

INTELLECTUAL PROPERTY NEWSFLASH DATED 19 SEPTEMBER 2003

SUPPLEMENT TO

LEGAL EYE

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Notification of the Trade Marks Act, 1999 and the Geographical Indications of Goods (Registration and Protection) Act, 1999

Trade Marks Bill of 1999 and The Geographical Indications of Goods (Registration and Protection) Bill 1999 was passed by Parliament and received the assent of the President on 30th December, 1999. In order to become effective, an act is required to be notified in the Official Gazette. The Trade Marks Act, 1999 and The Geographical Indications Of Goods (Registration And Protection) Act, 1999 have now been notified vide [*Notification No: S01048 (E)*] and [*Notification No: S01051 (E)*] respectively] and have come into force with effect from 15th September 2003.

Trade Marks Act, 1999

The salient features of the Trade Marks Act, 1999 and The Trade Mark Rules, 2002 are as follows:

- Registration of 'service marks';
- Simplification of registration procedures;
- Protection of well-known trademarks;
- Establishment of the new Intellectual Property Appellate Board in Chennai for speedy disposal of appeals and for rectification of applications. [*Notification No: S01049 (E)*];
- The benches of the Intellectual Property Appellate Board to sit at Ahmedabad, Chennai, Delhi and Kolkata [*Notification No: S01050 (E)*];
- Reduction in paperwork and increase in the response time of the Registry e.g. under the new Rules a single application for the registration of a trademark for different classes of goods or services can now be made in Form TM-51 as opposed to the old Rules which did not provide such a consolidation.
- Increase in registrations fees.

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

The salient features of the Geographical Indications of Goods (Registration and Protection) Act, 1999 are as follows:

- Registration of geographical indications in relation to goods. i.e. Darjeeling Tea or Assam Tea producers can now seek protection of their mark with the new legislation coming into force.

- Establishment of the new Geographical Indication Registry in Chennai. [Notification No: S01052 (E)].

With the coming into force of these two new legislations, Indian law of Trade Marks, as well as geographical indications of goods is fully compatible with the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement).

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