

Ref. instructions on prepage.

As desired, the particulars of Sh. Unni & Sh. Parthasarathy, have been compiled in the proforma and the same is submitted for consideration pl.

VS
26/02/02

Mun2
26.02.02

DSC(TC)

Please issue O.M. to D/L.A placed below and resubmit.

W. C. C. C.
04/03/02

pl. no.

M
4.5.02
548-DSC(TC) 1202
413

W.C.C.C.

Issued. Submitted pl.

DSC(TC)

M
4.5.02

This file is regarding filling up of the posts of Chairman, vice-Chairman and Members of the Intellectual Property Appellate Board (IPAB). The procedure to be adopted for filling up these posts has been approved by CIM vide page 16 ante.

2. The post of Chairman is to be filled up by appointment of a person who is or has been a Judge of a High Court or has, for at least two years, held the office of a Vice-Chairman. Since there is no Vice-Chairman to be considered we have written to the Registrar General of Supreme Court requesting him to obtain the orders of the Hon'ble Chief Justice suggesting the name of a suitable person for appointment as Chairman (pp. 22-28/cor). The reply from Honble Chief Justice may kindly be seen at p.43/cor.

3. The post of Vice-Chairman is to be filled up by appointment of a person who has for at least two years held the office of a Judicial Member or a Technical Member, or has been a member of the Indian Legal Service and has held a post in Grade I of that Service or any higher post for at least five years. Since there is no Judicial or Technical Member to be considered, we wrote to Department of Legal Affairs requesting for a panel of names (pp. 10-21/cor). That Department have forwarded the following names (p. 35/cor).

- (i) Dr. Raghbir Singh, ^{Ken} Secretary, National Commission to Review the Working of the Constitution.
- (ii) Shri R.N. Poddar, Joint Secretary and Legal Adviser, Central Agency Section. Ministry of Law, Justice & Co. Affairs.
- (iii) Shri A.C.C. Unni, Advocate, Madras High Court[ⓧ]

@ p.64/cor.

FIB: 'CND'

Their particulars and certified copies of ACRs of Dr. Raghbir Singh and Shri R. N. Poddar for the last 5 years are placed below.

4. The procedure approved (p. 16 ante) is that a Departmental Selection Committee consisting of Secretary (IPP) as Chairman and Secretary (Legal Affairs) and Secretary (DOPT) as Members may make the selection. The selection will be subject to the approval of the CIM and the subsequent approval of the ACC. The file may, therefore, kindly be submitted to Secretary for indicating a suitable time and date for holding a meeting of the Selection Committee.

5. We have two posts of Technical Members to be filled up now. These are to be filled by persons who have for at least ten years exercised functions of a tribunal under the Trade Marks Act and have held a post not lower than the post of a Joint Registrar for at least 5 years, or have for at least ten years been an advocate of a proven specialized experience in trade mark law. We had written to the Registrars of all High Courts requesting them to forward names of eligible and willing persons (pp. 1-9/cor.). We have also reminded them (p.31/cor.)/ The following persons have applied :

α F/F

- (i) Smt. C. Premlata, advocate, Bangalore
- (ii) Miss Sangeeta Laha, Advocate, Patna High Court
- (iii) Shri A.P. Babu, Advocate, Malappuram
- (iv) Shri R. Sharath Chandra, Advocate, Bangalore

Their particulars are placed below, since the response is not sufficient it is felt that perhaps we should advertise the posts in the national dailies also. It is, however, for consideration if any selection be considered on

(from pre-page)

the basis of the names already received, The approved procedure is the same as that of the Vice-Chairman.

6. Shri K.K. Sharma, Jt. Registrar of Trade Marks, Mumbai also submitted an application for the post of Technical Member. However, the Controller General of Patents, Trade Marks and Designs, i.e., his superior officer has stated that Shri Sharma is not eligible to be considered. We may, therefore, not consider the application.

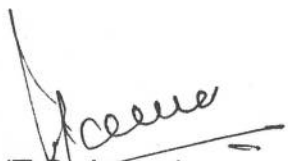
X p u k

7. Shri K. Parthasarathy who is a former Secretary to the Government of Pondicherry has applied for the post of Judicial member in the IPAB. Since the vacancy we have now is that of Technical member, we may not consider his application.


F/G

Submitted.

211 JS(AEA)/02
SB
548-DSC(TCS)/2002
413



(T.C. James)
Deputy Secretary
4 March 2002

~~JS(AEA)~~
Secy (IPP)


5.3.02

This was discussed with Secy. Why no recruitment for post of Judicial Member? Also, pl. look at eligibility of Shri Parthasarathy in r/o Tech/Judicial member.

~~DSC(TCS)~~


6.3.02

475-F
5-3-2002

Ref: Note on pre-page.

2. The Trade Marks Act, 1999 was enacted on 31 December, 1999. Section 83 of the Act provides for the setting up of Intellectual Property Appellate Board (IPAB). Section 84 of the Act provides that the IPAB may consist of a Chairman, Vice-Chairman and such number of other Members as the Central Government may deem fit. Section 85 of the Act prescribes the qualifications required for appointment as the Chairman, Vice-Chairman, Judicial Member and Technical Member.

3. Proposal for creation of 45 posts including one Chairman, one Vice-Chairman and two Technical Members were moved in March 2000. (pp.1-3/N of 8/22/2000 PP&C). The reasoning for the proposal for the Board reads as under:

Not linked

"Posts of Chairman, Vice-Chairman and two Members (Technical) are proposed as per section 85 of the Trade Marks Act, 1999. To establish one Bench at the initial stage, the minimum required staff would be one Judicial Member, and one Technical Member for the Bench to function. This would comprise of a Judicial Member who would also be the Chairman and a Technical Member. At the initial stage, the post of Vice-Chairman will need to be filled up from a member of the Indian Legal Service and would have to be a Judicial Member as no Technical Member with two years experience would be available. It is, therefore, necessary that at the initial stage, a Chairman and a Technical Member be appointed.

However, if one member proceeds on leave the Bench would not be able to function and work will come to a standstill.

In order to provide for the smooth functioning of the IPAB, it is proposed that while one Bench may be constituted, we may have four posts sanctioned (of which only two are proposed to be filled up at the initial stage).

It has been proposed that at least one Chairman, one Vice-Chairman and two Technical Members are appointed so that Bench could function smoothly."
(pp. 16-17/N of F.No. 8/22/2000 PP&C)

In November 2000, Ministry of Finance agreed to the creation of 27 posts including one post of Chairman, one post of Vice Chairman and two posts of Member (p. 27/N of F.No. 8/22/2000PP&C). Accordingly, further action was initiated for filling up the posts of Chairman, Vice-Chairman and two Technical Members.

4. Shri Parthasarathy has forwarded his particulars for consideration for the post of Judicial Member of IPAB. To be eligible to be appointed as a Judicial Member, a person should possess the following:

(From pre-page)

- (a) has been a member of the Indian Legal Service (ILS) and has held the post in Grade I of that Service for at least three years; or
- (b) has for at least ten years, held a civil judicial office.

Shri Parthasarathy has not been a member of the ILS and has not held a civil judicial office and, therefore, does not fulfil these qualifications.

