

(Corrected as per Corrigendum No. 63/Rules/DHC dated 11.04.2022)

HIGH COURT OF DELHI: NEW DELHI

NOTIFICATION

No. 13/Rules/DHC

Dated: 24.02.2022

**Delhi High Court Intellectual Property Rights Division Rules, 2022**

**Preamble**

*Whereas, upon the promulgation of the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 ("Ordinance"), now the Tribunal Reforms Act, 2021("TRA 2021") and upon the recommendation of the Committee constituted to take steps further to the said legislation, the Hon'ble Chief Justice of the Delhi High Court has approved the creation of the Intellectual Property Division ("IPD") in the Delhi High Court to deal with matters relating to Intellectual Property Rights ("IPR") except cases to be dealt with by the Division Bench of the Delhi High Court.*

*Whereas, the Delhi High Court office order No. 667/Original Side/DHC dated 7<sup>th</sup> July, 2021 records the decision of the Hon'ble Chief Justice to create the IPD.*

In exercise of the powers conferred by Section 7 of the Delhi High Court Act, 1966, Section 129 of the Code of Civil Procedure, 1908, powers conferred under the various Intellectual Property statutes as amended by the TRA 2021, the Delhi High Court hereby makes the following Rules for the matters listed before it's IPD with respect to practice and procedure for the exercise of its original and appellate jurisdiction, and for other miscellaneous petitions arising out of IPR and related statutes.

The substantive provisions governing Intellectual Property matters are contained in The Trade Marks Act, 1999; The Copyright Act, 1957; The Patents Act, 1970; The Designs Act, 2000; The Geographical Indications of Goods (Registration and Protection) Act, 1999; The Protection of Plant Varieties and Farmers' Rights Act, 2001; The Semiconductor Integrated Circuits Layout-Design Act, 2000; Information Technology Act, 2000 as also in common law.

**1. Short title and commencement**

- (i) These Rules shall be called 'The Delhi High Court Intellectual Property Rights Division Rules, 2022'(DHC- IPD Rules, 2022);

(ii) The Rules shall come into force on such date as the Chief Justice of the Delhi High Court may notify in the Official Gazette.

**2. Definitions-In these Rules, unless the context otherwise requires**

(a) **“Act” (s)** means the statutes mentioned below, as applicable:

(i) The Copyright Act, 1957;

(ii) The Designs Act, 2000;

(iii) The Geographical Indications of Goods (Registration and Protection) Act, 1999;

(iv) The Information Technology Act, 2000;

(v) The Patents Act, 1970;

(vi) The Protection of Plant Varieties and Farmers' Rights Act, 2001;

(vii) The Semiconductor Integrated Circuits Layout-Design Act 2000;

(viii) The Trade Marks Act, 1999;

(b) **“Address for service”** means the address furnished by an applicant, appellant, complainant, petitioner, respondent including the currently authorized trade mark agent, patent agent or other agent before the IPO as also the legal practitioner, at which service of summons, notices or other processes may be effected;

(c) **“Agent”** includes a trade mark or patent agent as defined under Section 145, Trade Marks Act, 1999 and Section 125, The Patents Act, 1970 duly authorized by the party concerned and who is entitled to appear before the IPD along with a legal practitioner in order to assist the IPD;

(d) **“Appeal”** includes an appeal filed before, or transferred to, the IPD under the following sections of the respective Acts with the following nomenclature:

(i) Under Section 91 of The Trade Marks Act, 1999[C.A. (Comm. IPD-TM)];

(ii) Under Section 72 of The Copyright Act, 1957 [C.A. (Comm. IPD-CR)];

(iii) Under Section 117A of The Patents Act, 1970[C.A.(Comm. IPD-PAT)];

- (iv) Under Section 31 of The Geographical Indications of Goods (Registration and Protection) Act, 1999 [C.A.(Comm. IPD-GI)];
  - (v) Under Section 56 of The Protection of Plant Varieties and Farmers' Rights Act, 2001 [C.A. (Comm. IPD-PV)];
  - (vi) Under Section 42 of the Semiconductor Integrated Circuits Layout-Design Act, 2000 [C.A. (Comm. IPD-SCD)];
  - (vii) Under Sections 36 of the Designs Act, 2000 [C.A. (Comm. IPD-DE)];
  - (viii) Under Section 62 of the Information Technology Act, 2000 [C.A. (Comm. IPD-IT)]
- (e) **“Appellant”** means a person before the IPD in appeal as defined in Rule 2(d) and other appeals such as RFA and FAO;
  - (f) **“Evidence”** shall be evidence filed before the IPD including affidavits in evidence filed by the parties and experts along with documents and oral evidence, if recorded;
  - (g) **“Fee”** shall mean the fees prescribed in the Schedule II to these Rules;
  - (h) **“Form”** shall mean the form(s) prescribed in the Schedule I to these Rules;
  - (i) **“Intellectual Property Rights (IPR) subject matter”** for the purpose of these Rules, shall include:
    - (i) Matters pertaining to Patents, Copyrights, Trade Marks, Geographical Indications, Plant Varieties, Designs, Semiconductor integrated circuit layout-designs, Traditional Knowledge and all rights under common law, if any, associated therewith;
    - (ii) Matters relating to passing off, acts of unfair competition, disparagement, comparative advertising etc.;
    - (iii) Protection of trade secrets, confidential information and related subject matters;
    - (iv) Tortious actions related to privacy and publicity rights involving intellectual property issues;
    - (v) Matters pertaining data exclusivity, domain names and other matters relating to data protection involving intellectual property issues, as also those arising under the Act(s) as defined in Rule 2(a);

- (vi) Matters involving internet violations relating to any of the subject matters under clauses (i) through (v) above.

*Explanation:*

- (i) for the purpose of these Rules, cases pertaining to the Information Technology Act, 2000 dealing with the rights and liabilities of intermediaries, online market places, and e-commerce platforms involving issues relating to any of the aforementioned subject matters, shall be deemed to be within the purview of intellectual property rights;
- (ii) intermediaries, online market places, and e-commerce platforms shall be interpreted in terms of the definition contained in Section 2(w) of the Information Technology Act, 2000.
- (j) **“Intellectual Property Rights Division (IPD)”** refers to the division in the Delhi High Court presided over by Single Judges to deal with disputes and cases concerning IPR subject matter;
- (k) **“Intellectual Property Office (IPO)”** shall mean –
  - (i) in case of Trade Marks – Office of ‘Registrar of Trade Marks’;
  - (ii) in case of Copyrights – Office of ‘Registrar of Copyrights’;
  - (iii) in case of Patents– Office of ‘Controller General of Patents, Designs and Trade Marks’;
  - (iv) in case of Geographical Indications–Office of ‘Registrar of Geographical Indications’;
  - (v) in case of Plant Varieties – ‘Protection of Plant Varieties and Farmers’ Rights Authority’ or the ‘Plant Varieties Registry’, as applicable;
  - (vi) in case of Semiconductor Integrated Circuits Layout-Designs – Office of the ‘Registrar of the Semiconductor Integrated Circuits Layout-Design’;
  - (vii) in case of Designs – Office of ‘Controller General of Patents, Designs and Trade Marks’.
- (l) **“IPR subject matters or cases or proceedings or disputes”** shall include all original proceedings, appellate and other proceedings related to IPR subject matter(s) as defined in Rule 2(i) above filed before the IPD and shall also include:
  - (i) Revocation applications, cancellation applications, other original proceedings, appeals and petitions from the various

- IPOs and all other proceedings which were hitherto maintainable before the Intellectual Property Appellate Board (“IPAB”) under provisions of the Act(s);
- (ii) All suits filed in which IPR subject matter is involved, either under the respective statutes or under common law including suits relating to breach of privacy and rights of publicity;
  - (iii) Writ Petitions (Civil)[WP(C)], Civil Misc. (Mains)[CM(Main)], Regular First Appeal[RFA], First Appeal from Order[FAO], Civil Revision Petition[CRP] arising out of IPR subject matter(s) and disputes dealt with by the Commercial Courts in Delhi, except matters that are to be dealt with by a Division Bench;
  - (iv) All pending proceedings before the IPAB relating to Delhi jurisdiction transferred to the Delhi High Court.
- (m) “**legal practitioner**” shall have the same meaning as is assigned to it in the Advocates Act, 1961;
  - (n) “**Patent Suit Rules, 2022**” shall mean the High Court of Delhi Rules Governing Patent Suits, 2022;
  - (o) “**Petition**” includes a Civil Original Petition, Writ Petition (Civil), Civil Misc. (Main), Civil Revision Petition, and Appeals:
    - (i) A Civil Original Petition means a petition under any of the Act(s) filed before the IPD as an original proceeding;
    - (ii) Writ Petition (Civil) means a petition/application under Article 226 of the Constitution of India *inter alia* for issuance of a writ in the nature of mandamus, certiorari, prohibition, and quo warranto;
    - (iii) Civil Miscellaneous(Main) means a petition under Article 227 of the Constitution of India;
    - (iv) Civil Revision Petition means a Petition under Section 115 of the Code of Civil Procedure, 1908; and
    - (v) Appeals as defined in Rule 2(d) and other appeals such as RFA and FAO filed before the IPD as an appellate proceeding;
  - (p) “**Pleadings**” shall include complaints, written statements, replications, applications, appeals, complaints, counter affidavits, counterstatements, petitions, reviews, replies, rejoinders, rejoinder affidavit filed before the IPD.

