GEOGRAPHICAL INDICATIONS OF GOODS (FORMS & MAKING AN APPEAL AND FEES THEREFORE) RULES, 2013

NOTIFICATION New Delhi, the 16m May, 2013 G.S.R,314 (E) Whereas, certatn draft rules were published, in exercise of the powers conferred by section 87 of the Geographical indications of Goods (Registration and Protection) Act, 1999 (48 of 1999), vide notification of the Government of India in the Ministry of Commerce and Industry (Department of industrial Policy and Promotion) number G.S.R. 31(E) dated 21st January, 2013 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of forty five days from the date on which copies of the Official Gazette containing the notification were made available to the public; And whereas, the copies of the Official Gazette containing the said notification were made available to the public on 21 q January, 2013; And whereas, no objection and suggestions were received by the Central Government; Now therefore, in exercise of the powers conferred under section 87 of the Geographical Indication of Goods(Registration and Protection)Actt 1999(48 of 1999), the Central Government hereby makes the following rules:- (1) These rules may be called the Geographical I.Short title and commencement. Indications of Goods (Forms & making an appeal and fees therefore) Rules, 2013. (2) They shall come into force on the date of their publication in the Official Gazette

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

3. Fees .— The fees for filing an appeal before the Intellectual Property Appellate Board shall be as specified in the Second Schedule to these rules which shall be paid by way of bank draft payable at Chennai drawn in favour of the Deputy Registrar, Intellectual Property Appellate Board. It-Ä 43 THE FIRST SCHEDULE (See rule 2) MANNER OF MAKING APPLICATIONS AND APPEAL AND FORMS THEREFORE Serial No. 1) 1, 2

3. Section of the Geographical of Goods Indications (Registration and Protection) 1999/Geographical of Indications Goods (Registration and Protection) Rules, 2002 Section 27/Rule 6S Section 31/Rule 98 Section 98 Title (3) Application for rectification of the register by cancelling, expunging, or varying of any entry relating to a geographical indication or the statement of the case under rule 32(1) recorded in the register of geographtcaj indications or the authorized user Appeal from an order or decision of the Registrar of Geographical Indications Application for condoning the delay in filing Appeal under Section 31 (2) of the Geographical Indications of Goods (Registration and Protection) Act, 1999 Form number (4)

FORM 1 (See rule 2) BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD RECTIFICATION APPLICATION [PART "—SEC. | ORA No. On the matter of Name of Applicant Address Name of Counsel and address Name(s) of Respondent (s) with address [In case of foreign respondent(s), the address for service in India, if any, may be furnished) Relief claimed and relevant Sections Particulars of parallel or collateral proceedings In application for rectification in respect of Geographical indication (with details, viz., date of application, date of advertisement, date of registration (if available), etc.) Facts of case (set out facts in brief along With the Date Seal evidence and the documents relied on) 9, Grounds on which relief ts sought for (in brief) 10. Details of fees 11. Prayer 12. Affidavit as below, in support thereof Dated this Day of Place Signature of the applicant List of documents: The proof affidavtt along with the documents shall be filed. I For example, Annexure-I: Copy of registration certificate obtained by the respondent in respect of the impugned GI. Annexure-2 and so on: Other documents.) 45 AFFIDAVIT BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD Case No. (In the matter of use title: Shri aged at residing at under:••- Nationality, resident of do hereby verify vs. son of (name of deponent/of Applicant Respondent Verification do solemnly affirm and deciare as Deponent at the contents of paras to Are true to my/our personal knowledge and paras ..... to .. . are believed to be true on legal advice and that I have not suppressed any matenal fact. Dated this Place day of Signature Of the Deponent 46 Cause title: THE. GAZEITF. OF INDIA : EXTRAORDINARY FORM 2 (See rule 2) BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD IPARTIV SEC. liil APPEAL (Appeal arising out of .. Appellant/(rank of party before the Registry, if any) vs. Respondent/(rank of party before the Registry, if any) Date Seal The appellant above named, prefers the appeal under Section 31, against the order dated v...„.for the following among other grounds: (a) (d) Limitaiion:— For the above reasons, it ts prayed Affidavit, as below, in support thereof Day Of Dated this Place Signature of the Appellant 47 AFFIDAVIT BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD Case No. (In the matter of use title: aged at residing at Shri under:--• Xxx vs. son of „ Appellant ...Respondent Verification do solemnly affirm and declare as Deponent) do hereby verify Nationality, resident of (name of deponent/of are true to my/our personal knowledge and paras „.., to are that the contents of paras to believed to be true on legal advice and that l/we have not suppressed any material fact. day of Dated this Place Signature of the Deponent THE GAZEITE OF INDIA : EXTRAORDINARY FORM 3 (See rule 2) BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD IPART II—SEC. [Application for condoning the delay in filing Appeal under Section 31(2) of the Geographical Indication o Goods (Registration and Protection) Act, 1999) 1. 2. 3. 4. 5. 6. M.P.No. (In the matter of Name of Appellant Address Name of Counsel and address Name(s) of Respondent (s) with address [In case of foreign respondent(s), the address for service in India, if any, may be furnished) Period of delay Grounds. Prayer Date Seal Affidavit, as below, in support thereof Dated this Day of Place Signature of the petitioner 11-0' Cause title: Shri under:— Xxx Xxx 49 AFFIDAVIT BEFORE THE INTELLECTUAL PROPERTY APPELLATE BOARD Case NO. (In the matter of vs. Appellant ..Respondent son of aged at residing at Verification do solemnly affirm and declare as Deponent (name of deponent/of Nationality, resident of) do hereby verify that he contents of paras to are true to my/our personat knowledge and paras ..... to are believed to be true on iegaj advice and that I/we have not suppressed any material fact. Dated this Plac day of Signature of the Deponent 50 Sl.No. (1) 1. 2, 3. THE GAZETIT. OF INDIA : EXTRAORDINARY The Second Schedule (See rule 3) Fees [PART 11—SFC. 30 1 Description Application for rectification Appeal Petition for condoning delay in filing appeal. Fees (Rs.) 5,000 5,000 Corresponding Number (4) Form 2 Form 2,500 for delay of Form 3 per month or part thereof (No. F. 7/11/2012-1PR.l/tP B D.V. PRASAD, Jt-s cy rnutc•d by the Manager. Government of indta Press. Rang Road. Mayapun. New arui Publtshed by The Controller 10054