

IP Tribunal Likely to Come Up in 3 Metros

Appellate board may be set in Mumbai, Delhi and Kolkata

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The government may need to set up permanent centres of the country's nodal body monitoring disputes related to intellectual property rights and patents in Delhi, Mumbai and Kolkata to expedite resolution of cases.

The Delhi High Court (HC) has asked the Delhi HC Bar Association to 'advise the ministry concerned' for setting up permanent centres of intellectual property appellate board (IPAB) in these three cities. This follows a public interest litigation by a group of lawyers, who complained about the logistical delays in resolving disputes as IPAB's documents need to be transferred from the main centre in Chennai to the circuit centres each time a dispute arises.

Prathiba Singh, the secretary of the Asian Patent Attorney's Association (Indian Group) said at present IPAB officials travel in train carrying relevant documents to the circuit centres in the three cities whenever a hearing is scheduled, delaying dispute resolution.

Last week, Delhi HC judge Siddharth Mridul acknowledged the argument of the group of lawyers and asked Additional Solicitor General and



the president of the Delhi HC Bar Association, Amarjit Singh Chandhiok to discuss with the matter with the government for an expeditious decision.

Since India adopted a new patent regime in 2005, there have been an increasing number of patent disputes being challenged at IPAB or transferred from courts to the quasi judicial body set up in 1999. These include the controversial patent dispute between several Indian drugmakers and Novartis related to the latter's cancer drug Glivec besides the dispute between two wheel majors TVS Motors and Bajaj Auto regarding their twin-spark plugs technology.

As of December 31, 2010, IPAB had received appeals for 199 cases related to patents of which only 46 were disposed and had managed to resolve just 1,019 out of 2,541 cases related to trademark. The Chennai bench of IPAB has not heard any cases since December due to non appointment of members. Some patent cases have not been listed before the IPAB for years.

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