

COMPARATIVE CHART OF DELHI HIGH COURT IPD RULES WITH CALCUTTA HIGH COURT IPD RULES

SL. No.	Delhi High Court IPD Rules	Calcutta High Court IPD Rules	Deviations / Comments
1.	2(a) Acts 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;	2(a) Acts - "Acts" means The Copyright Act, 1957, The Designs Act, 2000, The Geographical Indications of Goods (Registration and Protection) Act, 1999, The Information Technology Act, 2000, The Patents Act, 1970, The Protection of Plant Varieties and Farmers' Rights Act, 200. The Semiconductor Integrated Circuits Layout- Design Act 2000, The Trade Marks Act, 1999 and such other Acts as may be notified from time to time;	“and such other Acts as may be notified from time to time;” Added in Kolkata IPD Rules

2.	2(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;	2(b) Address for service- "Address for service" as mentioned in the Form(s) to Schedule I shall mean the address furnished by the parties including the currently authorized trade mark agent, patent agent or other agent, and the advocate or firm before the TPO at which service of summons, notices or other processes may be effected.	“as mentioned in the Form(s) to Schedule I” Reference to be made to Schedule I as mentioned in Kolkata IPD Rules. Rest wordings are same
3.	2(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;	2(c)"Agent" shall mean agents referred to under each of the Acts specified in Rule 2(a) above;	Broader in scope due to reference to Rule 2(a)
4.	2(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)];	2(d) “Appeal” unless the context otherwise requires, shall mean an appeal filed before the High Court under the Acts specified in Rule 2(a) above and appeals arising out of proceedings instituted within the meaning of Section 2(1)(c)(xvii) of the Commercial Courts Act, 2015.	“the High Court under the Acts specified in Rule 2(a) above and appeals arising out of proceedings instituted within the meaning of Section 2(1)(c)(xvii) of the Commercial Courts Act, 2015.” Changes in IPD Rules Kolkata - 1. Appeals are transferred to High Court under the Acts mentioned in Rule 2(a), IPD Rules Kolkata 2. Appeals arising out of proceedings instituted

	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)]		within the meaning of Section 2(1)(c)(xvii) of the Commercial Courts Act, 2015 are covered under the definition
5.	2(e)“Appellant” means a person before the IPD in appeal as defined in Rule 2(d) and other appeals such as RFA and FAO;	—	No definition of “Appellant” in IPD Rules, Calcutta.
6.	2(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;	—	No definition of “Evidence” in IPD Rules, Kolkata
7.	2(g)“Fee” shall mean the fees prescribed in the Schedule II to these Rules;	2(h)“Fee” shall mean the fees prescribed in Schedule III to these Rules;	Change in Schedule No. (II to III) in IPD Rules, Kolkata

8.	2(h)“Form” shall mean the form(s) prescribed in the Schedule I to these Rules;	2(i)"Form" shall mean the form(s) prescribed in Schedule II to these Rules with such modifications or variations as the circumstances may require;	Change in Schedule No. (I to II) in IPD Rules, Kolkata
9.	2(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)	2(k)"Intellectual Property subject matter proceedings" shall include all proceedings defined in Rule 2(0) below of the following subject matter: (i)Copyrights, Designs, Geographical Indications, Patents, Plant Varieties, Semiconductor Inte grated Circuit Layout-Designs, Trade Marks, Traditional Knowledge under the said Acts and common law rights, if any, relating thereto; (ii). Passing off, acts of unfair competition, disparagement of goods and businesses, comparative advertising and like matters; (iii)Protection of trade secrets, confidential information and related subject matters; (iv)Privacy and publicity rights arising out of intellectual property subject matter;	“(vii)Rights and liabilities of intermediaries, online marketplaces, and e-commerce platforms as defined in Section 2(1)(w) of the Information Technology Act, 2000 arising out of issues relating to any of the subject matters mentioned in Rule 2(k) (i) (i), (iii), (iv) (v) and (vi) above;” Same as mentioned in Explanation (i) & (ii) of IPD Rules, Delhi “(ix) Any other matter that may be notified;” Added in IPD Rules, Calcutta