### **3. Applicability**

These Rules shall govern and apply to all IPR subject matter(s) or cases or proceedings or disputes before the IPD of the Delhi High Court.

### **4. Jurisdiction**

Every IPR subject matter or case or proceeding or dispute filed before, or transferred to, the IPD, as defined in Rules 2(i), 2(j) and 2(l), shall be heard and adjudicated by a Single Judge of the IPD except those that are to be decided by a Division Bench as per Section 13 of the Commercial Courts Act, 2015.

### **5. Filing and Nomenclature to be adopted for filing**

The filing of IPR subject matter(s) or cases or proceedings or disputes before the IPD shall be under the following categories with the nomenclature given below:

#### **(i) Appeals**

##### Nomenclature:

- (a) Civil Appeal (Comm. IPD-TM) under Trade Marks Act, 1999;
- (b) Civil Appeal (Comm. IPD-CR) under Copyright Act, 1957;
- (c) Civil Appeal (Comm. IPD-PAT) under Patents Act, 1970;
- (d) Civil Appeal (Comm. IPD-GI) under Geographical Indications of Goods (registration and Protection) Act, 1999;
- (e) Civil Appeal (Comm. IPD-PV) under Protection of Plant Varieties and Farmers Right Act, 2001;
- (f) Civil Appeal (Comm. IPD-SCD) under The Semiconductor Integrated Circuits Layout-Design Act, 2000;
- (g) Civil Appeal (Comm. IPD-DE) under Designs Act, 2000;
- (h) Civil Appeal (Comm. IPD-IT) under Information Technology Act, 2000;

#### **(ii) Civil Original Petitions**

##### Nomenclature:

- (a) Civil Original (Comm. IPD-TM) under Trade Marks Act, 1999;
- (b) Civil Original (Comm. IPD-CR) under Copyright Act, 1957;
- (c) Civil Original (Comm. IPD-PAT) under Patents Act, 1970;
- (d) Civil Original (Comm. IPD-GI) under Geographical Indications of Goods (registration and Protection) Act, 1999;
- (e) Civil Original (Comm. IPD-PV) under Protection of Plant Varieties and Farmers Right Act, 2001;

- (f) Civil Original(Comm. IPD-SCD)under The Semiconductor Integrated Circuits Layout-Design Act, 2000;
- (g) Civil Original(Comm. IPD-IT)under Section 46 of the Information Technology Act, 2000, where the claim exceeds INR 5 crores;

(iii) **Writ Petitions (Civil)**

Nomenclature:Writ Petition (C)-IPD

(iv) **Civil Miscellaneous Main**

Nomenclature: Civil Misc. (Main)-IPD

(v) **Regular First Appeal (RFA)**

Nomenclature:RFA-IPD

(vi) **First Appeal from Order (FAO)**

Nomenclature:FAO-IPD

(vii) **Execution First Appeal (EFA)**

Nomenclature:EFA-IPD

(viii) **Civil Revision Petition (CRP)**

Nomenclature: CRP-IPD

## 6. Procedure for Appeals

- (i) Appeals under Rule 2(d) of the present rules before the IPD shall be filed in the formats/forms prescribed in Schedule I, within the period of limitation as prescribed in the respective Act(s) along with the requisite Court fees as prescribed in Schedule II.
- (ii) Appeals shall consist of the memorandum of parties, synopsis, list of dates, a brief memorandum of appeal, grounds of challenge in the appeal, the order impugned and affidavit of Appellant filing the Appeal along with other details as required in the Form applicable. The Appellant shall disclose the details of any prior litigation pending between the parties with respect to the subject matter in dispute.
- (iii) All relevant forms, correspondence and other relevant documents forming part of the record of the IPO shall ordinarily accompany the appeal.
- (iv) Documents that are not part of the record of the IPO shall generally not be accepted by the IPD except with the leave of the Court.

- (v) Memorandum of appeal shall specify as to whether the documents being filed are part of the record of the IPO and if any additional documents are being filed, the details and relevance thereof shall be specified. Such documents shall be accompanied with an application seeking leave of the Court, in which case principles akin to Order XLI Rule 27 of the Code of Civil Procedure, 1908 would apply.
- (vi) No evidence shall be recorded in Appeals unless the Court deems it necessary. However, the IPD may direct the appearance of any witness, who has deposed before the IPO for the purpose of seeking any clarification.
- (vii) In all Appeals, all the contesting parties before the IPO shall be impleaded as Respondents. The respective IPO shall also be impleaded as a Respondent.
- (viii) Filing of a reply, in an appeal, would be only upon specific directions of the Court, if the need arises. The opposite party shall, however, during the course of hearing or otherwise, be entitled to produce copies of any relevant record intended to be relied upon.
- (ix) Reply, if so directed, shall be filed within the period prescribed by the Court or within 60 days from the date on which the Court directs the filing of such Reply.
- (x) Rejoinder to the reply, if so directed, shall be filed within the period prescribed by the Court or within 30 days from the date on which the Court directs the filing of such Rejoinder.
- (xi) Filing of any further affidavits or pleadings shall be strictly with the leave of the Court.
- (xii) Procedures applicable to Civil Appeals filed before the Single Judge: The Delhi High Court Rules and Orders, as also the practice directions, issued from time to time, to the extent there is no inconsistency with these Rules, shall be applicable to appeals filed before the IPD.

## **7. Procedure for Original Petitions (Civil Original Petition)**

- (i) Original petition shall consist of memorandum of parties, synopsis, list of dates and all other details specified in the respective forms and shall be accompanied by the affidavit of the Petitioner/party filing the petition.
- (ii) The parties shall also file all other relevant documents in support of the relief sought in the original petition. If interim orders are sought by the Petitioner, an application under Order XXXIX Rule



1 and Rule 2, Code of Civil Procedure, 1908 shall be filed setting out the grounds for such interim order. Averments shall be made in the original petition specifying as to which of the documents filed form part of the record of the IPO.

- (iii) Original petitions filed before the IPD under the respective statutes shall be filed in the formats/forms prescribed in Schedule I of the present Rules [within the period of limitation, if any, as prescribed in the respective Act(s)] along with the requisite Court fees prescribed in Schedule II.
- (iv) Original petitions shall be accompanied with all the relevant records from the respective IPO including the relevant correspondence.
- (v) In case of an original petition relating to patents, the complete specification of the patent along with different versions/claims, if relevant, as also the relevant forms filed before the IPO, shall also be filed.
- (vi) Documents shall be read as part of the record, unless challenged by any party. Such challenge shall be raised at the very first instance i.e. in the Reply or Rejoinder along with an affidavit of admission/denial. The admission/denial of the said document(s) shall be conducted as per the Delhi High Court (Original Side) Rules, 2018. Denial of documents which is evasive or without just reason or cause, would be liable to be penalized with costs.
- (vii) Framing of issues shall not be compulsory in the original petitions. In revocation/cancellation petitions, the Court may frame issues if deemed necessary. Upon completion of pleadings, the Court may proceed to hear the petition finally.
- (viii) Filing of evidence may be directed by the Court, only if the same is deemed necessary. The evidence shall usually be in the form of affidavits. Oral evidence including cross-examination may be directed for reasons to be recorded in the order of the Court. If oral evidence is directed, the procedure for recording of evidence and other related procedures shall be governed by these Rules as well as the Delhi High Court (Original Side) Rules, 2018. In revocation/cancellation petitions, upon framing of issues, the court may direct filing of evidence by way of affidavit.
- (ix) Reply, if so directed, shall be filed within the period prescribed by the Court or shall be filed within 60 days from the date on which the Court directs the filing of such Reply.

- (x) Rejoinder to the reply, if so directed, shall be filed within the period prescribed by the Court or within 30 days from the date on which the Court directs the filing of such Rejoinder.
- (xi) Filing of any further affidavits or pleadings shall be strictly with the leave of the Court.
- (xii) In case of petitions seeking revocation/cancellation, the Court may direct consolidation of the said petition with a suit for infringement involving the same IPR subject matter.
- (xiii) Procedures applicable to original petitions: The provisions of the Commercial Courts Act, 2015, Delhi High Court (Original Side) Rules, 2018 and orders as also the practice directions issued from time to time, to the extent there is no inconsistency with these Rules, shall be applicable to original petitions filed in the IPD.

#### **8. Procedure for Writ Petitions (Civil)**

- (i) Writ Petitions filed before the IPD, challenging any orders passed by the IPO/authority, shall consist of a synopsis and list of dates and events, memo of parties, memorandum of the writ petition including grounds of challenge, prayer/relief sought, affidavit in support. The Petitioner shall also state both in the application and in the affidavit whether any other remedy was availed of in respect of the same impugned order and if so, provide details thereof including any order passed therein.
- (ii) The impugned order, where applicable, shall be annexed with the writ petition.
- (iii) Procedures applicable to Writ Petitions (Civil): The Delhi High Court Rules and orders, as also the practice directions issued from time to time, to the extent there is no inconsistency with these Rules, shall be applicable to writ petitions filed before the IPD.

#### **9. Procedure for Civil Miscellaneous Main Petition**

- (i) The Civil Miscellaneous Main Petitions challenging orders passed by the Commercial Courts or other district courts/civil courts, relating to IPR disputes shall be filed and listed before the IPD. The formats for the said petitions will be governed by The Delhi High Court Rules and Orders.
- (ii) The Civil Miscellaneous Main Petition shall consist of the memo of parties, synopsis and list of dates and events, memorandum of the civil miscellaneous main petition, the grounds challenging the order, prayer/the relief sought, affidavit and the impugned order.