5. To be eligible for appointment as a Technical Member a person should possess the following qualifications:

- (a) has, for at least ten years, exercised the functions of a tribunal under the Trade Marks Act, 1999 or under the Trade and Merchandise Marks Act, 1958, or both, and has held a post not lower than the post of a Joint Registrar for at least five years; or
- (b) has, for at least ten years, been an advocate of a proven specialized experience in trade mark law.

Shri Parthasarathy does not fulfil these qualifications also.

6. A consolidated statement of all the names received for consideration for the posts of Chairman, Vice-Chairman and Technical Members has been attempted and is placed below.

Submitted.

(Signature)
 (T.C. James)
 Deputy Secretary
 March 13, 2002

JS(AEA)

Resubmitted with above clarification. No post of Judicial Member has been created at this stage. Since the Vice-Chairman (as per qualification prescribed) will, in the first instance, a person with legal background.

Secy (PP)

Amal Kumar
14.3.02

May please fix with Secy (Personnel) for a suitable date convenient to all in respect of VC and TM Vacancies. In respect of chairman we may put up to CIM the present status

(Signature)

*893-JS(AEA) 09
13/3/02*

17/1

*548-DSL(TCS) 2002
13/3*

*556-F
14.3.2002*

Reference notes on pre-page.

2. Secretary(IPP) has now scheduled the meeting of the Selection Committee for the posts of Vice-Chairman and Technical Members of IPAB, to be held at 12.00 noon on May 14, 2002. Other Members of the Committee are Secretary, Department of Personnel and Training and Secretary, Department of Legal Affairs. A draft letter from Secretary (IPP) to the other Members inviting them for the meeting is placed below for consideration.

F/O

1314-SS(AEA)02
875

1117-DS(TCS)12002
715

T.C. James

(T.C. JAMES)
Deputy Secretary
07.05.2002

~~JS(AEA)~~

Secretary (IPP)

und 5/5 102

7.5.02

JS(AEA)

DS(TCS)

8.5.02

336-CP
8.5.02

1944-1945

Reference note on the page

The Secretary has now advised the meeting of the Selection Committee for the posts of Vice-Chairman and Technical Members of the IAP to be held at 12.00 noon on May 14, 1945. Other Members of the Committee, the Executive Director, Department of Personnel and Training and Secretary, Department of Legal Affairs. A draft letter from Secretary to the effect that the meeting should be held at the above time and place is being prepared.

T. C. JAMES
General Secretary
07 05 1945

JOE VI

We had requested Registrars of High Courts vide letter dated 22nd October, 2001 to suggest suitable names for consideration for the post of Technical Member in the IPAB. In response, we have received four applications. Since the response has been poor, it may be appropriate if we make a fresh bid for getting more names. Accordingly, a draft D.O. letter to Registrars of High Courts is placed below for consideration.

Submitted.

T.C. James
(T.C. James)
Deputy Secretary
24th May, 2002

rc pl

JS(AEA)

Dst (ICS)

Amw...
24.5.02

Please issue with encl

1309-DST(CJ)102
24/5

1 R8

T.C. James
24/5/02

37

As directed a draft letter from C&IM to Minister of Law, Justice and Company Affairs regarding selection of suitable names for the post of Chairman, IPAB is placed below for consideration and approval.

A.E. Ahmad
(A.E. Ahmad)
Joint Secretary
31 May, 2002

~~Secretary (IPP)~~

Dharmendra
31.5.02

C & I M has reviewed the draft letter.
Placed below

~~Post to IPP.~~

h. m. 2
31/5/2002

h
31/5/02

~~JSCA (A)~~

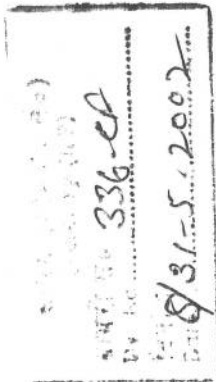
A.E. Ahmad
31.5.02

~~DS (FC5)~~

03/06
IRS (Smt VL)

S.No. 29 (I) (P. 80-87/C)

F-1160/CIM
31.5.2002



1309-DS(FC5)/02

27/06/02
03/6

F.No.8/19/2000-PP&C/IRS

-:39 :-

This file is regarding the appointment of a Chairman, a Vice-Chairman and two Technical Members of the Intellectual Property Appellate Board (IPAB). CIM had written to former Minister of Law and Justice and Company Affairs on May 31, 2002 regarding names for consideration for the post of Chairman, IPAB. There was been no response so far. CIM, therefore, ~~would~~ like to write to the new Minister of Law and Justice. Accordingly, a draft letter from CIM to Minister of Law and Justice is placed below for consideration and approval.

✓ F/X

× DFA.

Pl. Spis

24

10/8

8/30/02
8/31/02

JS(AEA)

2320-DSCTCS/02

8/8

71
8-8-2002
17330

JS(AEA)

Secy (IPAB)

Spoken to Secy. today. To be put later on for directions.

DSCTCS

12/08
IRS

T.C. James
(T.C. JAMES)
Deputy Secretary
08.08.2002

Amwala
8.8.02

Amwala
12.8.02

#40#

Reference notes ante regarding the appointment of a Chairman, a Vice-Chairman and two Technical Members of the Intellectual Property Appellate Board (IPAB). It may be recalled that in response to a request made by this Department to the Supreme Court of India the former Chief Justice have conveyed his inability to pinpoint a suitable person for appointment as the first Chairman of the IPAB. He had however conveyed his willingness to consider a suitable person proposed by this Department. CIM had thereafter requested the former Minister of Law and Justice for his assistance and good offices in finalizing a suitable name so that the matter could again be taken up for consideration of the Chief Justice of India. Based on the reply received (Flag 'A') CIM may consider writing to the Chief Justice for early consideration in the matter. Draft is placed below for consideration.

A.E. Ahmad

(A.E. Ahmad)
Joint Secretary
27.08.02

~~Secretary (IP&P)~~

U. Srinivasan
27/08/02

C2/M

M. P.
27/08

S.P.P.

27
28/08/02

E-1726/C2/M
28/8/2002

JS (AEP)

41

Reference note on pre-page.

This is regarding appointment of a Chairman of the Intellectual Property Appellate Board (IPAB).

Commerce & Industry Minister had written to Hon'ble Chief Justice of India Shri B.N. Kirpal forwarding a copy of the letter of Shri Arun Jaitley, former Minister (Law, Justice & Company Affairs) along with a copy of the letter written by Shri Arun Jaitley to Justice B.N. Kirpal, Chief Justice of India, Supreme Court suggesting the name of Justice V. Bakthavatsalu, a retired judge of the Madras High Court. In reply, Hon'ble Justice B.N. Kirpal has sent a letter placed at 'FR' suggesting the name of Mr. Justice S. Jagadeesan, a sitting Judge of the Madras High Court for being appointed as Chairman of the Intellectual Property Appellate Board. Justice S. Jagadeesan has also consented to the said appointment as indicated by the Chief Justice of India.

The proposal now requires the approval of the Commerce & Industry Minister to the appointment of Mr. Justice S. Jagadeesan, a sitting Judge of the Madras High Court as the Chairman of the IPAB. Thereafter as per the procedure laid down by the Department of Personnel and Training, the proposal requires ACC approval.

In this regard it may further be noted that the post of Vice-Chairman and two Technical Members are also required to be filled up by appointment of suitable persons. As per the procedure approved vide note on page 16/n., a Departmental Selection Committee consisting of Secretary (IPP) as Chairman and Secretary (Legal Affairs) and Secretary (DoPT) as Members may make the selection. This selection will also be subject to the approval of the Commerce & Industry Minister and the subsequent approval of the ACC.