	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.	(v)Data exclusivity, domain names and other matters relating to data protection arising out of intellectual property subject matter and/or arising under the Acts mentioned in Rule 2(a) above; (vi)Internet violations relating to any of the subject matters under Rule 2(k) (i) (ii), (iii), (iv) and (v) above; (vii)Rights and liabilities of intermediaries, online marketplaces, and e-commerce platforms as defined in Section 2(1)(w) of the Information Technology Act, 2000 arising out of issues relating to any of the subject matters mentioned in Rule 2(k) (i) (i), (iii), (iv) (v) and (vi) above; (viii). Franchising, licensing and technology development agreements relating to any of the subject matters under clauses (i) through (vii); (ix) Any other matter that may be notified;	
10.	Rule 2(j) “Intellectual Property Rights Division (IPD)” refers to the	Rule 4- Intellectual Property Rights	IPRD is mentioned under Chapter II ESTABLISHMENT OF SEPARATE

	division in the Delhi High Court presided over by Single Judges to deal with disputes and cases concerning IPR subject matter;	Division : (a) There shall be a Division in the High Court to be known as the Intellectual Property Rights Division (hereinafter referred to as the 'IPRD'), having two or more Benches consisting of Single Judges for the purpose of exercising the jurisdiction and powers conferred under these Rules. b) The Chief Justice shall nominate such number of Judges of the High Court, as may be necessary, to preside over the IPRD. Such Judges shall preferably have experience in dealing with intellectual property subject matter. (c) The IPRD shall have exclusive jurisdiction over all Intellectual Property subject matter proceedings required to be heard by a Single Judge including :~ All Transferred IPAB proceedings; i. All Intellectual Property subject matter proceedings pending in the High Court on the effective date, except those required to be heard before a Division Bench.	INTELLECTUAL PROPERTY DIVISIONS of IPD Rules, Kolkata
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		i. All Intellectual Property subject matter proceedings filed after the effective date except those required to be heard before a Division Bench. (d) All Intellectual Property subject matter proceedings required to be heard by a Single Judge shall be transferred to the IPRD.	
12.	Rule 2(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	Rule 2(m) “Intellectual Property Office” (IPO) shall mean appropriate offices specified in the Acts defined above;	Different IPD Rules Kolkata has broadened the scope of definition of “Acts”

	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`.		
13.	Rule 2(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.	(o) "Proceedings" shall mean and include : (i) Intellectual Property subject matter suits and proceedings arising therefrom, including those instituted under the Commercial Courts Act 2015; (ii) All appeals arising out of orders/judgements passed in proceedings mentioned in (i) above and including those arising out of orders/judgements passed in Intellectual Property subject matter suits filed in Courts other than the High Court and proceedings connected therewith from which an appeal lies to the High Court; (iii) All original, appellate and other proceedings originally filed before the IPAB and transferred to the High Court consequent to the Tribunals Reforms	Different

	(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.	Act, 2021; (iv)All applications and appeals required to be filed before the High Court consequent to the Tribunal Reforms Act, 2021 including revocation applications, cancellation applications, other original proceedings and petitions and all other proceedings which were hitherto maintainable before the IPAB under the provisions of the Acts as defined in Rule 2(a); (v)Appeals arising out of orders mentioned in (iii) and (iv) above; (vi) Writ Petitions under Article 226 and 227 of the Constitution of India involving, or arising out of, any action or inaction of the concerned IPOs or any orders/judgements passed in any suit and/or proceedings mentioned above in (i) to (v); (vii) All revision and review petitions arising out of orders/judgements passed in suits and proceedings mentioned above.	
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14.	Rule 2(m) “legal practitioner” shall have the same meaning as is assigned to it in the Advocates Act, 1961;	—	No definition of “legal practitioner” in IPD Rules, Calcutta
15.	Rule 2(n) “Patent Suit Rules, 2022” shall mean the High Court of Delhi Rules Governing Patent Suits, 2022;	—	No definition of “Patent Suit Rules, 2022” in IPD Rules, Calcutta
16.	Rule 2(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;		
17.	Rule 2(p) “Pleadings” shall include complaints, written statements, replications, applications, appeals, complaints, counter affidavits, counterstatements, petitions, reviews, replies, rejoinders, rejoinder affidavit filed before the IPD.	–	
18.	Rule 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.	Rule 3 Applicability : These Rules shall govern and apply to all Intellectual Property subject matter proceedings in the High Court after the effective date.	
19.	Rule 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	Rule 4(d) All Intellectual Property subject matter proceedings required to be heard by a Single Judge shall be transferred to the IPRD.	