- (iii) The petitioner shall file the relevant pleadings of the original proceedings, relevant order sheets, issues, if framed, in the case, pleadings in the relevant interim applications and documents which the petitioner intends to rely upon.

Provided that every endeavor shall be made to place on record pleadings/documents (other than case law) referred to in the impugned order.

- (iv) Filing of a reply would be only upon specific directions of the Court, if the need arises. The opposite party shall, however, during the course of hearing or otherwise, be entitled to produce copies of any relevant record intended to be relied upon.

#### **10. Procedure for Regular First Appeal (RFA)**

- (i) Regular First Appeals shall be governed by The Delhi High Court Rules and Orders/practice directions, and pleadings shall be filed as per the Forms/formats prescribed therein.
- (ii) Appeals shall consist of the memo of parties, synopsis, list of dates and events, memorandum of regular first appeal, grounds of challenge to the judgment/decreed appealed from/challenge in the appeal, prayer/relief prayed for. Certified copy of the judgment/decreed impugned shall be filed within the period of limitation along with affidavit.
- (iii) The entire record forming part of the original proceeding shall be filed with the RFA, to the extent possible.

Provided that every endeavor shall be made to place on record pleadings/documents (other than case law) referred to in the impugned order.

- (iv) Filing of a reply would be only upon specific directions of the Court, if the need arises. The opposite party shall, however, during the course of hearing or otherwise, be entitled to produce copies of any relevant record intended to be relied upon.

#### **11. Procedure for First Appeal from Order (FAO)**

- (i) The First Appeal from Order shall be governed by The Delhi High Court Rules and Orders, and pleadings shall be filed as per the Forms/formats prescribed therein.
- (ii) Appeals shall consist of the memo of parties, synopsis, list of dates and events, memorandum of first appeal from order, grounds of challenge to the order appealed from/grounds of challenge in the appeal, prayer/relief sought, order impugned and affidavit.

- (iii) The appellant shall file the relevant pleadings of the original proceedings, relevant order sheets, issues, if framed, in the case, pleadings in the relevant interim applications and documents which the petitioner intends to rely upon.

Provided that every endeavor shall be made to place on record pleadings/documents (other than case law) referred to in the impugned order.

- (iv) Filing of a reply would be only upon specific directions of the Court, if the need arises. The opposite party shall, however, during the course of hearing or otherwise, be entitled to produce copies of any relevant record intended to be relied upon.

## **12. Procedure for Civil Revision Petition (CRP)**

- (i) Civil Revision Petitions shall be governed by The Delhi High Court Rules and Orders/Practice directions. Pleadings therein shall be filed as per the Forms / formats prescribed therein.
- (ii) Revision Petitions shall consist of the memo of parties, synopsis, list of dates and events, memorandum of revision petition, grounds of challenge to the impugned order, prayer/relief sought, order impugned and affidavit.
- (iii) The petitioner shall file the relevant pleadings of the original proceedings, relevant order sheets, issues if framed in the case, pleadings in the relevant interim applications and documents which the petitioner intends to rely upon.

Provided that every endeavor shall be made to place on record pleadings/documents (other than case law) referred to in the impugned order.

- (iv) Filing of a reply would be only upon specific directions of the Court, if the need arises. The opposite party shall, however, during the course of hearing or otherwise, be entitled to produce copies of any relevant record intended to be relied upon.

## **13. Additional Provisions for CM (Mains), RFAs, FAOs, and CRPs**

- (i) It shall be sufficient if copies of the documents mentioned in Rule 9, Rule 10, Rule 11 and Rule 12 above are filed with self-certification of the counsel for the petitioner/appellant to the effect that each such document is the true copy of its respective original in the file of the Trial Court.

- (ii) Ordinarily, the Court may decide these Petitions and Appeals on the basis of the grounds raised in the petition/memorandum of appeal and the record filed with the same.

#### **14. Procedure for Suits**

- (i) Suits before the IPD shall be governed by the provisions of The Commercial Courts Act, 2015, Code of Civil Procedure, 1908 as applicable to commercial suits and the Delhi High Court (Original Side) Rules, 2018.
- (ii) In addition to these Rules, Patent suits and actions shall be governed by the Patent Suit Rules, 2022.

#### **15. Recording of Evidence**

If, in the opinion of the Court, it is expedient to do so, the Court may direct:

- (i) The recording of evidence through video conference as per the High Court of Delhi Rules for Video Conferencing for Courts 2021;
- (ii) The recording of evidence at any venue outside the premises of the Court;
- (iii) The recording of evidence by a Local Commissioner;
- (iv) The use of videography and transcription technology or any other form of recording evidence.

#### **16. Hot-tubbing or other modes of recording evidence**

In the case of evidence by experts, the same may be recorded by resorting to procedures such as Hot-tubbing, as provided for in Rule 6, Chapter XI, Delhi High Court (Original Side) Rules, 2018, or other such modes, as the Court deems fit.

#### **17. Discovery and Disclosure**

- (i) The procedure relating to the disclosure and discovery of documents (including by way of interrogatories) shall be governed by the Code of Civil Procedure, 1908 as amended by the Commercial Courts Act, 2015;
- (ii) Parties withholding discovery, or attempting to scuttle the process of discovery, would be liable to be penalized with costs as determined by the Court.

#### **18. Preservation of Evidence by parties**

- (i) Upon initiating, or receiving notice about the institution of, proceedings before the IPD, the parties to the proceedings shall

preserve all documentary, tangible and electronic material relating to the subject matter of the proceedings which is capable of being relied upon as evidence;

- (ii) Prior to the initiation of proceedings, a party may issue a Litigation Hold Notice (LHN) to such other party(ies) against whom proceedings are sought to be initiated. The recipient of such LHN shall, upon being duly served, be bound to preserve all documentary, tangible and electronic material relating to the subject matter of the proceedings which is capable of being relied upon as evidence

Provided that, the party issuing the LHN is expected to commence litigation within a reasonable time, not exceeding one year from the date of the LHN, beyond which such obligation to preserve evidence would cease to apply.

- (iii) Such material shall be preserved from the date on which the obligation to preserve such material arose under clause (i) or (ii) above, and in a manner so as to ensure that the same is not editable or cannot be tampered with;
- (iv) Such material shall be preserved for the duration of the litigation, including appellate proceedings, if any. In the event no appeal has been filed, the parties shall be at liberty to freely deal with such material only upon the completion of six (6) months from the date of closure of the original proceedings;
- (v) In addition to remedies under civil and criminal law, failure to comply with this Rule would be liable to be penalized with costs as determined by the Court.

*Explanation:*

For the purpose of Rule 18, documentary, tangible and electronic material to be preserved shall include documents in tangible or electronic form including letters, memos, internal and external correspondence, graphic representations of any kind, images, sounds, and data stored in any medium relating to the subject matter of the proceedings.

## **19. Confidentiality clubs and redaction of confidential information**

- (i) At any stage in a proceeding, the Court may constitute a confidentiality club or adopt such measures as appropriate, consisting of lawyers (external & in-house), experts as also nominated representatives of the parties, for the preservation and exchange of confidential information filed before the Court

including documents, as per the Delhi High Court (Original Side) Rules, 2018.

Such nominated representatives of the parties, appointed to the Club, may *inter alia*, be persons who are not in charge of, or active in, the day-to-day business operations and management of the respective parties so as to maintain the integrity of the information so disclosed.

The members so constituting the Club shall be bound to desist from disclosing, sharing or utilizing, including to third parties, the confidential or sensitive information that they may access, or become privy to, in the course of proceedings;

- (ii) The Court may, upon a request made by way of an application, direct the redaction of such information (including documents) it deems to be confidential;
- (iii) If any redacted pleading/document is sought to be filed as being confidential, a non-redacted version of the same may be filed in a sealed cover along with an application supporting such claim for redaction.

## **20. Damages/Account of profits**

A party seeking damages/account of profits, shall give a reasonable estimate of the amounts claimed and the foundational facts/account statements in respect thereof along with any evidence, documentary and/or oral led by the parties to support such a claim. In addition, the Court shall consider the following factors while determining the quantum of damages:

- (i) Lost profits suffered by the injured party;
- (ii) Profits earned by the infringing party;
- (iii) Quantum of income which the injured party may have earned through royalties/license fees, had the use of the subject IPR been duly authorized;
- (iv) The duration of the infringement;
- (v) Degree of intention/neglect underlying the infringement;
- (vi) Conduct of the infringing party to mitigate the damages being incurred by the injured party;

In the computation of damages, the Court may take the assistance of an expert as provided for under Rule 31 of these Rules.

**21. Pleadings to be accompanied by affidavit of authorized representative and relevant documents**

All pleadings shall be accompanied by the affidavit of the authorized representative/parties concerned and documents establishing the authorization such as Board Resolution and Power of Attorney.

**22. Advance Copy**

In all matters filed before the IPD, advance copy shall be served at the address for service, as also through email, at least two working days in advance, upon the Respondents including the counsels/agents, who may have represented the Respondents before the IPO, or trial court, or authority, as the case may be. Along with the advance copy so provided, the likely date of listing shall be intimated. Upon advance copy being served, parties/counsels/agents/authority shall be represented on the first date of hearing before the Court. For the sake of expeditious disposal, if in the opinion of the Court no further notice is required, and if satisfactory proof of service is furnished, no further notice would ordinarily be issued and the matter may be heard and disposed of on the first day of listing.

Provided that, in the facts and circumstances of a given case, and on an application, the Court may dispense with advance service.

