

HIGH COURT OF DELHI, NEW DELHI

No. 667 /Original Side/DHC

Date:07 July , 2021

OFFICE ORDER

Consequent upon promulgation of *The Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021*, Hon'ble the Chief Justice, on the recommendations of the Hon'ble Committee constituted for the purpose, has been pleased to pass the following directions:

1. The Intellectual Property Division (IPD) is created in this Court to deal with matters related to Intellectual Property Rights. The IPD of this Court would deal with following matters: -
 - i. All original proceedings and appellate proceedings including Writ Petitions (Civil), Civil Misc. (Mains), RFA, FAO etc., relating to IPR disputes, except matters that are to be dealt with by a Division Bench.
 - ii. All fresh filings in the various IPR categories would also be dealt with by the IPD.
 - iii. IPR suits, revocation applications, cancellation applications, other original proceedings, appeals from the office of Registrar of Trade Marks, Controller of Patents, Copyright Registrar and all other proceedings which were hitherto maintainable before the IPAB, under the provisions of the Trade Marks Act, 1999; Copyright Act, 1957; Patents Act, 1970; Designs Act, 2000; Geographical Indications of Goods (Registration and Protection) Act, 1999; Protection of Plant Varieties and Farmers' Rights Act, 2001 and Semiconductor Act 2000,.
2. The IPD would be governed by the IPD Delhi High Court Rules which are in the process of being framed. The original proceedings before the IPD would also be additionally governed by the *Delhi High Court (Original Side) Rules, 2018* and the provisions of the CPC as applicable to commercial disputes and the provisions of the *Commercial Courts Act, 2015*.
3. The IPD Benches shall be notified by Hon'ble the Chief Justice, from time to time.

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4. The nomenclature etc. of the cases to be filed in the IPD and the court-fees, payable for the time being, shall be as set out in **ANNEXURE-A** to this Office Order.
5. Any appeal under Section 5C of the *Cinematograph Act, 1952*, until the framing of the Rules in this regard, shall be registered as RFA.
6. Cases under other statutes viz., *Customs Act, 1962*, *The Airports Authority of India Act, 1994*, *National Highways (Land and Traffic) Act, 2002*, shall be registered as Writ Petitions (Civil) and shall be listed before the Single Judge or Division Bench, as per the amendments pursuant to said Ordinance.

These directions shall come into force with immediate effect.


By Order

Sd/-
(Manoj Jain)
Registrar General

Endst: No. 9183-90 /OS/DHC

Dated: 07 July, 2021

1. All Registrars/Officers on Special Duty/Coordinator.
2. Joint Registrar-cum-Secretary to Hon'ble the Chief Justice .
3. All Joint Registrars/Joint Registrars (Judicial)/Deputy Registrars/Assistant Registrars.
4. Joint Registrar-cum-PA to Registrar General.
5. Joint Director (IT) with the request to upload the Office Order on the Internet as well intranet of this Court.
6. All Private Secretaries to the Hon'ble Judges with the request to bring the contents of this Office Order to the notice of the Hon'ble Judges/ All Court Masters.
7. The President/Secretary, Delhi High Court Bar Association, with the request to bring contents of this Office Order to the Members of the Delhi High Court Bar Association.
8. Guard File.


(Sanjay Pokhriyal)
Joint Registrar (Original)

COMPOSITE CHART OF THE AMENDMENTS CARRIED VIDE THE TRIBUNALS' REFORMS (RATIONALISATION AND CONDITIONS OF SERVICE) ORDINANCE, 2021							
S.No.	Act	Section under which filed	Nature of proceeding	Nomenclature in HIGH COURT	Jurisdiction as per the Ordinance	Jurisdiction in HIGH COURT	Court Fees Payable in High Court
1	Trademarks	47. Removal from Register and imposition of limitations on ground of non-use.	Original <i>(As per Sec. 47(i) can be filed before Registrar of Trademarks as well as High Court having concurrent jurisdiction)</i>	C.O. (Comm. IPD-TM)	"Registrar of Trade Marks" or the "High Court"	IP Division (Original Side)	Rs. 525/- for the time being.
2	Trademarks	57. Power to Cancel or vary registration and to rectify the register.	Original <i>(As per Sec. 57(2) can be filed before Registrar as well as High Court having concurrent jurisdiction)</i>	C.O. (Comm. IPD-TM)	"Registrar of Trade Marks" or the "High Court"	IP Division	As applicable to C.O.(Comm. IPD-TM)
3	Trademarks	91. Appeal to the Appellate Board (now HC).	Appellate <i>(against the order passed by the Registrar and since u/s 47 & 57 Registrar and HC have concurrent jurisdiction)</i>	C.A. (Comm. IPD-TM)	"High Court"	IP Division	As applicable to C.O.(Comm. IPD-TM)
4	Trademarks	125. Application to the Appellate Board for rectification questioning validity of the registration. In fact the application is directly filed before the Tribunal (now High Court) and not before the Registrar.	Original <i>(Sec. 125 speci-fically provides for presentation before the IPAB (now HC) and bars it before the Registrar and since u/s 47 & 57 Registrar and HC have concurrent jurisdiction)</i>	C.O. (Comm. IPD-TM)	"High Court"	IP Division	As applicable to C.O.(Comm. IPD-TM)

