

COURTS – TRIBUNALS - RESCHEDULING/POSTPONEMENT OF HEARINGS/DEADLINES

In view of the sudden and unprecedented covid-19 outbreak in India and taking into account the quick spread of the disease, the Government of India called for a 21 day lockdown from March 23, 2020.

This sudden implementation of lockdown has caught courts and tribunals all over the country by surprise. In India, as we know, physical presence is the norm not remote working. Courts, tribunals and patent/trademark have quickly adapted themselves to this unique situation and have issued various notifications rescheduling the hearings and/or postponing the dates of hearings.

As of date, the Patent and Trademark offices are totally closed ; though e-filings, being automatic are still possible and not prevented.

Some of the major notifications that would impact IP filings/court matters are as under:

Supreme Court, Delhi High Court

In view of the nation-wide lockdown announced by the Prime Minister, the Supreme Court and the Delhi High Court has called off all judicial work until April 15, 2020. However the courts continue to hear 'extremely urgent' matters via video conference hearing. All hearings of all matters scheduled between March 23 to April 15 stand adjourned *en-masse* to various dates as notified by the Hon'ble Court.

Under the effect of *Suo Moto* cognizance because of COVID-19 outbreak, the Delhi High Court passed an order dated March 25, 2020, to the effect that :

- In all pending matters in front of before Delhi High Court as well as subordinate courts, wherein interim orders were subsisting as on March 16, 2020 and expired or will expire thereafter, would be now extended till May 15, 2020 depending on next order;
- the party would be at liberty to seek appropriate relief in case the above-mentioned extension to the interim order causes any hardship of an extreme nature to any party

Intellectual Property Appellate Board:

Office functioning: As of date, the IPAB is not sitting and not holding any hearings; no filings are being entertained

Rescheduling of dates of hearing:

The IPAB was proactive in respect of the COVID situation and given that the Board has to travel from Mumbai to Delhi, to Kolkatta or Chennai, the IPAB issued a public notice on 13th March 2020 adjourning all hearings fixed on March 16, 2020 and March 17, 2020 to April 07, 2020 & April 08, 2020, respectively.

Thereafter, the IPAB started hearing matters at Delhi. When situation worsened, vide public notice dated March 16, 2020, the IPAB rescheduled matters listed at Delhi from March 16, 2020 to March 31, 2020 and other dates in April. It is expected that the IPAB would also resume normal functioning as soon as the outbreak subsides.

IP Offices: general:

All the IP offices i.e the office of Trademarks, Designs, Patents and Copyright shall remain closed. The staff and examiners do not and are not attending office on account of the lockdown.

Further, as per the general public notice dated March 24, 2020, the Patents, designs, Trademark offices would remain closed from March 25, 2020 and the due dates falling in this period shall the next day on which the offices re-open. Therefore, as of now, all deadlines remain suspended.

Note however, that e-filing is enabled and functioning. Therefore, if anyone wants to e-file their trademarks or designs or Patent, they may do so and there is no bar.

The hearings scheduled in this period of March-April have been rescheduled as under. The Offices have also provided for filing of application of condonation of delay which would be considered by the Controller/Registrar leniently. Such applications should be made within one month from the date the Covid outbreak ceases to exist.