In view of above, it is also for consideration (and perhaps appropriate) that the ACC approval for appointments to all these posts are sought in a composite manner. If approved a meeting of the selection committee can be convened at the earliest.

A. E. Ahmad
(A.E. Ahmad)
Joint Secretary

19 September 2002

~~Secretary (IPP)~~

we may now convene the mtg

W. M. D. S.
20/9

for h/a. no discuss.

DS(T/S)

A. E. Ahmad
20.9.

Reference notes on pre-page

2. I have checked up the convenience of Secretary, Department of Personnel and Training and Secretary and Department of Legal Affairs for a meeting. It is convenient for both the Secretaries to have the meeting at 5.00 p.m. on September 24, 2002. The time has been blocked with both the Secretaries and also with the Office of Secretary(IPP).

3. A draft D.O. letter from Secretary(IPP) to the other Members inviting them for the meeting is placed below for consideration.

✓ D.FA

[Signature]

(T.C. JAMES)
Deputy Secretary
20.9.2002

SFA, D

The draft minutes / papers will be kept in readiness by DS(TCS).

JS(AEA)

Secy(IPP)

[Signature]
20.9.02

Shrinidhi
20/9/02

2569-DS(TCS)102
20/9

JS(AEA)

Amal
20.9.02

3275/JS(AEA)
20/9/02

DS(TCS)

दिनांक (Date)	20.9.2002
संख्या (No.)	2003
वर्ष (Year)	2002

This file is regarding filling up of the posts of Chairman, Vice-Chairman and Members of the Intellectual Property Appellate Board (IPAB). The procedure to be adopted for filling up of these posts has been approved by CIM vide page 16 ante.

2. In reply to CIM's letter to the Honb'le Justice B.N.Kirpal, the Honb'le ^{Chief} Justice has suggested the name of Mr. Justice S. Jagdeesan, a sitting Judge of the Madras High Court for being appointed as Chairman of the Intellectual Appellate Board in the pay scale of Rs 30,000/-(fixed). Justice S. Jagdeesan has also consented to the said appointment as indicated by the Chief Justice of India.

3. A meeting of the Selection Committee consisting of Secretary (IP&P), Secretary (DOPT) and Secretary (Legal Affairs) was convened on 24-09-02 for selection to the posts of Vice-Chairman and two Technical Members of Intellectual Appellate Board. The Committee considered the particulars of the following three candidates suggested by the Department of Legal Affairs for the post of Vice-Chairman.

1. Shri A.C.C. Unni
2. Dr. Raghbir Singh.
3. Shri R.N.Poddar.

4. The Committee found that Shri R.N.Poddar, an officer of the level of Joint Secretary, junior for the post of Vice Chairman, which is of the level of Secretary to the Government of India. Shri A.C.C. Unni, if selected, would have tenure of less than one year as he is already 64 years of age. The Committee after assessing the experience of the candidates recommended Dr. Raghbir Singh for appointment to the post of Vice-Chairman, IPAB in the scale of Rs 26,000/- fixed.

5. After going through the particulars of the 4 candidates who had applied for the post of Technical Member, the Committee found that no candidate fulfilled the eligibility criteria as prescribed under the Trade Marks Act, 1999. The Committee recommended that the vacancy for the post of Technical Member be re-advertised.

6. In view of the above, it is proposed that filling up of the posts of the Chairman and Vice-Chairman as indicated below may be considered: -

<u>Sl No.</u>	<u>Name of the Post</u>	<u>Persons Recommended.</u>
1.	Chairman	Mr. Justice S. Jagdeesan.
2.	Vice-Chairman	Dr Raghbir Singh.

Submitted for consideration and kind approval of CIM, pl.

sd/-
26/9/02

SO(IRS)

DS(TCS)

sd/-
26/09/02

✓ F/A-P-102/CIM

* F/X P-112/CIM

minutes placed
below F/Y

2602-DS(TCS)102
26/9

Reference notes on pre-page.

2. The proposal on this file relates to filling up of the posts of Chairman, Vice-Chairman and Technical Members of the Intellectual Property Appellate Board (IPAB), to be set up under the Trade Marks Act, 1999.

3. The procedure to be adopted for filling up these posts has been approved by CIM vide page 16/ante.

4. As per section 85(1) of the Trade Marks Act, the post of Chairman is to be filled up by appointment of a person who is or has been a judge of a High Court or has, for at least 2 years, held the office of Vice-Chairman. The appointment is to be made after consultation with the Chief Justice of India. Accordingly, the Hon'ble Chief Justice was requested to suggest the name of a suitable person for appointment as Chairman of the IPAB. The Hon'ble Chief Justice has now suggested Mr. Justice S. Jagdeesan, a sitting Judge of the Madras High Court for appointment as Chairman of the Board. Mr. Justice S. Jagdeesan has also consented to the said appointment as indicated by the Chief Justice of India.

5. As per section 85(2) of the Trade Marks Act, the post of Vice-Chairman is to be filled up by appointment of a person who has for at least two years held the office of a Judicial Member or a Technical Member, or has been a member of the Indian Legal Service and has held a post in Grade I of that Service or any higher post for at least five years. Since there is no Judicial or Technical Member to be considered, the Department of Legal Affairs was requested for a panel of names. That Department forwarded the following names.

- (i) Dr. Raghbir Singh, then Secretary, National Commission to Review the Working of the Constitution.
- (ii) Shri R.N. Poddar, Joint Secretary and Legal Adviser, Central Agency Section, Ministry of Law, Justice & Company Affairs.
- (iii) Shri A.C.C. Unni, Advocate, Madras High Court.

6. The Selection Committee consisting of Secretary(IPP), Secretary(DOPT) and Secretary(Legal Affairs) met on September 24, 2002 and considered the particulars of the above three candidates. The Committee after assessing the experience of the candidates in the relevant field recommended Dr. Raghbir Singh for appointment to the post of Vice-Chairman, IPAB.

7. Two posts of Technical Members are to be filled up by persons who have for at least ten years exercised functions of a tribunal under the Trade Marks Act and have held a post not lower than the post of a Joint Registrar for at least five years or have for at least ten years been an advocate of a proven specialized experience in the trade mark law [section 85(4) of the Trade Marks Act]. Registrars of High Courts were requested to forward the names of eligible and willing persons. The names received were considered by the above mentioned Selection Committee who found that no candidate fulfilled the eligibility conditions prescribed under the Trade Marks Act, 1999. The Committee, therefore, recommended that the vacancies be re-advertised. Action is separately being taken for

F/2

x p12/c
- 17

21/3/02
p64/c

F/17

21/3/02

Reference notes on pre-page.

2. The proposal on this file relates to filling up of the posts of Chairman, Vice-Chairman and Technical Members of the Intellectual Property Appellate Board (IPAB), to be set up under the Trade Marks Act, 1999.