**23. Nomination of Counsel by the IPO**

The respective IPOs may nominate their counsel in order to appear before the IPD as also for production of records, if called for.

**24. Process Fee**

There shall be a one-time process fee as prescribed in The Delhi High Court (Original Side) Rules, 2018 with necessary modifications to include Appellant and Petitioner as Plaintiff and Respondent as the Defendant.

**25. Intervention by third parties**

In the matters listed before the IPD, intervention by the third parties may be permitted *suo moto* or on an application by any person unless prohibited by law. Such person shall seek to intervene by means of an application stating the nature of interest before the Court. The Court may refuse or grant leave after hearing all concerned parties, if so required, and on such terms and conditions as it deems fit.



**26. Consolidation of IPR subject matters or cases or proceedings or disputes**

Where there are multiple proceedings relating to the same or related IPR subject matter, irrespective of whether the said proceedings are between the same parties or not, the Court shall have the power and the discretion, wherever appropriate, to direct consolidation of proceedings, hearings, and also to direct consolidated recording of evidence/common trial and consolidated adjudication. If the Court is of the opinion that any matter pending before a Commercial Court is to be consolidated with a matter pending before the IPD, it may exercise powers of transfer under Section 24, Code of Civil Procedure, 1908 for transfer and consolidation of such matter to itself.

**27. Summary Adjudication**

In cases before the IPD, the Court may pass summary judgment, without the requirement of filing a specific application seeking summary judgment on principles akin to those contained in Order XIII A, Code of Civil Procedure, 1908 as applicable to commercial suits under the Commercial Courts Act, 2015.

**28. Application of Statutes**

The IPD, as may be applicable to the cases listed before it, apply the provisions of:

- (i) The Commercial Courts Act, 2015 for suits and counter claims in matters relating to IPR subject matter(s); and
- (ii) Patent Suit Rules, 2022 for Patent related disputes and actions.

**29. General Clause**

Procedures not specifically provided for in these Rules shall, in general, wherever applicable, be governed by The Civil Procedure Code, 1908, as applicable to commercial disputes, The Commercial Courts Act, 2015, Indian Evidence Act, 1872 and the Delhi High Court (Original Side) Rules, 2018.

**30. Power to remove difficulties**

If any difficulty arises in giving effect to the provisions of these Rules, the Court may, by order, make such provision not inconsistent with these Rules as may appear to be necessary or expedient for removing such difficulty.

**31. Panel of Experts**

The Court may, in any IPR subject matter, seek assistance of expert(s) (including individuals and institutions) relating to the subject matter

of the dispute as may be necessary. The opinion of the expert shall be persuasive in nature and shall not be binding on the Court. The IPD may maintain a panel of experts to assist the Court and which panel may be reviewed from time to time. The remuneration of the expert(s) shall be decided by the IPD. Prior to appointment, a declaration will be provided by the expert that he or she has no conflict of interest with the subject matter of the dispute and will assist the Court fairly and impartially.

Provided that the protocol to be followed by such expert(s) shall be prescribed by the IPD, from time to time.

### **32. Law Researcher(s)**

- (i) Judges of the IPD shall have the assistance of additional Law Researchers who shall possess technical qualifications. Such Law Researcher(s) shall be part of a common pool of Law Researchers for the IPD. The number of law researchers would be at least two in number for each Bench of the IPD. The said Law Researchers would be attached to the IPD and not with the individual Judge concerned;
- (ii) Such Law Researcher(s) may possess a degree in any technical field or specialization in any IPR subject matter or have experience in the field of intellectual property;
- (iii) The appointment of such Law Researcher(s) shall be by a Committee designated by the Chief Justice;
- (iv) Law Researcher(s) shall be appointed on the same terms as applicable to other Law Researchers appointed in the Delhi High Court. The remuneration of such Law Researcher(s) shall usually be the prevailing remuneration for law researchers of the Delhi High Court. However, in exceptional cases, higher remuneration may also be approved by the Chief Justice;
- (v) Law Researcher(s) with such qualifications may also be appointed to assist Division Benches dealing with cases involving IPR subject matter(s);
- (vi) Such Law Researcher(s) shall be in addition to the law researchers appointed for assistance of Judges under the Delhi High Court Rules;
- (vii) Prior to appointment, a declaration shall be provided by the Law Researcher(s) that he or she has no conflict of interest with the subject matter of the dispute and will assist the court fairly and impartially.

**33. Strict guidelines for written submissions and timelines for oral submissions**

The Court may direct the filing of written submissions in advance, prior to the date fixed for oral arguments. The Court may also fix specific timeslots and restricted time limits for oral arguments, as deemed appropriate.

**34. Patents/Trade Mark Agents**

Before the IPD, Agents who are registered as Patent agents or Trade Mark agents, as also any professional/academician having knowledge of the said subject matter of the dispute shall have a right of audience, when permitted by the Court, to appear along with the counsels/legal practitioners representing the parties to assist the Court.

**35. Costs**

In cases before the IPD, actual costs may be awarded by the Court as already provided for in the Delhi High Court (Original Side) Rules, 2018.

**36. Accessibility and Reasonable Accommodations**

- (i) All filings before the IPD shall be in a Portable Document Format with Optical Character Recognition (OCR) enabled with image resolution of at least 300 dots per inch (dpi);
- (ii) The Court, *suo motu* or upon a request made by way of application, may issue such direction(s) that it deems necessary for providing reasonable accommodation to such person(s) with a specified disability as recognized under the Rights of Persons with Disabilities Act, 2016 for the sole purpose of participating in the proceedings before the IPD.

**37. Mediation and Early Neutral Evaluation (ENE)**

- (i) At any stage, in any proceeding, if the Court is of the opinion that the parties ought to explore mediation, the Court may appoint a qualified mediator or panel of mediators including mediators with training or experience in IPR subject matter(s). Consent of the parties is not required once the Court is of the opinion that an amicable resolution needs to be explored;
- (ii) Such mediation will be conducted under the aegis of the Delhi High Court Mediation and Conciliation Centre and, where necessary, in collaboration with the relevant IPO;

- (iii) At any stage the court may also direct ENE by appointing a qualified and independent evaluator if it is of the opinion that such ENE would assist in early resolution;
- (iv) Mediation/ENE proceedings may proceed concurrently with the legal proceedings before the Court so as not to delay adjudication.

### **38. Appeals from orders of the IPD**

Appeals, if maintainable, shall lie against orders of the IPD to the Division Bench either:

- (i) In the form of a Letters Patent Appeal (LPA); or
- (ii) In the form of appeals to the Commercial Appellate Division under Section 13, Commercial Courts Act, 2015.

### **39. Condonation of delay**

In case of delay in filing of petitions, appeals or any other proceeding beyond the relevant limitation period, if any, the Court shall have the power to condone delay on principles akin to Section 5 of the Limitation Act, 1963 provided that an application demonstrating sufficient cause to explain such delay is filed.

### **40. Cases transferred from the IPAB**

All cases under various categories received in the Delhi High Court from the IPAB shall be registered and listed before the IPD, and given the nomenclature as provided for in these Rules. The IPD shall broadly follow these Rules for the adjudication and disposal of the said cases, to such extent as possible.

**SCHEDULE I**

**FORM-I**

[Form under Section 47/57/125 of the Trade Marks Act, 1999]

(COURT FEES:\_\_\_\_\_)

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(Intellectual Property Division – Original Civil Jurisdiction)**

**C.O. (Comm.-IPD/TM)\_\_\_\_\_ of \_\_\_\_\_**

...Petitioner(s)/Applicant(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the petitioner(s)/applicant(s). In case of foreign petitioner(s)/applicant(s), address for service in India to be furnished)

Versus

...Respondent(s)

\_\_\_\_\_  
(Full Name(s), address, e-mail and mobile number of the Respondent(s). In case of foreign Respondent(s), address for service in India to be furnished)

**PETITION/APPLICATION UNDER SECTION 47/ 57/ 125 OF THE TRADE MARKS ACT, 1999 FOR \_\_\_\_\_**

**(score out the provision not applicable)**

The Petitioner(s)/ Applicant(s) above named respectfully submits as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Name and address of the Trade Marks Agent, if any :
4. Trade mark sought to be cancelled/varied/rectified –
  - (i) Registration no.
  - (ii) Word mark/Device mark  
(The mark as appearing in the Registration Certificate be affixed)
  - (iii) Date of filing of Application
  - (iv) Date of advertisement in the Trade Marks Journal and details thereof
  - (v) Details of Opposition(s) filed if any
  - (vi) Date of grant of registration
  - (vii) Renewal details
5. Relief prayed and relevant section(s) :

6. Proprietor of the registered trade mark :
7. Details of predecessor-in-interest of the trade mark, if any :
8. Current status of the trade mark (print out from the website of the Registry of Trade Marks to be attached) :
9. Date of user claimed in the application for trade mark. :
10. Disclaimer/other conditions, if any :
11. Interest of the petitioner, in brief :
12. Grounds for seeking relief :
13. Details of any other proceedings pending with respect to the same trade mark within the knowledge of the petitioner/Applicant including the forum :
14. Prayer :

---

[Name & Signature of the Advocate for the Petitioner(s)/Applicant(s)]

15. Verification :

---

(Signature of the Petitioner(s)/ Applicant(s))

16. Affidavit in support :

**List of Documents**

1. Copy of registration certificate/legal proceeding certificate obtained by the respondent in respect of the impugned mark. If the same is not available, copy of the certificate, along with the trademark journal and any documents showing conditions which may have been imposed on the registration, be filed.
2. Current status of the trade mark printed from the website of the Trade Marks Registry.
3. Any other relevant document(s)

**NOTE:**

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the petition.