	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.		
20.	Rule 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;	SCHEDULE - I	

	(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:		
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	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		
21.	Rule 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.	Rule 13- Procedure in appeals arising out of the Acts mentioned in Rule 2(a): a)All appeals under the Acts mentioned in Rule 2(a) above shall be in conformity with the forms prescribed in Schedule I to these rules. b)A Memorandum of Appeal shall be filed along with a certified copy of the impugned order unless leave is obtained from the IPRD to file the appeal without a certified copy of the impugned order. The same shall ordinarily be accompanied by a Paper Book containing all documents forming part of the records of the IPO.	Mandatory to submit a certified copy unless leave is obtained whereas IPD Rules Delhi do not mandate the same.

	(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	c)The appellant shall be required to separately apply for condonation of delay, where necessary. d)The concerned IPO and al contesting parties shall be impleaded as Respondents in al such appeals. e)Such appeals shall be served on al necessary and proper parties including the concerned IPO in accordance with the provisions of service prescribed in these Rules.	
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	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.		
22.	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		
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	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.		
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	(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.		
23.	Rule 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,	Rule 11: Procedure in Intellectual Property subject matter Writ Petitions, Revision Petitions and Review Petitions : (a) All pending civil writ petitions, civil revision petition and civil review petitions arising out of orders relating to an intellectual property subject matter proceedings or in a matter arising under any of the Acts defined in these Rules	IPD Rules, Calcutta also provide for Review Petition.

	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.	which are pending on the effective date shall be transferred to the IPRD or the IPRAD, as the case may be. The same shall be renumbered as per Schedule I to these Rules. Upon transfer, the same shall be caused to be listed by the Department expeditiously in a warning list before same is listed before the IPRD. Such warning list shall be published every week from the effective date. (b) After the effective date, all civil writ petitions, civil revision petitions and civil review petitions arising out of orders passed in intellectual property subject matter proceedings or in a matter arising under any of the Acts, shall be filed before and heard by the IPRD or the IPRAD, as the case may be. (c) All such civil writ petitions, civil revision petition and civil review petitions shall comply with rules of the High Court applicable thereto. (d) Appeals from judgments and orders passed by the IPRD in such matters shall heard by the IPRAD; (e) The IPRD or the IPRAD, as the case	
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		may be, shall endeavour to dispose of all such proceedings expeditiously.	
24.	Rule 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 endeavour 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.		
25.	Rule 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 endeavour 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.		

26.	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 endeavour 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.		
27.	Rule 12. Procedure for Civil Revision Petition (CRP) (i) Civil Revision Petitions shall be governed by	Rule 11. Procedure in Intellectual Property subject matter Writ Petitions, Revision Petitions and	

	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.	Review Petitions : (a) All pending civil writ petitions, civil revision petition and civil review petitions arising out of orders relating to an intellectual property subject matter proceedings or in a matter arising under any of the Acts defined in these Rules which are pending on the effective date shall be transferred to the IPRD or the IPRAD, as the case may be. The same shall be renumbered as per Schedule I to these Rules. Upon transfer, the same shall be caused to be listed by the Department expeditiously in a warning list before same is listed before the IPRD. Such warning list shall be published every week from the effective date. (b) After the effective date, all civil writ petitions, civil revision petitions and civil review petitions arising out of orders passed in intellectual property subject matter proceedings or in a matter arising under any of the Acts, shall be filed before and heard by the IPRD or the IPRAD, as the case may be. (c) All such civil writ petitions, civil revision petition and civil review	
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		petitions shall comply with rules of the High Court applicable thereto. (d) Appeals from judgments and orders passed by the IPRD in such matters shall heard by the IPRAD; (e) The IPRD or the IPRAD, as the case may be, shall endeavour to dispose of all such proceedings expeditiously.	
28.	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.		
29.	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.	Chapter III: Section 8 & 9 in IPD Rules, Calcutta. Rule 8. Procedure in Intellectual Property subject matter suits filed prior to the effective date in the High	Procedure explained exhaustively in IPD Rules, Kolkata