3. The procedure to be adopted for filling up these posts has been approved by CIM vide page 16/ante.

4. As per section 85(1) of the Trade Marks Act, the post of Chairman is to be filled up by appointment of a person who is or has been a judge of a High Court or has, for at least 2 years, held the office of Vice-Chairman. The appointment is to be made after consultation with the Chief Justice of India. Accordingly, the Hon'ble Chief Justice was requested to suggest the name of a suitable person for appointment as Chairman of the IPAB. The Hon'ble Chief Justice has now suggested Mr. Justice S. Jagdeesan, a sitting Judge of the Madras High Court for appointment as Chairman of the Board. Mr. Justice S. Jagdeesan has also consented to the said appointment as indicated by the Chief Justice of India.

5. As per section 85(2) of the Trade Marks Act, the post of Vice-Chairman is to be filled up by appointment of a person who has for at least two years held the office of a Judicial Member or a Technical Member, or has been a member of the Indian Legal Service and has held a post in Grade I of that Service or any higher post for at least five years. Since there is no Judicial or Technical Member to be considered, the Department of Legal Affairs was requested for a penal of names. That Department forwarded the following names.

- (i) Dr. Raghbir Singh, then Secretary, National Commission to Review the Working of the Constitution.
- (ii) Shri R.N. Poddar, Joint Secretary and Legal Adviser, Central Agency Section, Ministry of Law, Justice & Company Affairs.
- (iii) Shri A.C.C. Unni, Advocate, Madras High Court.

6. The Selection Committee consisting of Secretary(IPP), Secretary(DOPT) and Secretary(Legal Affairs) met on September 24, 2002 and considered the particulars of the above three candidates. The Committee after assessing the experience of the candidates in the relevant field recommended Dr. Raghbir Singh for appointment to the post of Vice-Chairman, IPAB.

7. Two posts of Technical Members are to be filled up by persons who have for at least ten years exercised functions of a tribunal under the Trade Marks Act and have held a post not lower than the post of a Joint Registrar for at least five years or have for at least ten years been an advocate of a proven specialized experience in the trade mark law [section 85(4) of the Trade Marks Act]. Registrars of High Courts were requested to forward the names of eligible and willing persons. The names received were considered by the above mentioned Selection Committee who found that no candidate fulfilled the eligibility conditions prescribed under the Trade Marks Act, 1999. The Committee, therefore, recommended that the vacancies

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W F/7

(from pre-page)

-: 46 :-

8. We may now process the proposals for appointment of Mr Justice S. Jagdeesan as Chairman and Dr. Ragbir Singh as Vice Chairman in the IPAB. Before the proposals are submitted to the Appointments Committee of the Cabinet for approval, kind approval of Hon'ble CIM may be obtained for the same, pl.

(Signature)
(T.C. JAMES)
Deputy Secretary
27.09.2002

व. निजम एक उद्योग मंत्री कार्यालय
C & I M'S Office
डायरेक्टर नं/डि. नं. 07/1002
दिनांक/Date: 18/11/02

36001-JS(AEA)02
12/11/02

~~JS(AEA) - on tour~~

~~Secretary(IPP)~~

Proposal at para 8
for approval of CIM &
reference to Acc.

~~Secy(IPP)~~

bhמידאים
12/11/02

~~CIM~~
AK
18.11.02

~~Secy, PP+P~~

bhמידאים
20/11/02

~~JS(AEA)~~

Urgently, M.

Amwaken
20.11.02

~~JS(ICS)~~

pl put up
draft ref. for
Acc, urgently.

3025-DX(ICS)102
20/11

IRS

The proposal on this file relates to filling up of the posts of Chairman and Vice-Chairman of the Intellectual Property Appellate Board (IPAB), to be set up under section 83 of the Trade Marks Act, 1999.

2. As per section 85(I) of the Trade Marks Act the post of Chairman is to filled up by appointment of a person who is or has been a Judge of a High Court or has, for at least two years held the office of Vice-Chairman. The appointment is to be made after consultation with the Chief Justice of India. Accordingly, the Hon'ble Chief Justice was requested to suggest the name of a suitable person for appointment as Chairman of the IPAB. The Hon'ble Chief Justice has now suggested Mr. Justice S. Jagdeesan, a sitting Judge of the Madras High Court for appointment as Chairman of the Board. Mr. Justice S. Jagdeesan has also consented to the said appointment as indicated by the Chief Justice of India. As per the IPAB (Salaries and Allowances) payable to, and other terms and conditions of service of Chairman, the Chairman shall be entitled to pay of Rs. 30,000/- per month.

3. As per section 85(2) of the Trade Marks Act, the post of Vice Chairman is to filled up by appointment of a person who has for at least two years held the office of a Judicial Member or a Technical Member or has been a member of the Indian Legal Service and has held a post in Grade I of that service or any higher post for at least five years. Since there is no Judicial or Technical member to be considered, the Department of Legal Affairs was requested for a panel of names. The Department forwarded the following names: -

- 1) Dr. Raghbir Singh, then Secretary National Commission to review the working of the Constitution.
- 2) Shri R.N. Poddar, Joint Secretary and Legal Advisor, Central Agency Section, Ministry of Law, Justice and Company Affairs.
- 3) Shri A.C.C. Unni, Advocate, Madras High Court.

4. The Selection Committee for considering appointment to the post of Vice-Chairman constituted the following: -

- 1) Shri V. Gobindrajan, Secretary (IPP) -Chairman
- 2) Shri A K Agarwal, Secretary (DOPT) -Member
- 3) Shri R.L. Meena, Secretary (Legal Affairs) -Member

The Selection Committee met on 24th September, 2002. After assessing the experience of the candidates in the relevant field, the Selection Committee recommended Dr. Raghbir Singh for appointment to the post of Vice-Chairman, IPAB.

5. As per the procedure laid down by Department of Personnel and Training, the proposal requires the approval of ACC.

6. The proposal has the approval of CIM.

7. We may write to the Establishment Officer (EO), DOPT for obtaining the approval of the Appointments Committee of Cabinet.

8. Draft is placed below for approval, pl.

sd/ 20/11/02

So (IRS)

DS (T/CJ)

16
20/11/02

✓ F/A

P-112/C

F/X

⑦ P-35/C of
P-64/C

* F/V

page 46/ante

Sl. No.45(R) - p.133/Cor.

PUC is a communication from Mrs. Archana Arora, Director in the Office of the Establishment Officer. Placing reliance on the provisions of sub section 5 of section 85 of Trade Marks Act, 1999 it has been stated that the Chairman, Vice-Chairman and every other Member shall be appointed by the President of India. Therefore, the proposal does not require approval of the ACC.

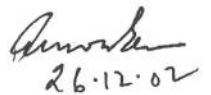
2. It may please be seen that the provisions regarding appointment of Chairman, Vice-Chairman and Members of the IPAB have been modeled on the basis of the relevant provisions under the Administrative Tribunals Act. A conjoint reading of section 6(4) and 3(M) of the Administrative Tribunals Act with Section 85(5) of the Trade Marks Act, 1999 will reveal that the provisions regarding appointment of Chairman and Vice Chairman and Members are similar under both the Acts.

3. It has been ascertained from the concerned Division of the Department of Personnel & Training dealing with the appointments of Chairman, Vice-chairman and Members of the Central Administrative Tribunal that proposals for such appointments are approved by the ACC only. Therefore, the position may be clarified to the Establishment Officer.