=====

**FORM-II**

**[Form under Section 91 of the Trade Marks Act, 1999 and under Rule 156 of the Trade Marks Rules, 2017]**

[COURT FEES:\_\_\_\_\_]

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(Intellectual Property Division – Appellate jurisdiction)**

**C.A. (Comm-IPD/TM)\_\_\_\_\_ of \_\_\_\_\_**

...Appellant(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Appellant(s). In case of foreign Appellant(s), address for service in India to be furnished)

Versus

...Respondent(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Respondent(s). In case of foreign respondent(s) address for service in India to be furnished)

**APPEAL UNDER SECTION 91 OF THE TRADE MARKS ACT, 1999 AND UNDER RULE 156 OF THE TRADE MARKS RULES, 2017 CHALLENGING THE ORDER DATED \_\_\_\_\_ PASSED BY \_\_\_\_\_**

The appellant(s) above named respectfully submits as under

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Name and address of the Trade Mark Agent, if any :
4. Date of the impugned order appealed against :
5. Authority which passed the impugned order :
6. Provision under which the impugned order passed :
7. Period of limitation :
8. Delay, if any, in filing the appeal and reasons thereof :
9. Grounds of appeal :
10. Details of any other proceedings pending in respect of the same trade mark within the knowledge of the Appellant :
11. Prayer :

\_\_\_\_\_  
(Name & Signature of the Advocate/Appellant(s))

12. Verification

:

\_\_\_\_\_  
[Signature of the  
Appellant(s)]

13. Affidavit in support.

:

**List of Documents**

1. Copy of the impugned order passed by the IPO
2. Any other relevant documents forming part of the record of the IPO.

**NOTE:**

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the appeal.



**FORM-III**

[Form under Section 19A of the Copyright Act 1957]

(COURT FEES:\_\_\_\_\_)

**IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**(Intellectual Property Division – Original Civil Jurisdiction)**

**C.O. (Comm.-IPD/CR)\_\_\_\_\_ of \_\_\_\_\_**

...Petitioner(s)/Complainant(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Complainant (s). In case of foreign Complainant (s), address for service in India to be furnished)

Versus

...Respondent(s)

\_\_\_\_\_  
(Full Name(s), address, e-mail and mobile number of the Respondent(s). In case of foreign Respondent(s), address for service in India to be furnished)

**PETITION/COMPLAINT UNDER SECTION 19A OF THE COPYRIGHT ACT, 1957**

The Petitioner(s)/complainant(s) above named respectfully submits as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Name, address, e-mail, mobile number and nationality of the owner/Author/assignor :
4. Description of the work (Literary, Dramatic Musical, Artistic, Cinematograph Film, Sound Recording) including
  - i. Title of the work
  - ii. Name, address and nationality of the publisher
  - iii. Year of first and last publication
  - iv. Country of first and last publication
5. If the copyright in the work is registered, details of registration be provided :
6. Date of Assignment (copy of assignment deed be attached) :
7. Grounds for revocation of assignment or Nature of dispute relating to the assignment :
8. Details of any other proceedings pending with respect to the same work within the knowledge of the complainant(s) :
9. Royalty payable, if any and justification :

thereof

10. Prayer :

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[Name & Signature of the  
Advocate for the  
Petitioner(s)/Complainant(s)]

11. Verification :

---

(Signature of the  
Petitioner(s)/Complainant (s))

12. Affidavit in support :

**List of Documents**

1. Copy of assignment deed be attached
2. Any other relevant documents

**NOTE:**

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the petition.

**FORM-IV**

**[Form under Sections 31/31A/31B/31C/31D/32/32A/33A of the Copyright Act 1957]**

**(COURT FEES:\_\_\_\_\_)**

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(Intellectual Property Division – Original Civil Jurisdiction)**

**C.O. (Comm.-IPD/CR)\_\_\_\_\_ of \_\_\_\_\_**

**...Petitioner(s)/Complainant(s)/  
Applicant(s)**

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Petitioner(s)/Complainant(s)/Applicant(s). In case of foreign Petitioner(s)/Complainant(s)/Applicant(s), address for service in India to be furnished)

Versus

**...Respondent(s)**

\_\_\_\_\_  
(Full Name(s), address, e-mail and mobile number of the Respondent(s). In case of foreign Respondent(s), address for service in India to be furnished)

**PETITION/COMPLAINT/APPLICATION UNDER SECTIONS  
31/31A/31B/31C/31D/32/32A/33A OF THE COPYRIGHT ACT, 1957.**

**(score out the provision not applicable)**

The petitioner(s)/complainant(s)/ applicant(s) above named respectfully submits as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Name, address, e-mail, mobile number and nationality of the owner/Author, if known. If owner/author is dead, details of heirs, legal representatives if known to the Petitioner(s)/Complainant(s)/Applicant(s) :
4. Details of copyright society, if applicable :
5. Description of the work (Literary, Dramatic Musical, Artistic, Cinematograph Film, Sound Recording) for which licence is sought/tariff is to be paid :
  - i. Title of the work
  - ii. Name, address and nationality of the publisher
  - iii. Whether work is published/unpublished
  - iv. Year of first and last publication

- v. Country of first and last publication
6. If the work(s) for which licence is sought is a :  
Collection/Repertoire or a part thereof, then  
the name of the copyright owner of the entire  
Collection/Repertoire
  7. Details of Tariff Scheme published by the :  
Copyright society, if applicable
  8. If the licence is applied for reproduction, :  
publishing or re publishing/issuance of copies
    - i. Medium through which copies would be  
issued -print/electronic/digital/online
    - ii. Estimated cost of the work to be  
published
    - iii. Proposed retail price per copy of the  
work
    - iv. Rate of royalty, currently being charged  
by the owner, if available or prevailing  
standards of royalty for such works
    - v. Rate of royalty, last paid by the  
Complainant(s), if applicable
    - vi. Rate of royalty, which the  
Complainant(s) considers reasonable to  
be paid to the copyright owner
    - vii. Means available to the Complainant (s)  
for payment of royalty
    - viii. Language of proposed publication
  9. If the licence is applied for performance in :  
public
    - i. Number of performances of work  
proposed to be made under the licence  
applied for
    - ii. Proposed place(s), date(s) and venue(s) of  
performance
    - iii. Estimated cost of each performance
    - iv. Rate charged by the owner for comparable  
performances, if available or prevailing  
standards of royalty for such works
    - v. Rate of royalty, which the applicant  
considers reasonable, to be paid to the  
copyright owner
    - vi. Means available to the Complainant(s) for  
payment of royalty
  10. If the licence is applied for communication to :  
public by broadcast
    - i. Duration of broadcast and the number of  
times it is proposed to be broadcast
    - ii. The name of the channels and territorial  
coverage of the broadcast
    - iii. Prevailing standards of royalties in regard to  
such works
    - iv. Rate of royalty, which the applicant  
considers reasonable, to be paid to the

copyright owner

v. Means of the applicant for payment of the royalty

11. Details of publication in newspaper as per Section 31A(2) :
12. Nature of activities of the Petitioner(s)/Applicant(s)/Complainant(s) undertaken for persons with disability as per Section 31B, if applicable :
13. Details of prior notice given under Section 31C(2) or 31D(2), if applicable :
14. Whether the licence sought is in respect of a work which is not an Indian work, for the purposes of teaching, scholarship, research, systematic instructional activities or for dissemination of the results of specialised, technical or scientific research to experts in a particular field under Section 32? :
15. Whether the Petitioner(s)/Complainant(s)/Applicant(s) sought a licence from the owner of copyright? If so details thereof :
16. Whether copies of the work are available in India or have been put on sale in India? :
17. Grounds for grant of Compulsory Licence/opposing Tariff Scheme :
18. Prayer :

---

[Name & Signature of the Advocate for the Petitioner(s)/Complainant(s)/Applicant(s)]

19. Verification :

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(Signature of the Petitioner(s)/Complainant(s)/Applicant(s))

20. Affidavit in support :

### List of Documents

1. Copy of assignment deed, if applicable.
2. All other relevant documents forming part of the record of the IP Office.

### NOTE:

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the petition.

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**FORM-V**

[Form under Section 31C(5) of The Copyright Act, 1957]

(COURT FEES: \_\_\_\_\_)

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(Intellectual Property Division – Original Civil Jurisdiction)**

**C.O. (Comm.-IPD/CR)\_\_\_\_\_ of \_\_\_\_\_**

...Petitioner(s)/Complainant(s)/  
Applicant(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Petitioner(s)/Complainant(s)/Applicant(s). In case of foreign Petitioner(s)/Complainant(s)/Applicant(s), address for service in India to be furnished)

Versus

...Respondent(s)

\_\_\_\_\_  
(Full Name(s), address, e-mail and mobile number of the Respondent(s). In case of foreign Respondent(s), address for service in India to be furnished)

**PETITION/COMPLAINT/APPLICATION UNDER SECTION 31C(5) OF THE COPYRIGHT ACT, 1957.**

The petitioner(s)/complainant(s)/applicant(s) above named respectfully submits as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Details of ownership of Sound Recordings for which relief is claimed by Petitioner(s)/Complainant(s)/Applicant(s) :
4. Details of the cover versions being published by the Respondent(s) :
5. Details of prior notice issued by the Respondent(s) to the Owner(s)/Petitioner(s)/Complainant(s)/Applicant(s) :
6. Royalty paid, if any :
7. Alterations made by the Respondent (s), if any :
8. Breach(es) by the Respondent(s) :
9. Whether order of injunction ceasing the making of further copies of the Sound Recording is sought. If so grounds thereof :
10. Amount and details of royalty claimed by the Petitioner(s)/Complainant(s)/Applicant(s) :
11. Prayer :

\_\_\_\_\_  
[Name & Signature of

12. Verification

the Advocate for the  
Petitioner(s)/  
Complainant(s)/Applic  
ant(s)]

:

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(Signature of the  
Petitioner(s)/  
Complainant(s)/Applic  
ant(s)

13. Affidavit in support

:

**List of Documents**

1. Relevant document(s).

**NOTE:**

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the petition.

