

**HISTORIC ORDER PASSED BY SUPREME COURT OF INDIA ON AIPPI**  
**PETITION FOR REVIVING IP TRIBUNAL IN INDIA**

Intellectual Property Appellate Board (IPAB) which is exclusively empowered to hear appeals against orders passed by the Indian IP office *qua* patents, trade marks, copyrights, geographical indications etc. and also to decide significant and critical issues involving validity of patents and trade marks, had ceased to function as the incumbent Chairperson, Justice (Retd.) Manmohan Singh, had demitted office w. e. f. 21.09.2019, without a successor being appointed by the Government. Resultantly, more than 4,000 pending IP cases, including several part-heard cases, could not progress since 21<sup>st</sup> September this year, leading to paralysis of adjudication in critical IP matters.

This led The International Association for the Protection of Intellectual Property, also known as “Association Internationale pour la Protection de la Propriété Intellectuelle” (AIPPI- **India Group**) to file a public interest petition before the Hon’ble Supreme Court of India through Mr. Hemant Singh, President of AIPPI India Group. The writ petition was taken up for hearing on 17th December, 2019 by the Bench presided over by Hon’ble Chief Justice of India.

Submissions were advanced on behalf of AIPPI India Group that a deadlock has come to take place on account of non-functioning of IPAB in absence of its Chairperson and such paralysis of statutory IP tribunal has led to large pendency of cases causing irreparable prejudice to IP right holders globally.

The Chief Justice of India was empathetic to the submissions advanced by AIPPI and agreed that the matter requires immediate attention. Accordingly, service was directed to be effected on the Attorney-General of India representing the Central Government and the case was listed for further hearing next day i.e. 18<sup>th</sup> December, 2019.

During the hearing of 18<sup>th</sup> December, 2019, it was again impressed on behalf of AIPPI that the selection of the new Chairperson would take time and till then IPAB cannot be left without a Chairperson causing irreparable suffering to litigants and IP right holders. It was suggested that pending selection and appointment of a new Chairperson, the term of the incumbent Chairperson Justice (Retd.) Manmohan Singh may be continued as the Chairperson of IPAB so that the IP tribunal could become functional.

The suggestion was opposed by the Attorney-General on the ground that the incumbent Chairperson has already demitted office. However, the Hon’ble Chief

Justice was of the view that appointment of the new Chairperson of IPAB is likely to be completed soon but in the meanwhile, the post of Chairperson of IPAB cannot be allowed to remain vacant. Accordingly, the Hon'ble Chief Justice has directed that the incumbent Justice (Retd.) Manmohan Singh be allowed to continue as the Chairperson of IPAB for a period of one year from the date of his attaining the age of superannuation. Consequently, IPAB would now be functional and would soon be hearing the pending cases, much to the relief of litigants and various IP practitioners.

This is a historic order and a remarkable achievement by AIPPI India Group.