4. Draft D.O. from JS(AEA) to EO&AS for consideration please.


(J.B. Sharma)
Section Officer

24.12.2002

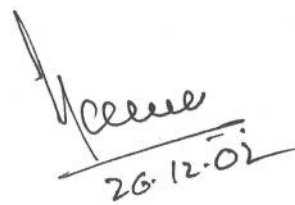

26.12.02

DS (TCS) on leave

JS(AEA)

DSL(TCS)

Pl. issue, by hand,
immediately


26.12.02

IRS

fc. pl.
at

34102-DSL(TCS)102
26/12/2002


01/01

IRS

Sl.No.50 (FR) - (p.146/cor.)

This file is regarding appointments on the Intellectual Property Appellate Board (IPAB).

YF/2

2. An Intellectual Property Appellate Board (IPAB) is to be set up under the Trade Marks Act, 1999 to hear appeals against the decisions of the Registrar of Trade Marks. The Board will also hear appeals in matters relating to the Geographical Indications of Goods (Registration and Protection) Act, 1999. The Patent (Amendment) Act, 2002 also provides for the appellate jurisdiction of IPAB. The concept of IPAB is essentially to reduce the element of delay in the finalization of appeal cases and to associate expertise pertaining to the protection of Intellectual Property Rights in the appellate process.

3. The composition of the Board provides for a Chairman, a Vice-Chairman, and such number of other Members, as the Central Government may deem fit. The qualifications, term of office, etc. of the Chairman, Vice-Chairman and Members of the Board are prescribed in the Trade Marks Act, 1999.

✓ p.112/cor

4. The post of Chairman in the pay of Rs.30,000/- (fixed) is to be filled up by appointment of a person who is or has been a judge of a High Court or has, for at least two years held the office of Vice-Chairman and is to be made after consultation with the Chief Justice of India. The Hon'ble Chief Justice has suggested Mr. Justice S. Jagadeesan, a sitting Judge of the Madras High Court for appointment as the Chairman of the Board. Mr. Justice S. Jagadesan has also consented to the said appointment.

5. The post of Vice-Chairman in the pay of Rs.26,000/- is to be filled by appointment of a person who has for at least two years held the office of a Judicial Member or a Technical Member or has been a Member of the Indian Legal Service and held a post in Grade I of that service or any higher post for at least five years. Due to the initial constitution of the IPAB there is no Judicial Member or Technical Member to be considered at present. Therefore, the Department of Legal Affairs was requested for a panel of names. That Department has suggested three names for consideration. A Selection Committee consisting of Secretaries of Departments of Industrial Policy & Promotion, Personnel & Training and Legal Affairs was constituted for considering the names so received. After assessing the experience of the three candidates in the relevant field forwarded by the Department of Legal Affairs, the Committee recommended Dr. Raghbir Singh, former Secretary, Legislative Department and subsequently Secretary, National Commission to Review the Working of the Constitution, for appointment to the post of Vice-Chairman, IPAB.

6. As per the Trade Marks Act, 1999, the Chairman and Vice-Chairman shall hold office as such for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

(from pre-page)

F.No.8/19/2000-PP&C/IRS

-: 52 :-

7. We have now received the approval of the Appointments Committee of the Cabinet to the appointment of Mr. Justice S. Jagadeesan, a sitting Judge of Madras High Court to the post of Chairman, IPAB and Dr. Raghbir Singh, to the post of Vice-Chairman, IPAB, Chennai for a period of 5 years or until they attain the age of 65 years w.e.f. assumption of charge of the post, whichever.

8. As per Ministry of Law and Justice, Department of Justice's O.M.No.L-19011/13/94-Jus. dated May 10, 1994 when a sitting Judge of High Court/Supreme Court is proposed to be appointed in any Commission/Tribunal/Board etc., then such proposal must be routed through the Department of Justice and it must not be taken up directly with the concerned High Court or the Supreme Court of India. Mr. Justice S. Jagadeesan is a sitting Judge of Madras High Court and hence the proposal is to be routed through the Department of Justice for issuing Presidential request for appointment of Mr. Justice S. Jagadeesan as Chairman.

9. Before action is taken for obtaining the Presidential request for appointment of Justice S. Jagadeesan as Chairman, the file may kindly be submitted to CIM for his information.

(T.C. JAMES)
Deputy Secretary
24.02.2003

Ref. above

JS(AEA)

The setting up of the Intellectual Property Appellate Board, Chennai is essential for the operationalisation of two new legislations relating to Trademarks and Geographical Indications.

ACC has approved the proposed appointment of Justice S. Jagadeesan, a sitting judge of Madras High Court.

As per existing instructions/procedure it is now proposed to move the S/o Justice for issuance of a Presidential request.

Answered
24.2.03
CAE/AMH

CIM

Am

ay/r

Sey, IPAB - on leave

JS(AEA)

DS(TCS)

Answered
25.2.03

FR
14/2/03

x p. 144/02

* Date of birth
March 19, 1941

576-DS(TCS)/03
24/2/03

732/JS(AEA)
24/2/03

24/2
25.2.03

Sey on leave

F-222/CIM
24.2.2003

Immediate
25/2

Reference notes on page 50 and page 52

Fair O.M. to D/o Justice for getting the Presidential Request
in favour of Shri Justice S. Jadhav for appointment as Chair
in the IPAB is placed below for signature, pl.

SM
25/2/03

so (IRS)

ka
25/02/03

DS(TCJ)

Ames
26.02.03

IRS

602-DS(TCJ)/03
26/2

Sl. No. 53 (FR) - p.151/cor.

This file is regarding appointments on the Intellectual Property Appellate Board (IPAB).

2. An Intellectual Property Appellate Board (IPAB) is to be set up under the Trade Marks Act, 1999 to hear appeals against the decisions of the Registrar of Trade Marks. The Board will also hear appeals in matters relating to the Geographical Indications Goods (Registration and Protection) Act, 1999. The Patents (Amendment) Act, 2002 also provides for the appellate jurisdiction of the IPAB. The concept of IPAB is essentially to reduce the element of delay in the finalization of appeal cases and to utilize the expertise pertaining to the protection of Intellectual Property Rights in the appellate process.

3. The composition of the Board provides for a Chairman, Vice-Chairman and such number of other Members, as the Central Government may deem fit. The qualifications, term of office, etc. are prescribed in the Trade Marks Act, 1999.

4. The post of Chairman in the pay of Rs 30,000/- (fixed) is to be filled up by appointment of a person who is or has been a Judge of a High Court or has, for at least two years held the office of Vice-Chairman and is to be made after consultation with the Chief Justice of India. The Hon'ble Chief Justice has suggested Justice S. Jagadeesan, a sitting Judge of the Madras High Court, for appointment as the Chairman of the Board. Mr. Justice Jagadeesan has also consented to the said appointment.

5. The post of Vice-Chairman in the pay of Rs 26,000/- is to be filled by appointment of a person who has for at least two years held the office of a Judicial Member or a Technical Member or has been a Member of the Indian Legal Service and held a post in Grade I of that service or any higher post for at least five years. Due to the initial constitution of the IPAB there is no suitable Member or Technical Member to be considered at present. Therefore, the Department of Legal Affairs was requested to submit a panel of names. A Selection Committee consisting of Secretaries of the Departments of Industrial Policy & Promotion, Personnel, Training and Legal Affairs was constituted for consideration of names so received. After assessing the experience of candidates in the relevant field forwarded by the Department of Legal Affairs, the Committee recommended Dr. Raghunath Reddy, former Secretary, Legislative Department and Secretary, National Commission to Review the Work of the Constitution, for appointment to the post of Vice-Chairman.

