NOTIFICATION

New Delhi, the 16th May, 2013

G.S.R.314 (E) .— Whereas, certain draft rules were published, in exercise of the powers conferred by section 87 of the Geographical Indications of Goods (Registration and Protection) Act, 1999 (48 of 1999), vide notification of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) number G.S.R. 31(E) dated 21st January, 2013 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of forty five days from the date on which copies of the Official Gazette containing the notification were made available to the public;

And whereas, the copies of the Official Gazette containing the said notification were made available to the public on 21st January, 2013;

And whereas, no objection and suggestions were received by the Central Government;

Now therefore, in exercise of the powers conferred under section 87 of the Geographical Indication of Goods(Registration and Protection)Act, 1999(48 of 1999), the Central Government hereby makes the following rules:- 1.Short title and commencement. – (1) These rules may be called the Geographical Indications of Goods (Forms & making an appeal and fees therefore) Rules, 2013.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Form of Application .– The form of making applications for appeal to the Intellectual Property Appellate Board and the manner of verification thereof shall be as provided in the First Schedule to these rules.

3. Fees .– The fees for filing an appeal before the Intellectual Property Appellate Board shall be as specified in the Second Schedule to these rules which shall be paid by way of bank draft payable at Chennai drawn in favour of the Deputy Registrar, Intellectual Property Appellate Board.

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THE FIRST SCHEDULE

(See rule 2)

MANNER OF MAKING APPLICATIONS AND APPEAL AND FORMS THEREFORE

Serial No.	Section of the Geographical Indications of Goods (Registration and Protection) Act, 1999/Geographical Indications of Goods (Registration and Protection) Rules, 2002	Title	Form number
(1)	(2)	(3)	(4)
1.	Section 27/Rule 65	Application for rectification of the register by cancelling, expunging, or varying of any entry relating to a geographical indication or the statement of the case under rule 32(1) recorded in the register of geographical indications or the authorized user	FORM 1
2.	Section 31/Rule 98	Appeal from an order or decision of the Registrar of Geographical Indications	FORM 2
3.	Section 31(2)/Rule 98	Application for condoning the delay in filing Appeal under Section 31 (2) of the Geographical Indications of Goods (Registration and Protection) Act, 1999	FORM 3

FORM 1

(See rule 2)

BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD

RECTIFICATION APPLICATION

ORA No.

Date Seal

(In the matter of ----------)

1. Name of Applicant :
2. Address :
3. Name of Counsel and address :
4. Name(s) of Respondent (s) with address :

[In case of foreign respondent(s), the address for service in India, if any, may be furnished]

5. Relief claimed and relevant Sections :
6. Particulars of parallel or collateral proceedings :
7. In application for rectification in respect of Geographical Indication [with details, viz., date of application, date of advertisement, date of registration (if available), etc.] :
8. Facts of case :

(set out facts in brief along with the evidence and the documents relied on)

9. Grounds on which relief is sought for (in brief)
10. Details of fees :
11. Prayer :
12. Affidavit as below, in support thereof :

Dated this ..... Day of .....

Place .....

Signature of the applicant

List of documents:

The proof affidavit along with the documents shall be filed.

[For example, Annexure-1:

Copy of registration certificate obtained by the respondent in respect of the impugned GI.

Annexure-2 and so on:

Other documents.]

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AFFIDAVIT

BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD

Case No.

(In the matter of ----------)

Cause title:

... Applicant

vs.

...Respondent

Shri ---------- son of ---------- aged at ------ residing at -------- do solemnly affirm and declare as under:---

Xxx

Xxx

Deponent

Verification

I ..... (name of deponent/of ..... Nationality, resident of .....) do hereby verify that the contents of paras ..... to ..... Are true to my/our personal knowledge and paras ..... to ..... are believed to be true on legal advice and that I have not suppressed any material fact.

Dated this ..... day of .....

Place .....

Signature of the Deponent

IndiaCode

FORM 2

(See rule 2)

BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD

APPEAL

O.A. No.

Date Seal

(Appeal arising out of ----------)

Cause title:

... Appellant/(rank of party before the Registry, if any)

vs.

... Respondent/(rank of party before the Registry, if any)

The appellant above named, prefers the appeal under Section 31, against the order dated .....for the following among other grounds:

(a)

(b)

(c)

(d)

Limitation:—

For the above reasons, it is prayed .....

Affidavit, as below, in support thereof

Dated this ..... Day of .....

Place.....

Signature of the Appellant

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AFFIDAVIT

BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD

Case No.

(In the matter of ----------)

Cause title:

... Appellant

vs.

...Respondent

Shri ---------- son of ---------- aged at ------ residing at -------- do solemnly affirm and declare as under:---

Xxx
Xxx

Deponent

Verification

I ..... (name of deponent/of ..... Nationality, resident of .....) do hereby verify that the contents of paras ..... to ..... are true to my/our personal knowledge and paras ..... to ..... are believed to be true on legal advice and that I/we have not suppressed any material fact.

Dated this ..... day of .....
Place .....

Signature of the Deponent

IndiaCode

FORM 3

(See rule 2)

BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD

[Application for condoning the delay in filing Appeal under Section 31(2) of the Geographical Indication of Goods (Registration and Protection) Act, 1999]

M.P.No.

Date Seal

(In the matter of ----------)

1. Name of Appellant :

2. Address :

3. Name of Counsel and address :

4. Name(s) of Respondent (s) with address :
[In case of foreign respondent(s), the address for service in India, if any, may be furnished]

5. Period of delay :

6. Grounds. :

7. Prayer :

Affidavit, as below, in support thereof

Dated this ..... Day of .....
Place .....

Signature of the petitioner

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AFFIDAVIT

BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD

Case No.

(In the matter of ----------)

Cause title:

... Appellant

vs.

...Respondent

Shri ---------- son of ---------- aged at ------ residing at -------- do solemnly affirm and declare as under:---

Xxx
Xxx

Deponent

Verification

I ..... (name of deponent/of ..... Nationality, resident of .....) do hereby verify that the contents of paras ..... to ..... are true to my/our personal knowledge and paras ..... to ..... are believed to be true on legal advice and that I/we have not suppressed any material fact.

Dated this ..... day of .....
Place .....

Signature of the Deponent

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The Second Schedule

(See rule 3)

Fees

Sl.No.	Description	Fees (Rs.)	Corresponding Form Number
(1)	(2)	(3)	(4)
1.	Application for rectification	5,000	Form 1
2.	Appeal	5,000	Form 2
3.	Petition for condoning delay in filing appeal.	2,500 for delay of per month or part thereof	Form 3

[No. F. 7/11/2012-IPR-I/IPAB

D.V. PRASAD, Jt.Secy

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