**FORM-VI**

[Form under Section 50 of the Copyright Act 1957]

(COURT FEES: \_\_\_\_\_)

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(Intellectual Property Division – Original Civil Jurisdiction)**

**C.O. (Comm.-IPD/CR)\_\_\_\_\_ of \_\_\_\_\_**

...Petitioner(s)/Complainant(s)/  
Applicant(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Petitioner(s)/Complainant(s)/Applicant(s). In case of foreign Petitioner(s)/Complainant(s)/Applicant(s), address for service in India to be furnished)

Versus

...Respondent(s)

\_\_\_\_\_  
(Full Name(s), address, e-mail and mobile number of the Respondent(s). In case of foreign Respondent(s), address for service in India to be furnished)

**PETITION/COMPLAINT UNDER SECTION 50 OF THE COPYRIGHT ACT, 1957**

The Petitioner(s)/Complainant(s)/Applicant(s) above named respectfully submits as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Name, address, e-mail, mobile number and nationality of the owner/Author/assignor :
4. Description of the work (Literary, Dramatic Musical, Artistic, Cinematograph Film, Sound Recording) including
  - i. Title of the work
  - ii. Name, address and nationality of the publisher:
  - iii. Year of first and last publication
  - iv. Country of first and last publication
5. Details of registration :
6. Grounds for rectification :
7. Details of any other proceedings pending with respect to the same work within the knowledge of the petitioner(s) :



8. Prayer :

\_\_\_\_\_  
[Name & Signature of the  
Advocate for the  
Petitioner(s)/  
Complainant(s)/Applicant(s)]

9. Verification :

\_\_\_\_\_  
(Signature of the  
Petitioner(s)/  
Complainant(s)/Applicant(s)

10. Affidavit in support :

**List of Documents**

- 1. Copy of assignment deed be attached
- 2. Any other relevant documents

**NOTE:**

- 1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
- 2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the petition.

=====

**FORM-VII**

[Form for Appeals under Section 72 of the Copyright Act, 1957]

[COURT FEES: \_\_\_\_\_]

**IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**(Intellectual Property Division – Appellate jurisdiction)**

**C.A.(Comm.-IPD/CR)\_\_\_\_\_ of \_\_\_\_\_**

...Appellant(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Appellant(s). In case of foreign Appellant(s), address for service in India to be furnished)

Versus

...Respondent(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Respondent(s). In case of foreign respondent(s) address for service in India to be furnished)

**APPEAL UNDER SECTION 72 OF THE COPYRIGHTACT, 1957**  
**CHALLENGING THE ORDER DATED \_\_\_\_\_ PASSED BY \_\_\_\_\_**

The appellant(s) above named respectfully submits as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Date of the impugned order appealed against :
4. Provision under which the impugned order passed :
5. Period of limitation :
6. Delay, if any, in filing the appeal and reasons thereof :
7. Grounds of appeal :
8. Details of any other proceedings pending in respect of the same work(s) within the knowledge of the Appellant :
9. Prayer :

\_\_\_\_\_  
(Name & Signature of the Advocate/Appellant(s))

10. Verification :

\_\_\_\_\_  
[Signature of the Appellant(s)]

11. Affidavit in support. :

=====

**List of Documents**

1. Impugned order.
2. Any other relevant documents.

**NOTE:**

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the appeal.

**FORM-VIII**

**[Form under Sections 64/71 of the Patents Act, 1970]**

**[COURT FEES:\_\_\_\_\_]**

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(Intellectual Property Division – Original Civil Jurisdiction)  
C.O. (Comm.-IPD/PAT)\_\_\_\_\_ of \_\_\_\_\_**

...Petitioner(s)/Applicant(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the petitioner(s)/applicant(s). In case of foreign petitioner(s)/applicant(s), address for service in India to be furnished)

Versus

...Respondent(s)

\_\_\_\_\_  
(Full Name(s), address, e-mail and mobile number of the Respondent(s). In case of foreign Respondent(s), address for service in India to be furnished)

**PETITION/APPLICATION UNDER SECTION \_\_\_\_\_ OF THE PATENTSACT, 1970 SEEKING \_\_\_\_\_**

The Petitioner(s)/Applicants(s) above named respectfully submit as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Name and address of the Patent Agent, if any :
4. Patent sought to be revoked/rectified :
  - (i) Registration number
  - (ii) Title of the invention
  - (iii) Date of filing of Application
  - (iv) Date of advertisement in the Journal and details thereof
  - (v) Details of pre-grant Opposition(s) filed, if any
  - (vi) Date of grant of patent
  - (vii) Date of expiry of the term of patent
5. Proprietor of the registered Patent :
6. Details of predecessor-in-interest of the Patent, if any :
7. Current status of the Patent (print out from the website of the Patent Office to be :

- attached)
8. Interest of the petitioner, in brief :
9. Provisions invoked for seeking revocation/  
Rectification :
10. Grounds for seeking revocation/  
Rectification :
11. Details of any other proceedings pending  
with respect to the same patent or patent  
family within the knowledge of the  
petitioner/Applicant :
12. Prayer :
- 
13. Verification :
- [Name & Signature of the  
Advocate for the  
Petitioner(s)/Applicant(s)]
- 
14. Affidavit in support :
- (Signature of the  
Petitioner(s)/ Applicant(s))

**List of documents**

1. Copy of the complete specification of the Patent of which revocation or rectification is sought be filed.
2. Any other relevant documents.

**NOTE:**

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the petition.

=====

**FORM-IX**

[Form under Section 117-A of the Patents Act, 1970]

[COURT FEES:\_\_\_\_\_]

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(Intellectual Property Division – Appellate jurisdiction)**

**C.A.(Comm.-IPD/PAT)\_\_\_\_\_ of \_\_\_\_\_**

...Appellant(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Appellant(s). In case of foreign Appellant(s), address for service in India to be furnished)

Versus

...Respondent(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Respondent(s). In case of foreign respondent(s) address for service in India to be furnished)

**APPEAL UNDER SECTION 117A OF THE PATENTS ACT, 1970  
CHALLENGING THE ORDER DATED \_\_\_\_\_ PASSED BY**

\_\_\_\_\_  
The appellant(s) above named respectfully submit as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Name and address of the Patent Agent, if any :
4. Date of the impugned order appealed against :
5. Authority which passed the impugned order :
6. Provision under which the impugned order passed :
7. Period of limitation :
8. Delay, if any, in filing the appeal and reasons thereof :
9. Grounds of appeal :
10. Details of any other proceedings pending in respect of the same patent or patent family within the knowledge of the Appellant :
11. Prayer :

\_\_\_\_\_  
(Name & Signature of the Advocate/Appellant(s))

12. Verification :

[Signature of the  
Appellant(s)]

13. Affidavit in support.

:

**List of Documents**

1. Copy of the impugned order passed by the IPO.
2. Any other relevant documents forming part of the record of the IPO.

**NOTE:**

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the appeal.

=====

**FORM-X**

[Form under Sections 56 of the Protection of Plants Varieties and Farmers' Rights Act, 2001]

[COURT FEES:\_\_\_\_\_]

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(Intellectual Property Division – Appellate Jurisdiction)**

**C.A. (Comm.-IPD/PV)\_\_\_\_\_ of \_\_\_\_\_**

...Appellant(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Appellant(s). In case of foreign Appellant(s), address for service in India to be furnished)

Versus

...Respondent(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Respondent(s). In case of foreign respondent(s) address for service in India to be furnished)

**APPEAL UNDER SECTION 56 OF THE PROTECTION OF PLANTS VARIETIES AND FARMERS RIGHTS ACT, 2001 AGAINST ORDER DATED \_\_\_\_\_ PASSED BY \_\_\_\_\_**

The Appellant(s) above named respectfully submits as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Plant Variety subject matter of the Appeal :
  - (i) Application/Registration number Type of Plant Variety registered
  - (ii) The PV as appearing in the Application/Registration Certificate be affixed
  - (iii) Date of filing of the Application
  - (iv) Date of advertisement in the Journal and details thereof
  - (v) Details of Opposition(s) filed if any
  - (vi) Date of grant of registration
  - (vii) Renewal details
4. Date of the order appealed against :
5. Provision under which impugned order passed :
6. Period of limitation :
7. Delay, if any, in filing the appeal and reasons thereof :
8. Grounds of appeal :
9. Applicant/Proprietor of the PV :



10. Authority which passed the impugned order :  
11. Details of any other proceedings pending with :  
respect to the same PV within the knowledge of  
the appellant(s)

12. Prayer :

\_\_\_\_\_  
Name & Signature of  
the Advocate for  
the Appellant(s)]

13. Verification :

\_\_\_\_\_  
[Signature of the  
Appellant(s)]