6. As per the Trade Marks Act, 1999, the Chairman and Vice-Chairman shall hold office as such for a term of five years.

pp 112/cor.

9

17

F X pp 147-150/cor.

contd. from pre-page

date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

7. We have now received the approval of the Appointments Committee of the Cabinet for the appointments of Mr. Justice Jagadeesan as Chairman and Dr. Raghbir Singh as Vice Chairman as well as the Presidential Request in the case of Mr. Justice Jagadeesan as he is a sitting judge.

8. In this connection it is submitted that as per section 84(2) of the Trade Marks Act, 1999 a Bench of the IPAB shall consist of one Judicial Member and one Technical Member. Therefore, a Judicial Member and a Technical Member are a pre-requisite for constituting the Board.

9. As per the approved procedure action had been initiated for filling up two posts of Technical Members also along with those of Chairman and Vice-Chairman. However, the Selection Committee which met on 24th September, 2002 recommended inviting fresh applications through newspaper advertisements for appointment of Technical Members as no suitable candidates was found for the post. Accordingly, fresh applications were invited and in response eleven persons applied. The meeting of the Selection Committee is now scheduled to be held on 24th March, 2003 to consider the selection of two candidates for the post of Technical Members.

10. Meanwhile, we may intimate Mr. Justice S. Jagadeesan of his selection for appointment as Chairman IPAB as per Draft placed below for approval of CIM, pl.

VPP 16/10/02
+ PP/15/10/02

Letter in r/o
of Vice-Chairman
to be put up later
for issue at
Secy's level.

at

310 - F
13.3.03

974/JSCA/EA
13/3/03

SPP
13/3/03

SO(IRS) - On leave

~~DS(TCJ)~~

~~JSCA/EA~~

~~13.03.03~~

783-DS(TCJ)103
21/3/03

~~Secy (IPP)~~

~~17/3/03~~

~~13.3~~

F-344/csm
17.3.2003

~~CIM~~
18/3

~~21/3/03~~

Pl. put up draft
in r/o V.C.

This file is regarding appointments on the Intellectual Property Appellate Board (IPAB).

2. An Intellectual Property Appellate Board (IPAB) is to be set up under the Trade Marks Act, 1999 to hear appeals against the decisions of the Registrar of Trade Marks. The Board will also hear appeals in matters relating to the Geographical Indications of Goods (Registration and Protection) Act, 1999. The Patent (Amendment) Act, 2002 also provides for the appellate jurisdiction of the IPAB. The concept of IPAB is essentially to reduce the element of delay in the finalisation of appeal cases and to associate expertise pertaining to the protection of Intellectual Property Rights in the appellate process.

3. The composition of the Board provides for a Chairman, a Vice-Chairman and such number of other Members, as the Central Government may deem fit. The qualifications, term of office, etc. are prescribed in the Trade Marks Act, 1999.

4. The post of Chairman in the pay of Rs 30,000/- (fixed) is to be filled up by appointment of a person who is or has been a judge of a High Court or has, for at least two years held the office of Vice-Chairman and is to be made after consultation with the Chief Justice of India. The Hon'ble Chief Justice has suggested Mr. Justice S. Jagadeesan, a sitting Judge of the Madras High Court for appointment as the Chairman of the Board. Mr. Justice S. Jagadeesan has also consented to the said appointment.

5. The post of Vice-Chairman in the pay of Rs 26,000/- (fixed) is to be filled by appointment of a person who has for at least two years held the office of a Judicial Member or a Technical Member or has been a Member of the Indian Legal Service and held a post in Grade I of that service or any higher post for at least five years. Due to the initial constitution of the IPAB there is no Judicial Member or Technical Member to be considered at present. Therefore, the Department of Legal Affairs was requested for a panel of names. A Selection Committee consisting of Secretaries of Department of Industrial Policy & Promotion, Personnel & Training and Legal Affairs was constituted for considering the names so received. After assessing the experience of the three candidates in the relevant field forwarded by the Department of Legal Affairs, the Committee recommended Dr. Raghbir Singh, former Secretary, Legislative Department and subsequently Secretary, National Commission to Review the Working of the Constitution, for appointment to the post of Vice-Chairman, IPAB.

6. As per the Trade Marks Act, 1999, the Chairman and Vice-Chairman shall hold office as such for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

7. We have now received the approval of the Appointments Committee of the Cabinet for the appointments of Mr. Justice S. Jagadeesan as Chairman and Dr. Raghbir Singh as Vice-Chairman as well as the Presidential Request in the case of Mr. Justice S. Jagadeesan as he is a sitting Judge.

10
PP.12/000

796-
PP.12/150/000

PP.146/000

25/02

Contd. from pre-page.

8. In this connection it is submitted that as per section 84 (2) of the Trade Marks Act, 1999 a Bench of the IPAB shall consist of one Judicial Member and one Technical Member. Therefore, a Judicial Member and a Technical Member are a pre-requisite for constituting the Board.

9. As per the approved procedure action had been initiated for filling up two posts of Technical Members also along with those of Chairman and Vice-Chairman. However, the Selection Committee which met on 24th September, 2002 recommended inviting fresh applications through newspaper advertisements for appointment of Technical Members as no suitable candidates was found for the post. Accordingly, fresh applications were invited and in response eleven persons applied. The meeting of the Selection Committee is now scheduled to be held on 24th March, 2003 to consider the selection of two candidates for the post of Technical Members.

10. In this connection, it is stated that we have intimated Mr. Justice S. Jagadeesan of his selection for appointment as Chairman IPAB so that he can communicate to us the acceptance of the offer of appointment for issuing formal orders of appointment.

11. Meanwhile, we may also intimate Dr. Raghbir Singh of his selection for appointment as Vice-Chairman, IPAB, as per Draft placed below for approval of Secretary (IPP).

~~sd~~
24/03/03

~~SO(IRS)~~

k
24/3/03

~~ds(TCS)~~

A draft d.o. letter to Dr. Raghbir Singh intimating him of his selection for appointment as Vice-Chairman, IPAB is placed below for consideration and approval of Secretary,

796-DSCTCS/03
24/3

~~sd~~
24.03.03

~~JS(AEA)~~

~~Secy(IPP)~~

Monirul
24/3/03

Amrithan
24.3.0

374-F
24.3.03

~~JS(AEA)~~

~~DS(TCS)~~

sd
25/03

Amrithan
25.3.03

sd
25/03
Issued

Reference Note on pre-page: -

SI No. 56(R) pp. 154/cor.

This file is regarding appointments on the Intellectual Property Appellate Board (IPAB).

✓ p153/cor.

2. We had intimated Dr. Raghbir Singh, former Secretary Legislative Department and subsequently Secretary, National Commission to review the working of the Constitution, of his selection for appointment as Vice-Chairman, Intellectual Property Appellate Board.

X p154/cor.

3. Dr. Raghbir Singh has given his acceptance to the offer of appointment as Vice Chairman, IPAB.

4. Formal orders of appointment of Dr. Raghbir Singh as Vice Chairman, IPAB, may be issued simultaneously with orders regarding setting up of the Intellectual Property Appellate Board as also the orders of appointment of the Chairman and Technical Members. In this connection it is mentioned that the proposal to appoint Shri T. R. Subramanian, Former Joint Registrar of Trade Marks, to the post of Technical Member, IPAB has been sent to Establishment Office, DOPT, for obtaining the approval of the Appointments Committee of the Cabinet.