S.No.	Act	Section under which filed	Nature of proceeding	Nomenclature in HIGH COURT	Jurisdiction as per the Ordinance	Jurisdiction in HIGH COURT	Court Fees Payable in High Court
5	Copyrights	19A, 23, 31, 31A, 31B, 31C, 31-D, 32 and 33A. Statutory licence for broadcasting of literary and musical works and sound recording etc.	Original (proceedings are originally filed before the IPAB (Now HC) and not before the Registrar as per Section 31-D(3))	C.O. (Comm. IPD-CR)	"Commercial Court" (As per Sec. 2(fa) Commercial Court means a Commercial Court or the Commercial Division of a High Court.	IP Division for time being till further orders	as applicable to C.O.(Comm. IPD-TM)
6	Copyrights	50. Rectification of Register by Appellate Board/IPAB (Now HC)	Original (The application is originally filed by the Registrar or any aggrieved person before the IPAB (Now HC) and not before the Registrar as per Section 31-D(3))	C.O. (Comm. IPD-CR)	"High Court"	IP Division	As applicable to C.O.(Comm. IPD-TM)
7	Copyrights	72. Appeal against orders of Registrar of Copyrights.	Appellate	CA (Comm. IPD-CR)	"High Court"	IP Division	As applicable to C.O.(Comm. IPD-TM)
8	Patents	64. Revocation of Patents by the Appellate Board/IPAB (Now HC)	Original (The application is originally filed before the IPAB (Now HC) and not before the Controller)	C.O.(Comm. IPD-PAT)	"High Court"	IP Division	As applicable to C.O.(Comm. IPD-TM)
9	Patents	71. Rectification of Register by Appellate Board/IPAB (Now HC)	Original	C.O.(Comm. IPD-PAT)	"High Court"	IP Division	As applicable to C.O.(Comm. IPD-TM)
10	Patents	117-A. Appeals to the Appellate Board from the order of the Controller or Central Government.	Appellate	C.A.(Comm. IPD-PAT)	"High Court"	IP Division	As applicable to C.O.(Comm. IPD-TM)

S.No.	Act	Section under which filed	Nature of proceeding	Nomenclature in HIGH COURT	Jurisdiction as per the Ordinance	Jurisdiction in HIGH COURT	Court Fees Payable in High Court
11	Geographical Indications	27. Power to cancel or vary registration and to rectify the register. Application for rectification of the register by cancelling, expunging or varying of any entry.—	Original <i>(As per Sec. 27(1) can be filed before Registrar as well as Appellate Board (now High Court) having concurrent jurisdiction)</i>	C.O.(Comm. IPD-GI)	"High Court"	IP Division	As applicable to C.O.(Comm. IPD-TM)
12	Geographical Indications	31. Appeals to the Appellate Board (now HC) from the order of the Registrar.	Appellate	C.A.(Comm. IPD-GI)	"High Court"	IP Division	As applicable to C.O.(Comm. IPD-TM)
13	Protection of Plants Varieties and Farmers Right Act	56. Appeal against orders or decision of Authority or Registrar relating to registration, claim for benefit sharing, revocation of compulsory licence etc. <i>(As per the provisions of the Act there is no concurrent jurisdiction of the Registrar and the High Court)</i>	Appellate	C.A. (Comm. IPD-PV)	"High Court"	IP Division	As applicable to C.O.(Comm. IPD-TM)
14	Cinematograph Act	5C. Appeal against order of the Film Certification Board to the Film Certification Appellate Tribunal (now High Court).	Appellate (against the order of the Film Certification Board)	R.F.A.	"High Court"	Civil Appellate jurisdiction	(To be notified)

S.No.	Act	Section under which filed	Nature of proceeding	Nomenclature in HIGH COURT	Jurisdiction as per the Ordinance	Jurisdiction in HIGH COURT	Court Fees Payable in High Court
15	Customs Act	28KA. Appeal against order of the the Adjudicating Authority to the Authority for Advane Rulings (Customs and Centrla Excise), which has been abolished qua customs matters vide Sec.5 of the Ordinance omitting Section 28E of the Customs Act.	Appellate (Appeal against the order passed by the Adjudicating Authority)	W.P.(C) Division Bench	"High Court"	Writ Jurisdiction	As applicable to the WP(C).
16	Airports Authority of India Act	28K(1). Appeal against order of eviction passed by the Eviction Officer	Appellate (Appeal against the order passed by the Eviction Officer)	W.P.(C) Single Bench	"High Court"	Writ Jurisdiction	As applicable to the W(C).
17	The Control of National Highways (Land and Traffic) Act.	14. Appeal against the order of the Highway Administraion (excluding issuance or serving of notices) u/s 26, 27, 28, 36, 37 and 38, shall lie to the to the Airport Appellate Tribunal (now Civil Court, including High Court), as per Section 11(d) of the Ordinance.	Appellate (Appeal against the order passed by the Highway Administration)	W.P.(C) Division Bench	"Court"	Writ Jurisdiction	As applicable to the W(C).

C.O.	Civil Original
C.A.	Civil Appeal
COMM	Commercial
IPD	IP Division
TM	Trade Mark
CR	Copy Right
PAT	Patents
GI	Geographical Indications
PV	Protection of Plants Varities