14. Affidavit in support :

**List of Documents**

1. Copy of the impugned order passed by the IPO
2. Any other relevant documents forming part of the record of the IPO.

**NOTE:**

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
  2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the appeal.
- 
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**FORM-XI**

**[Form under Section 27/58 of the Geographical Indications of Goods (Registration and Protection) Act, 1999]**

**[COURT FEES:\_\_\_\_\_]**

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(Intellectual Property Division – Original Civil Jurisdiction)  
C.O.(Comm.-IPD/GI)\_\_\_\_\_ of \_\_\_\_\_**

...Petitioner(s)/Applicant(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the petitioner(s)/applicant(s). In case of foreign petitioner(s)/applicant(s), address for service in India to be furnished)

Versus

...Respondent(s)

\_\_\_\_\_  
(Full Name(s), address, e-mail and mobile number of the Respondent(s). In case of foreign Respondent(s), address for service in India to be furnished)

**PETITION/APPLICATION UNDER SECTION 27/58 OF THE GEOGRAPHICAL INDICATIONS OF GOODS (REGISTRATION AND PROTECTION) ACT, 1999 SEEKING \_\_\_\_\_**

The Petitioner(s)/ Applicant(s) above named respectfully submit as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Name and address of the Agent :
4. Geographical Indication(s) sought to be cancelled or varied :
  - (i) Registration number
  - (ii) Geographical Indication  
(The GI as appearing in the Registration Certificate be affixed)
  - (iii) Date of filing of Application
  - (iv) Date of advertisement in the Geographical Indication Journal and details thereof
  - (v) Details of Opposition(s) filed if any
  - (vi) Date of grant of registration
  - (vii) Renewal details

5. Proprietor of the registered Geographical :  
Indication
6. Details of predecessor-in-interest of the :  
Geographical Indication, if any
7. Details of homonymous Geographical :  
Indication, if any Applied for/registered
8. Current status of the Geographical Indications :  
(print-out from the website of the Geographical  
Indications Registry to be attached)
9. Date of user claimed in the application for :  
Geographical Indications.
10. Disclaimer/other conditions, if any :
11. Interest of the petitioner(s)/ applicant(s), in brief :
12. Grounds for seeking cancellation/relief :
13. Details of any other proceedings pending with :  
respect to the same GI within the knowledge of  
the Petitioner(s)/Applicant(s)
14. Prayer :

\_\_\_\_\_  
[Name & Signature of the  
Advocate for the  
Petitioner(s)/Applicant(s)]

15. Verification :

\_\_\_\_\_  
(Signature of the  
Petitioner(s)/ Applicant(s))

16. Affidavit in support :

**List of documents**

1. Copy of registration certificate obtained by the respondent in respect of the impugned GI.
2. Current status of the GI printed from the website of the GI Registry
3. Relevant documents.

**NOTE:**

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc shall accompany the petition.

**FORM-XII**

**[Form under Sections 31 of the Geographical Indications Of Goods (Registration and Protection) Act, 1999 and Rule 116 of the Geographical Indications of Goods (Registration and Protection) Rules, 2002]**

[COURT FEES: \_\_\_\_\_]

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(Intellectual Property Division – Appellate jurisdiction)  
C.A.(Comm.-IPD/GI)\_\_\_\_\_ of \_\_\_\_\_**

...Appellant(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Appellant(s). In case of foreign Appellant(s), address for service in India to be furnished)

Versus

...Respondent(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Respondent(s). In case of foreign respondent(s) address for service in India to be furnished)

**APPEAL UNDER SECTION 31 OF THE GEOGRAPHICAL INDICATIONS OF GOODS (REGISTRATION AND PROTECTION) ACT, 1999 AND RULE 116 OF THE GEOGRAPHICAL INDICATIONS OF GOODS (REGISTRATION AND PROTECTION) RULES, 2002 CHALLENGING THE ORDER DATED \_\_\_\_\_ PASSED BY**

\_\_\_\_\_  
The Appellant(s) above named respectfully submit as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate. :
3. Name and address of the Agent :
4. Geographical Indication(s) subject matter of the Appeal :
  - (i) Registration number
  - (ii) Geographical Indication  
(The GI as appearing in the Registration Certificate be affixed)
  - (iii) Date of filing of Application
  - (iv) Date of advertisement in the Geographical Indication Journal and details thereof
  - (v) Details of Opposition(s) filed if any
  - (vi) Date of grant of registration
  - (vii) Renewal details

5. Date of the impugned order appealed against :
6. Applicant/Proprietor of the Geographical Indication :
7. Authority which passed the impugned order :
8. Provision under which impugned order passed :
9. Period of limitation :
10. Delay, if any, in filing the appeal and reasons thereof. :
11. Grounds of appeal :
12. Details of any other proceedings pending with respect to the same GI within the knowledge of the appellant(s) :
13. Prayer :

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(Name & Signature of the Advocate/Appellant(s))

14. Verification :

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[Signature of the Appellant(s)]

15. Affidavit in support. :

#### **List of Documents**

1. Copy of the impugned order passed by the IPO
2. Any other relevant documents forming part of the record of the IPO.

#### **NOTE:**

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the appeal.

**FORM-XIII**

**[Form under Section 40 of the Semiconductor Integrated Circuits Layout-Design Act, 2000]**

**(COURT FEES:\_\_\_\_\_)**

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(Intellectual Property Division – Original Civil Jurisdiction)**

**C.O. (Comm.-IPD/SCD)\_\_\_\_\_ of \_\_\_\_\_**

**...Petitioner(s)/Applicant(s)**

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the petitioner(s)/applicant(s). In case of foreign petitioner(s)/applicant(s), address for service in India to be furnished)

**Versus**

**...Respondent(s)**

\_\_\_\_\_  
(Full Name(s), address, e-mail and mobile number of the Respondent(s). In case of foreign Respondent(s), address for service in India to be furnished)

**PETITION/APPLICATION UNDER SECTION 40 OF THE SEMICONDUCTOR INTEGRATED CIRCUITS LAYOUT-DESIGN ACT, 2000 FOR \_\_\_\_\_**

The Petitioner(s)/ Applicant(s) above named respectfully submits as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Name and address of the Agent, if any: :
4. Details of Layout-design for which royalty is being claimed: :
5. Relief prayed and relevant section(s) :
6. Brief facts :
7. Grounds in support for seeking royalty: :
8. Benefit accrued by performing, or directing to be performed, the acts referred to Section 18(1)(b) in respect of layout-design :
9. Details of any other proceedings pending with respect to the same layout-design within the knowledge of the petitioner/Applicant including the forum :

10. Prayer :  
 \_\_\_\_\_  
 [Name & Signature of the Advocate for the Petitioner(s)/Applicant(s)]
11. Verification :  
 \_\_\_\_\_  
 (Signature of the Petitioner(s)/ Applicant(s))
12. Affidavit in support :

**List of Documents**

1. Copy of registration certificate obtained by the respondent in respect of the impugned layout-design.
2. Current status of the layout-design.
3. Any other relevant document(s).

**NOTE:**

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the petition.

=====

**FORM-XIV**

**[Form under Section 41 of the Semiconductor Integrated Circuits Layout-Design Act, 2000]**

**(COURT FEES:\_\_\_\_\_)**

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(Intellectual Property Division – Original Civil Jurisdiction)**

**C.O. (Comm.-IPD/SCD)\_\_\_\_\_ of \_\_\_\_\_**

**...Petitioner(s)/Applicant(s)**

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the petitioner(s)/applicant(s). In case of foreign petitioner(s)/applicant(s), address for service in India to be furnished)

Versus

**...Respondent(s)**

\_\_\_\_\_  
(Full Name(s), address, e-mail and mobile number of the Respondent(s). In case of foreign Respondent(s), address for service in India to be furnished)

**PETITION/APPLICATION UNDER SECTION 41 OF THE SEMICONDUCTOR INTEGRATED CIRCUITS LAYOUT-DESIGN ACT, 2000 FOR \_\_\_\_\_**

The Petitioner(s)/ Applicant(s) above named respectfully submits as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Name and address of the Agent, if any :
4. Details of Layout-design sought to be cancelled :
5. Relief prayed and relevant section(s) :
6. Proprietor of the registered layout-design :
7. Grounds for seeking relief :
8. Details of any other proceedings pending with respect to the same layout-design within the knowledge of the petitioner/Applicant including the forum :
9. Prayer :

\_\_\_\_\_  
[Name & Signature of the Advocate for the Petitioner(s)/Applicant(s)]

10. Verification :

\_\_\_\_\_



(Signature of the  
Petitioner(s)/ Applicant(s)  
:

11. Affidavit in support

**List of Documents**

1. Copy of registration certificate obtained by the respondent in respect of the impugned layout-design.
2. Current status of the layout-design
3. Any other relevant document(s)

**NOTE:**

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the petition.