Submitted for information, pl.

965-DSC(TC)103
2/4

04/04/03.

So (IRS).

DS (TCT)

07.04.03

4/4

IRS

Sanyal

Reference: Notes on pages 61-62/ante.

This is regarding issuing of formal order of appointment for the post of Chairman, Intellectual Property Appellate Board (IPAB), Chennai.

F/B

2. As per Section 84(1) of the Trade Marks Act, 1999 the Appellate Board shall consist of a Chairman, Vice-Chairman and such number of other Members, as the Central Government may deem fit. Also as per Section 84 (2) of the said Act a Bench shall consist of one Judicial Member and one Technical Member.
3. The formal orders of appointment of the Chairman is to be issued simultaneously with orders regarding setting up of the Intellectual Property Appellate Board as also with the orders for the appointment of the Vice-Chairman and Technical Members.
4. Justice S. Jagadeesan, former Justice Madras High Court, and Dr. Raghbir Singh, former Secretary, Legislative Department and subsequently Secretary, National Commission to Review the Working of the Constitution have been considered for appointment for the post of Chairman and Vice-Chairman, IPAB. In this regard all formalities other than issuing of formal orders of appointment have been completed. The formal orders of appointments for the Chairman and Vice-Chairman is to be issued only after obtaining the approval of the Appointments Committee of the Cabinet for the appointment of Shri T. R. Subramanian, former Joint Registrar of Trade Marks, for the post of Technical Member, IPAB. This is because a Technical Member is a pre-requisite for constituting the Board.
5. As per DOPT's guidelines the proposal to appoint Shri T. R. Subramanian requires the approval of the Appointments Committee of the Cabinet. Therefore, the proposal along-with the prescribed proforma duly filled in along-with other relevant documents were sent to Establishment Officer, DOPT, for obtaining the approval of ACC on 28th March, 2003. In reply, we received a D.O. letter dated 25th April, 2003 asking for the Character and Antecedents verification report of Shri T. R. Subramanian. We have now received the verification report from the Intelligence Bureau. On receipt of the verification reports from the Police Commissioner, Mumbai, both the reports will be forwarded to the DOPT for obtaining the ACC's approval. After getting the ACC's approval the formal orders of appointments for the posts of Chairman, Vice-Chairman and Technical Members along-with the notification regarding setting up of the Intellectual Property Appellate Board may be issued.
6. In view of the above, issue of formal orders for the appointment of Justice S. Jagadeesan as Chairman, IPAB is being delayed.

✓ A/P 92-110.C
X A/P 111.C

✓ A/P 170/C

From pre-page.

vide FR

7. Now, we have received a communication from Justice S. Jagadeesan, Judge Madras High Court, who has been considered for appointment as Chairman in the Intellectual Property Appellate Board (IPAB), stating that even after two months of his acceptance of the offer of appointment as Chairman, IPAB, formal orders of appointment in this regard has not been issued. In the meantime, he has been appointed as an arbitrator in a case by the Honb'le Chief Justice, Madras High Court, which he has accepted. The preliminary sitting for the arbitration case was on 2nd June, 2003, after which the time for completion of the work would be decided. In this connection, Justice S. Jagadeesan has requested to permit him to complete the arbitration work along-with the normal work of the IPAB if formal orders of his appointment as Chairman, IPAB, is issued prior to completion of the said arbitration work.

Submitted, pl.

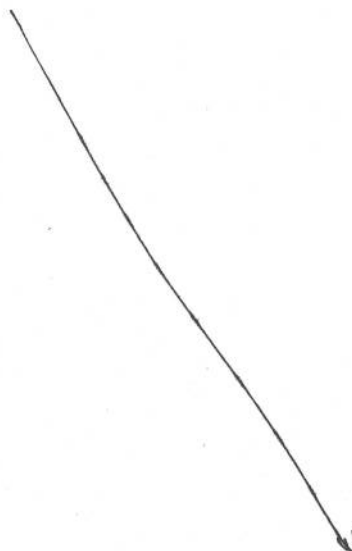
SD
12/6/03

SD (IRS)

1520-DS(TCJ)103
1716

~~DS(TCJ)~~

ka
12/6/03



The Trade Marks Act, 1999 provides for the establishment of an Intellectual Property Appellate Board (IPAB). Former C&IM decided vide minute on page 16/ante that the location of the IPAB be at Chennai. Accordingly, necessary infrastructure for IPAB has been created at Chennai. Also, approval of ACC has also been obtained for the appointment of Mr. Justice S.Jagadeesan, former judge of the Madras High Court as Chairman, Dr. Ragbir Singh, former Secretary to the Government of India as Vice-Chairman and Shri T.R. Subramanian, former Joint Registrar of Trade Marks as Technical Member.

2. On the setting up of the IPAB, all cases of appeals against any order or decision of the Registrar of Trade Marks and all cases pertaining to rectification of entries in the Trade Marks register pending before various High Courts shall be transferred to the Appellate Board, as per Section 100 of the Trade Marks Act, 1999. At present, such cases are before the High Courts at Delhi, Mumbai, Kolkata and Ahmedabad besides Chennai. If the Bench of the IPAB is available only at Chennai, it will cause hardships to parties aggrieved by the decisions of the Registrar of Trade Marks within the territorial limits of the Trade Mark offices at Delhi, Mumbai, Kolkata and Ahmedabad. In order to avoid any inconveniences to the parties, it is proposed that the Notification setting up the IPAB shall provide for setting up of the Benches of the Appellate Board at Delhi, Mumbai, Kolkata and Ahmedabad also from time to time to adjudicate matters arising within the territorial limits of the respective Trade Marks Registry exercising functions under the Trade Marks Act, 1999. As per Section 84(2) of the Trade Marks Act, 1999 a Bench of the IPAB shall sit at such place as the Central Government may by notification in the Official Gazette, specify.

3. Accordingly, a draft notification specifying the setting up of the IPAB at Chennai and providing for sittings of the Bench also at Delhi, Mumbai, Kolkata and Ahmedabad is placed below for consideration and approval.

4. C&IM's kind approval may please be solicited for the above proposal.

Submitted.

(T.C. JAMES)
Deputy Secretary
18.08.2003

JS (AEA)

This is a logistical imperative. The draft notification will be issued concurrently with the operationalisation of TM law and the IPAB.

'x': please.

Amudhan
18.8.03

AA - may be approved.

JS (A) 19/8

Secy, IIP
19/8/2003

2608-JS(AEA)DS
18/8/03

सचिव (टी.एम.सी.)
Secretary (IPAB)
12992
18-8-03

1470/cjm
8/8/2003

DFA

MINISTRY OF LAW AND JUSTICE
LEGISLATIVE DEPARTMENT

Dy.No. 2420/2003-SRO

The Department of IP&P proposes to specify by a notification, Ahmadabad, Chennai, Delhi, Mumbai and Kolkatha as the places at which a Bench of the Intellectual Property Appellate Board (IPAB) shall sit, in exercise of the powers conferred by sub-section (2) of section 84 of the Trade Marks Act, 1999 (the Act). A draft of the notification for the purpose has been examined and vetted in this Department after discussing the matter with Shri T.C. James, Deputy Secretary in the administrative Department.

