c) whether the post of Vice-Chairman is lying vacant since long; and
(d) if so, the reasons for not filling up of the vacancy?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI E.V.K.S. ELANGO VAN)

(a) & (b): The Intellectual Property Appellate Board (IPAB) has been established under Section 83 of the Trade Marks Act, 1999 (No. 47 of 1999) . A Bench of the IPAB sits at Mumbai, Kolkata, Delhi and Ahmedabad in addition to Chennai.

Since the constitution of IPAB in September, 2003, a total of 889 cases (appeals transferred and fresh appeals), have been received up to 6.12.2005. Bench-wise, year-wise break-up is given below:-

Original appeals/Application Cases transferred from Courts

Chennai	120	Hon'ble High Court of Madras	113
Delhi	126	Hon'ble High Court of Delhi	307
Mumbai	33	Hon'ble High Court of Bombay	23
Ahmedabad	32	Hon'ble High Court of Gujarat	69
Kolkata	34	Hon'ble High Court of Kolkata	32
Total	345		544

A total of 383 appeals/cases have been disposed of as on 14.3.2005. The year-wise , bench-wise, details of disposals of both transferred/original appeals up to 14.3.2005 is at Annexure.

(c) & (d): The post of Vice-Chairman fell vacant on 14.3.2005. Action has already been initiated to fill up this post.

Annexure

Annexure referred to in reply to parts (a) & (b) of the Lok Sabha Unstarred Question No. 4056 for 20.12.2005.

Total No. of Disposals
(both Transferred and Original Appeals/ Application)

2003 2004 Upto 14.3.2005 Grand Total

	TA/ TRA	OA/ ORA	Total TRA	TA/ ORA	OA/ ORA	Total TRA	TA/ ORA	OA/ ORA	Total TRA	TA/ ORA	OA/ ORA	Total
Chennai	10	0	10	78	40	118	21	20	41	109	60	169
Delhi	0	0	0	95	4	99	41	8	49	136	12	148
Mumbai	0	0	0	4	1	5	0	2	2	4	3	7
Ahmedabad	0	0	0	14	0	14	26	0	26	40	0	40
Kolkata	0	0	0	10	2	12	4	3	7	14	5	19
Total	10	0	10	201	47	248	92	33	125	303	80	383

TA - Transferred Appeals
TRA - Transferred Rectification Applications
OA - Original Appeals
ORA - Original Rectification Applications