



NEWS

Supreme Court extends tenure of Justice (Retd.) Manmohan Singh as IPAB Chairman [Read Order]

As pointed out in the petition filed by the Association, Singh's tenure as IPAB Chairman was initially set at three years when the appointment order was issued in July 2017.

Meera Emmanuel

Dec 20, 2019, 8:55 AM IST



The Supreme Court on Wednesday extended the term of Justice (Retd.) **Manmohan Singh** as the Chairman of the Intellectual Property Appellate Board (IPAB) for another year.

An order to this effect was passed by a Bench of CJI **SA Bobde** and Justices **BR Gavai** and **Suryakant**, on a plea by the *International Association for Protection of Intellectual Property* filed in view of the fact that the post of IPAB Chairman has been lying vacant since September 21, this year.

[Home](#) [News](#) [Interviews](#) [Columns](#) [Apprentice Lawyer](#) [Dealstreet](#) [Viewpoint](#) [Legal Jobs](#)

he appointment order was issued in July 2017.

However, in December 2017, a letter was issued intimating that his term would come to an end on September 21, 2019. On September 22, Justice (retd.) Singh attained the age of 65 years.

However, no Chairman was appointed in his place when the end of this shortened term came to an end. The Association had contended that this vacancy led to the IPAB becoming defunct, thereby causing hardships for the thousands of litigants who have cases pending before the IPAB. As per the petition filed by **Hemant Singh**, the President of the Association, through Advocate Mohit D Ram,

“There are over 2,800 trademark cases and 583 patent cases ... Patent rights have a limited term of 20 years and the delay in their adjudication by the IPAB is resulting in denial of valuable rights to the patentees to enforce the patent in absence of such adjudication. This constitutes and amounts to denial of access to justice and violation of fundamental right .. under Article 21.”

Further, it had also been contended that,

“The act of Respondent of limiting the tenure of the incumbent Chairperson is arbitrary and is based on the misconception of the law which requires immediate correction.”

In view of these concerns, Association had prayed before the Supreme Court to order the reinstatement of Justice (Retd.) Manmohan Singh as the Chairperson of the Appellate Board until he reaches the age of 67 years, or till the appointment for a new Chairperson.

Arguments for the Association were made by Senior Advocate **Arvind Datar**. The plea was opposed by Attorney General **KK Venugopal**.

The Court, in turn, opined that the post of IPAB Chairman *cannot be allowed to be vacant*.

Whereas, the Bench was informed the appointment process of the new chairman will be completed soon, the Court directed that Justice (retd.) Singh continue as chairman in the meantime.

The order states,

The matter has been posted to be heard next on February 5, next year. In the meantime, AG Venugopal told the Court that he would obtain instructions on the aspect of whether the location of the Principal Bench of the IPAB should be shifted from Chennai to a more convenient, central location or whether a new Bench should be established in such a location.

Supreme Court - IPAB Chairman Order.pdf

[Preview](#)[Supreme Court](#)[Justice Manmohan Singh](#)

Related Stories



Madras HC sits on Sunday to hear pleas against anti-CAA protests called by Opposition Parties

Bar & Bench

[Home](#) [News](#) [Interviews](#) [Columns](#) [Apprentice Lawyer](#) [Dealstreet](#) [Viewpoint](#) [Legal Jobs](#)

Rintu Mariam Biju

[Breaking] Delhi Gate-Anti CAA Protest: Bhim Army Chief Chandra Shekhar Azad sent to 14 days judicial custody after rejection of bail plea

Bar & Bench

Live Updates: Delhi Gate anti-CAA Protest: Detainees to be produced before Tis Hazari Court

Aditi Singh

[Terms Of Use](#) | [Privacy Policy](#) | [Contact Us](#) | [Careers](#) | [Advertise With Us](#) | [About Us](#)

Copyright © 2019 Bar and Bench. All Rights Reserved

Powered By **Quintype**