2. In this connection, it is seen that the IPAB is yet to be established under section 83 of the Act. A draft of notification for the same has already been got vetted by the administrative Department in a separate file. The notification specifying Benches may be issued either after the issue of the notification establishing the IPAB or they may be issued simultaneously.

3. Further, the administrative Department has proposed, in the instant notification, to provide for the jurisdiction of the Benches that are sought to be specified. IPAB is a common appellate forum to hear and adjudicate appeals preferred against the orders of the Registrars of Trade Marks and Geographical Indications as well as against the orders of the Controller General of Patents and Designs. In view of the above, it is felt that ~~separate~~ notifications for distribution of business and specifying matters that may be dealt with by each Bench could be issued separately under sub-section (4) of section 84 of the Act, once the Central government specifies the places at which a Bench shall sit.

4. In the light of the above, a revised draft of notification has been provided, which is formally in order from vetting angle. The administrative Department may, however, satisfy that the same meets with their intention and purposes.

(K.R. SAJI KUMAR)
Deputy Legislative Counsel
26.08.2003
Tel: 23381588.

Ministry of Commerce and Industry,
(Department of IP&P).

2420/03 26/8/03

may kindly see in det.

JS(AEA)

Q. move for Hindi trans.

DS(T/J)

26/08

(S/PV)

with spd manager

26/08/03

26.8.03

208/SR/ALC
Date... 26/08/03

2264-DSC(CS)03

This is regarding issuing of formal orders of appointment for the post of Chairman, Vice-Chairman and Technical Member in the Intellectual Property Appellate Board.

2. Appointments Committee of the Cabinet have approved the appointment of Mr. Justice S. Jagadeesan, retired Judge of the Madras High Court as Chairman, Dr. Raghbir Singh, former Secretary National Commission to Review the Working of the Constitution as Vice-Chairman and Shri T. R. Subramanian, former Joint Registrar of the Trade Marks as Technical Member in the IPAB. Offers of appointment have been issued to all the three and all have accepted the same. The appointment of Chairman, Vice-Chairman and Technical Member has to be simultaneous, as a Bench of the IPAB is to consist of a Judicial Member and a Technical Member.

3. Draft orders for the above appointments are placed below for consideration and approval, pl.

sd/
28/8/03

sd (IRST)

us (YPV)

DS (CJ)

h
28/8/03

Boonad
28.8.03

Separate file is under submission seeking approval of C&IM for notifying 10th Sept. 2003 as the date of establishment of IPAB. That date will be ~~under~~ specified as the effective date of appointment, after the same is approved by C&IM. Subject to this ~~adoption~~, the draft orders may please be approved.

JSCA (ST)

To be issued on return of main file.

Yasue
28/08/03

h
29/8/03
us (YPV)

DS (CJ)

Lawrence
28.8.03

Reference: - Note on page 70/ante.

This is regarding issuing of formal orders of appointment for the post of Chairman, Vice-Chairman and Technical Member in the Intellectual Property Appellate Board.

2. Appointments Committee of the Cabinet have approved the appointment of Mr. Justice S. Jagadeesan, retired Judge of the Madras High Court as Chairman, Dr. Raghbir Singh, former Secretary National Commission to Review the Working of the Constitution as Vice-Chairman and Shri T. R. Subramanian, former Joint Registrar of the Trade Marks as Technical Member in the IPAB. Offers of appointments have been issued to all the three and all have accepted the same. The appointment of Chairman, Vice-Chairman and Technical Member has to be simultaneous, as a Bench of the IPAB is to consist of a Judicial Member and a Technical Member.

3. Fair orders for the above appointments, ^{wef 15/9/03} are placed below ^{for} signature, pl.

SP
09/9/03

SOLIST

h
9/9/03

US (YPV)
DS (TCT)

R...

I informed on phone the Chairman to be, Vice Chairman to be and Technical to be of the date, i.e. 15.9.03 and it is convenient to all of them.

h
Carue
9/9/03

US (YPV)

10/9

SOLIST

10/9

Sanyal

-:73:-

SI No. 65(R) pp. 177-178/corr.

SI No. 66(R) pp. 179-180/corr.

SI. No. 67(R) pp. 181-182/corr.

In pursuance of this Department' letter No. 8/19/2000-PP&C/IRS dated 9th September, 2003 the following Board Members of the Intellectual Property Appellate Board (IPAB) have assumed their respective charges on September 15, 2003 (F/N): -

- i) Justice S. Jagadeesan as Chairman (IPAB);
- ii) Dr. Raghbir Singh as Vice-Chairman (IPAB); and
- iii) Shri T. R. Subramanian as Technical Member (IPAB).

2. We may issue Notification to be published in the Gazette of India in this regard.

3. Draft Notifications are placed below for consideration and approval, pl.

Sd/-
18/9/03

Sd/(IRS)

h
18/9/03
Bohra
18/9/03

us (YPV)

DS (TCS)

ceee
18/09/03

92/USLYPV/03
22/9/03

us (YPV)

ms
SOC (IPAB)

Aanyay

A/P
linked

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10

An Intellectual Property Appellate Board was established at Chennai on September 15, 2003 as per Section 83 of the Trade Marks Act, 1999. The Board hears appeals against the Registrar of the Trade Marks as well as that of the Geographical Indications.

2. Dr. Raghbir Singh, former Secretary National Commission to Review the Working of the Constitution, assumed the charge of the office of the Vice-Chairman, Intellectual Property Appellate Board (IPAB) on September 15, 2003.

3. Section 86 of the Trade Marks Act, 1999 states, "the Chairman, Vice-Chairman or other Members shall hold office as such for a term of five years from the date on which he enters upon his office or until he attains.-

(a) in the case of Chairman and Vice-Chairman, the age of sixty-five years;"

4. The date of Birth of Dr. Raghbir Singh is March 15, 1940. Therefore, Dr. Raghbir Singh, Vice-Chairman, IPAB will be vacating the office of the Vice-Chairman, IPAB on March 14, 2005 on attaining the age of superannuation.

5. Draft order is placed below for approval, pl.

Submitted, pl.

x FIB
1/1/2005
read folder
1209-45(YPV)/05
113
439/05(PLK)/05
1/3
1038/1-3-05

1144 (India Co)
Secretary (IPR)
1144
1-3-05

12/03/05
So (IPR-4)
keena
1/3/05
B...
1/5/05
US(YPV)
DSC(PLK) P...
1/3/05
IS(S)
1/3
Secy. 2/3/05
J...
2/3
DSC(PLK) P...
2/3
US(YPV) 3/3
So (IPR II)

Reference :- Notes on prepage.

Fair letter is placed below for signature of US(YPV), P1.

SPD
3/3/05

~~SO(IPR-II)~~

keena
3/3/05

~~US(YPV)~~

~~Keena~~
3/3/05

~~SO(IPR II)~~

1228-US(YPV)105
3/3

By Speed Post

With reference to this Department's Order No.8/19/2000-IPR(II) dated 3rd March, 2005 (F/A), Dr. Raghbir Singh has relinquished the charge of the office of the Vice-Chairman, Intellectual Property Appellate Board, Chennai w.e.f. afternoon of 14th March, 2005 on attaining the age of superannuation (FR).

Submitted for information.

keena
22/3/05

~~US(YPV)~~
28/3

Pl put up with CCR of Shri Nagi whose name has been recommended by COS.

~~Keena~~
23/3

SO(IPR)