



W.P.Nos.4122, 4124 and 4129 of 2023

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THE HON'BLE ACTING CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.

(Order of the Court was made by the Hon'ble Acting Chief Justice)

M/s.Galatea Limited, represented by its Authorized Signatory Manoj Kumar, has filed these writ petitions seeking a writ of mandamus directing – (i) the first respondent - Registrar General, Madras High Court to consider the petitioner's representation dated 28.7.2022 [W.P.No.4122 of 2023]; (ii) respondents 2 and 3 to frame and implement appropriate rules to transfer pending cases from the erstwhile Intellectual Property Appellate Board, Chennai to this Court [W.P.No.4124]; and, (iii) the first respondent to register and list the petitioner's case bearing No.OA/1/2021/PT/CHN, which was pending adjudication before the erstwhile Intellectual Property Appellate Board, Chennai that was abolished under the Tribunal Reforms Act, 2021 as on 04.04.2021 before the appropriate Bench of this Court [W.P.No.4129 of 2023].



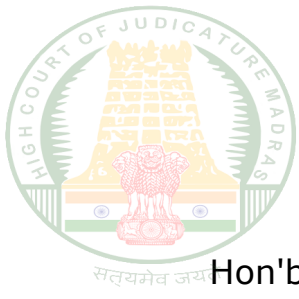
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2. Mr.Fakkir Mohideen, learned counsel, accepts notice on behalf of the first respondent and Mr.P.Muthukumar, learned State Government Pleader, accepts notice on behalf of the second respondent.

3. Learned counsel for the first respondent submitted that when similar issue came up before the learned Single Judge of this Court in W.P.Nos. SR 122460 to 122464, 122476 to 122485 and 129049 of 2022; 567 1029 and 1031 of 2023, the Registrar General of this Court has filed a status report stating that the Registry is awaiting notification from the State Government and the Registry is prepared to inaugurate the Intellectual Property Division within a week from the date of such notification by the Government.

4. On a perusal of the status report filed in W.P.No. SR 122460 of 2022 produced by learned counsel for the first respondent, it is seen that the then Hon'ble Chief Justice of Madras High Court constituted the Hon'ble Intellectual Property Committee comprising the Hon'ble Judges of this Court as Members and the



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Hon'ble Intellectual Property Committee co-opted three Advocates from the Bar and they have framed draft Madras High Court Intellectual Property Rights Division Rules, including nomenclature to be followed in respect of cases received from the Intellectual Property Appellate Board and cases filed before the Madras High Court and also the court fees applicable thereto.

5. The status report further states that the draft Rules were placed before the Full Court and the Full Court also approved the same on 07.07.2022. Thereafter, the Hon'ble Intellectual Property Committee, in its meeting held on 20.7.2022, resolved to direct the Registry to address the Government to notify the Rules in the official Gazette of the Government of Tamil Nadu. Accordingly, the Registry addressed the State Government for issuing such notification, including for court fee, on 26.10.2022 and the Registry is constantly following up the issue with the Government at each stage by deputing staff concerned in person to the Secretariat and the notification is expected shortly.



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6. The delay in issuance of notification by the State Government is leaving the aggrieved persons in the lurch, inasmuch as despite availability of a remedy before the Madras High Court, they are unable to pursue their remedy in the absence of the notification. When the Madras High Court on the administrative side had approved the Rules and resolved to start the Intellectual Property Division and forwarded the same to the State Government way back on 26.10.2022 for issuance of notification, we do not find any justification on the part of the State Government in not issuing such notification expeditiously.

7. At this juncture, learned State Government Pleader sought two weeks' time to remind the Government to issue the notification.

8. Considering the fact that litigants intending to pursue disputes pertaining to intellectual property are left remediless for a long time after the abolition of the Intellectual Property Appellate Board, we grant a week's time to the State Government to issue notification for the inauguration of the Intellectual Property Division.



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9. The matter is directed to be listed on 22.02.2023 for reporting compliance. It is made clear that, in the interregnum, if the State Government issues a notification, the parties may mention before this Court for preponing the hearing of the matter.

(T.R., ACJ.) (D.B.C.,J.)
14.02.2023

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