



Intellectual Property Attorneys

## **Delhi High Court creates Intellectual Property Division**

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On July 6, 2021, the Delhi High Court announced the creation of a specialized Intellectual Property Division (IPD) to deal with all matters related to Intellectual Property Rights (IPR).

Earlier in April this year, the Intellectual Property Appellate Board (IPAB) was abolished by the Government of India through an ordinance. The IPAB heard appeals from the decisions of the Controller's office under the Patents Act, 1970, the Trade Marks Act, 1999 and the Geographical Indications of Goods (Registration & Protection) Act, 1999 as well as appeals from the decisions of the Registrar of Copyright under the Copyright Act, 1957. The IPAB was also designated as the Plant Varieties Protection Appellate Tribunal under the Protection of Plant Varieties and Farmers' Rights Act, 2001 to hear appeals under that Act from the decisions of the Protection of Plant Varieties and Farmers' Rights Authority and the Registrar of Plant Varieties.

At the time of its dissolution, the IPAB had a substantial number of matters pending before it. It is estimated that 3000 matters pending before the IPAB are to be now transferred to the Delhi High Court alone. In addition, the Delhi High Court is already considering writ petitions pertaining to IP proceedings, IP infringement suits, appeals from suits and revision petitions arising from such suits.

Given the substantial number of pending matters related to IPRs before the Delhi High Court along with the transfer of a large number of matters from the IPAB, the Delhi High Court had constituted a committee to study and recommend the way forward to deal with this substantial caseload. Based on the recommendations of this Committee, the Delhi High Court has created an IPD that would hear all matters related to IPRs including original proceedings, writ petitions, appeals and miscellaneous applications.

The Chief Justice of the Delhi High Court would notify the IPD benches from time to time. As per the latest roster assignment, 5 judges have been nominated to function as judges in the IPD. The Delhi High Court is currently in the process of framing rules for proceedings before the IPD. An [office order](#) was issued today, providing further directions and details on the nomenclature of the cases to be filed in the IPD and the court fees.

It is hoped that the creation of the IPD by the Delhi High Court would enhance the efficient disposal of IPR related matters falling within its jurisdiction.