=====

**FORM-XV**

**[Form under Section 42 of the Semiconductor Integrated Circuits Layout-  
Design Act, 2000]**

**[COURT FEES:\_\_\_\_\_]**

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(Intellectual Property Division – Appellate Jurisdiction)**

**C.A. (Comm.-IPD/SCD)\_\_\_\_\_ of \_\_\_\_\_**

**...Appellant(s)**

\_\_\_\_\_  
(Full Name, address, e-mail and  
mobile number of the Appellant(s). In  
case of foreign Appellant(s), address  
for service in India to be furnished)

**Versus**

**...Respondent(s)**

\_\_\_\_\_  
(Full Name, address, e-mail and  
mobile number of the Respondent(s).  
In case of foreign  
respondent(s)address for service in  
India to be furnished)

**APPEAL UNDER SECTION 42 OF THE SEMICONDUCTOR  
INTEGRATED CIRCUITS LAYOUT-DESIGN ACT, 2000CHALLENGING  
THE ORDER DATED \_\_\_\_\_ PASSED BY \_\_\_\_\_**

The appellant(s) above named respectfully submit as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Name and address of the Agent, if any :
4. Date of the impugned order appealed against :
5. Authority which passed the impugned order :
6. Provision under which the impugned order passed :
7. Period of limitation :
8. Delay, if any, in filing the appeal and reasons thereof :
9. Grounds of appeal :
10. Details of any other proceedings pending in respect of the same or related layout-design within the knowledge of the Appellant :
11. Prayer :

\_\_\_\_\_  
(Name & Signature of  
the  
Advocate/Appellant(s))

12. Verification :

[Signature of the  
Appellant(s)]

13. Affidavit in support.

:

**List of Documents**

1. Copy of the impugned order passed by the IPO
2. Any other relevant documents forming part of the record of the IPO.

**NOTE:**

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the appeal.

=====

**FORM-XVI**

[Form under Section 36 of the Designs Act, 2000]

[COURT FEES:\_\_\_\_\_]

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(Intellectual Property Division – Appellate jurisdiction)**

**C.A.(Comm.-IPD/DE)\_\_\_\_\_ of \_\_\_\_\_**

...Appellant(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Appellant(s). In case of foreign Appellant(s), address for service in India to be furnished)

Versus

...Respondent(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Respondent(s). In case of foreign respondent(s) address for service in India to be furnished)

**APPEAL UNDER SECTION 36 OF THE DESIGNS ACT, 2000 CHALLENGING THE ORDER DATED \_\_\_\_\_ PASSED BY**

The appellant(s) above named respectfully submit as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Name and address of Agent, if any :
4. Date of the impugned order appealed against :
5. Authority which passed the impugned order :
6. Provision under which the impugned order passed :
7. Period of limitation :
8. Delay, if any, in filing the appeal and reasons thereof :
9. Grounds of appeal :
10. Details of any other proceedings pending in respect of the same or related design within the knowledge of the Appellant :
11. Prayer :

\_\_\_\_\_  
(Name & Signature of the Advocate/Appellant(s))

12. Verification

:

\_\_\_\_\_  
[Signature of the  
Appellant(s)]

13. Affidavit in support.

:

**List of Documents**

1. Copy of the impugned order passed by the IPO
2. Any other relevant documents forming part of the record of the IPO.

**NOTE:**

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the appeal.

=====

**FORM-XVII**

**[Form under Section 46 of the Information Technology Act, 2000]**

**[COURT FEES:\_\_\_\_\_]**

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(Intellectual Property Division – Original Civil Jurisdiction)**

**C.O. (Comm.-IPD/IT)\_\_\_\_\_ of \_\_\_\_\_**

...Petitioner(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Petitioner(s). In case of foreign Petitioner(s), address for service in India to be furnished)

Versus

...Respondent(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Respondent(s). In case of foreign respondent(s) address for service in India to be furnished)

**PETITION UNDER SECTION 46 OF THE INFORMATION TECHNOLOGY ACT, 2000 CLAIMING INJURY/DAMAGES**

The Petitioner(s) above named respectfully submits as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Period of limitation, if any :
4. Brief introduction and details of the contravention committed under the provisions of the Information Technology Act, 2000 and/or rules and regulations thereunder. :
5. Compensation for injury/damages claimed<sup>1</sup> :
6. Justification thereof, in terms of Section 47, Information Technology Act, 2000 :
7. Prayer :

\_\_\_\_\_  
(Name & Signature of the Advocate/Petitioner(s))

8. Verification :

\_\_\_\_\_  
[Signature of the Petitioner(s)]

<sup>1</sup> A claim for compensation before the Delhi High Court would lie only if the claim exceeds INR 5 crores.

9. Affidavit in support. :

**List of Documents**

1. All relevant documents to establish the contravention under the Information Technology Act, 2000;
2. All relevant documents in support of the claim for injury/compensation claim for damages.

**NOTE:**

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the petition.

=====

**FORM-XVIII**

**[Form under Section 62 of the Information Technology Act, 2000]**

**[COURT FEES:\_\_\_\_\_]**

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(Intellectual Property Division – Appellate Jurisdiction)**

**C.A. (Comm.-IPD/IT)\_\_\_\_\_ of \_\_\_\_\_**

...Appellant(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Appellant(s). In case of foreign Appellant(s), address for service in India to be furnished)

Versus

...Respondent(s)

\_\_\_\_\_  
(Full Name, address, e-mail and mobile number of the Respondent(s). In case of foreign respondent(s) address for service in India to be furnished)

**APPEAL UNDER SECTION 62 OF THE INFORMATION TECHNOLOGY ACT, 2000 CHALLENGING THE ORDER DATED \_\_\_\_\_ PASSED BY**

The appellant(s) above named respectfully submit as under:

1. Full Name of the Advocate :
2. Address, e-mail and mobile number of the Advocate :
3. Date of the impugned order appealed against :
4. Authority/forum which passed the impugned order :
5. Provision under which the impugned order passed :
6. Period of limitation :
7. Delay, if any, in filing the appeal and reasons thereof :
8. Grounds of appeal :
9. Prayer :

\_\_\_\_\_  
(Name & Signature of the Advocate/Appellant(s))

10. Verification :

\_\_\_\_\_  
[Signature of the Appellant(s)]

11. Affidavit in support. :



**List of Documents**

1. Copy of the impugned order passed by the relevant authority/forum.
2. Any other relevant documents forming part of the record of the relevant authority.

**NOTE:**

1. All the pleadings shall be accompanied by the affidavit of the authorised representative of the party concerned.
2. Documents establishing authorization such as Power-of-Attorney, Board Resolution etc. shall accompany the appeal.

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## SCHEDULE II

Sr. No.	Items	Court Fees
1.	Application or Petition filed under Sections 47/57/125 of the Trade Marks Act, 1999, in alternative or in conjunction.	Rs. 10,000/-
2.	Appeal filed to the High Court under Section 91 of Trade Marks Act, 1999.	Rs. 10,000/-
3.	Petition or Complaints filed under Section 19A of the Copyright Act, 1957 with respect to assignment of the Copyright Act.	Rs. 5000/-
4.	Petition or Complaint or Application filed under Section 31 of the Copy Right Act, 1957 for Compulsory Licence in works withheld from Public.	Rs. 10,000/-
5.	Petition or Complaint or Application filed under Section 31A of the Copyright Act 1957 for Compulsory Licence in Unpublished or Published Works.	Rs. 10,000/-
6.	Petition or Complaint or Application filed under Section 31B of the Copyright Act, 1957 for Compulsory Licence for Benefit of Disabled.	Rs. 10,000/-
7.	Petition or Complaint or Application filed under Section 31C of the Copyright Act, 1957 for Statutory Licence for cover versions.	Rs. 10,000/-
8.	Petition or Complaint or Application filed under Section 31D of the Copyright Act, 1957 for Statutory Licence for Broadcasting of Literary and Musical Works and Sound Recording.	Rs. 10,000/-
9.	Petition or Complaint or Application filed under Section 32 of the Copyright Act, 1957 for Licence to Produce and Publish Translations.	Rs. 10,000/-
10.	Petition or Complaint or Application filed under Section 32A of the Copyright Act, 1957 for Licence to Reproduce and Publish Works for Certain Purposes.	Rs. 10,000/-
11.	Petition or Complaint or Application filed under Section 31C (5) of the Copyright Act, 1957 to the effect that the owner of the right has not paid in full for any sound recordings purporting to be made in pursuance of this Section.	Rs. 10,000/-

12.	Application for rectification of register filed under Section 50 of the Copyright Act.	Rs. 10,000/-
13.	Appeal made under Section 72 of the Copyright Act, 1957 against the order of the Registrar.	Rs. 5000/-
14.	Petition or Application made under Section 64 of the Patents Act, 1970 for Revocation of Patent.	Rs. 10,000/-
15.	Petition or Application made under Section 71 of the Patent Act, 1970 for Rectification of Register.	Rs. 10,000/-
16.	Appeal filed under Section 117A of the Patents Act, 1970.	Rs. 10,000/-
17.	Petition or Application for rectification of the register by cancelling, expunging or varying of any entry under Section 27 of the Geographical Indications of Goods (Registration and Protection) Act, 1999.	Rs. 5000/-
18.	Appeal from the order of the Registrar filed under Section 31 of the Geographical Indications of Goods (Registration and Protection) Act, 1999.	Rs. 5000/-
19.	Appeal filed under Section 56 of the Protection of Plants Varieties and Farmers Right Act, 2001.	Rs. 5000/-
20.	Petition filed under Section 46 of the Information Technology Act, 2000 seeking compensation/damages.	Rs. 5000/-
21.	Appeal filed under Section 62 of the Information Technology Act, 2000.	Rs. 5000/-
22.	Appeal filed under Section 36 of the Designs Act, 2000.	Rs. 5000/-
23.	Any other original petition/appeal not mentioned above.	Rs. 5000/-
24.	Any other miscellaneous application not mentioned above.	Rs. 500/-

BY ORDER OF THE COURT  
Sd/-  
**(MANOJ JAIN)**  
**REGISTRAR GENERAL**