	(ii) In addition to these Rules, Patent suits and actions shall be governed by the Patent Suit Rules, 2022.	Court and proceedings including appeals connected therewith : (a) All Intellectual Property subject matter suits filed in the High Court prior to the effective date and all proceedings including appeals arising therefrom, shall be transferred to the IPRD or the IPRAD, as the case may be and renumbered as per Schedule I to these Rules. (b) Upon transfer, the same shall be caused to be listed by the Department expeditiously in a warning list before the same is listed before the IPRD or the IPRAD, as the case may be. Such warning list shall be published every week from the effective date. (c) Upon transfer of suit and/or proceedings including appeals in terms of Rule 8(a) above i. The procedures and timelines prescribed in the schedule to the Commercial Courts Act, 2015 shall	
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		become applicable to such suits including those procedures that remained incomplete on the effective date.. ii. On the date of first listing, the IPRD may, however, prescribe new timelines or issue such further directions as may be necessary for a speedy and efficacious disposal of such proceedings. The IPRD shall take into account any event of default which may have occurred prior to the effective date while issuing any new direction. The IPRD may issue directions to bring pleadings in all such suits in compliance with the requirements of the Commercial Courts Act, 2015. iii. The IPRD or the IPRAD, as the case may be, shall proceed with the matter from the stage it was transferred pursuant to the notification of these Rules. (d) This rule shall apply to all proceedings including appeals filed after	
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		the effective date in suits filed before the effective date. (e)The IPRD and the IPRAD shall endeavour to dispose of al such suits and proceedings including appeals connected therewith expeditiously. Rule 9. Procedure in Intellectual Property subject matter suits filed in the High Court after the effective date and proceedings including appeals connected therewith : (a)All Intellectual Property subject matter suits filed in the High Court after the effective date and proceedings including appeals connected therewith, shall be filed before and heard by the [PRD or the IPRAD, as the case may be. (b)The IPRD and the IPRAD shall endeavour to dispose of al such suits and proceedings including appeals connected therewith expeditiously.	
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30.	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.	Rule 21 Recording of Evidence : Where expedient, the IPRD may direct : (a) The recording of evidence at any venue outside the premises of the High Court; (b) The recording of evidence by a Local Commissioner, (c) The use of videography and transcription technology or any other form of recording evidence. (d) The recording of evidence of witnesses residing outside India by video conferencing; (e) In case of evidence by experts, the same may be recorded by resorting to procedures such as hot-tubbing or other such modes, as the IPRD deems fit and necessary.	Rule 21(d)IPD Rules, Kolkata specifically talks about recording of evidence through video conference in cases where witnesses resides outside India
31.	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	Rule 21.Recording of Evidence : (e)In case of evidence by experts, the same may be recorded by resorting to procedures such as hot-tubbing or other such modes, as the IPRD deems fit and	

	other such modes, as the Court deems fit.	necessary.	
32.	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.	Rule 17. Summons, Discovery and Disclosure : The IPRD may, at any time, either of its own motion or on the prayer of any party make such orders as may be necessary or reasonable in all matters relating to: (a) admission of documents and facts; (b) discovery, inspection, production, impounding and return of documents or other material objects which may be produced in evidence; (c) The issue of summons to persons whose attendance is required either to give evidence or to produce documents or such other objects as aforesaid. Suits and any proceedings arising therefrom, shall be governed by the Code of Civil Procedure, 1908 as amended by the Commercial Courts Act, 2015 and the Rules framed under the High Court at Kolkata Commercial	IPD Rules, Delhi talks about penalizing the parties attempting to scuttle the process of discovery.

		Courts Practice Directions, 2021. For all other proceedings, the IPRD and/or IPRAD shall have due regard to the provisions of the Code of Civil Procedure, 1908 as amended by the Commercial Courts Act, 2015 and the Rules framed under High Court at Kolkata Commercial Courts Practice Directions, 2021.	
33.	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		
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	medium relating to the subject matter of the proceedings.		
34.	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.		
35.	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.	Rule 27. Imposition of Costs : (a) In proceedings under these Rules, costs may be awarded on principles akin to Section 33, Section 35A and Section 35B of the Code of Civil Procedure Code, 1908 as amended by the Commercial Courts Act, 2015. (b) In determining the costs, all the circumstances, including the conduct of the parties, whether a party has succeeded partly in a case, whether a party has taken a frivolous stand leading to a delay in disposal of the case and whether a reasonable offer to settle the dispute has been made by a party and refused by the other party shall be taken into account.	

36.	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.		
37.	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.	16. Service of Pleadings. Documents and Notices: (a) Unless otherwise directed by the IPRD or the IPRAD, an advance copy of the pleadings shall be served upon the parties directly or on the address for service in the mode and/or manner prescribed by the High Court at Kolkata Commercial Courts Practice Directions, 2021 at least four working days in advance of the date fixed for listing of the proceeding.	Rule 16 talks about other things as well. Refer Rule 16 of IPD Rules Kolkata mentioned below.

38.	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.	—	
39.	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.	—	
40.	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.	Rule 20. Intervention by third parties : (a) Any person interested in a proceeding before the IPRD or the IPRAD as the case may be, shall apply under these rules for leave to intervene and/or be impleaded stating the nature of its interest. The IPRD or the IPRAD may refuse or grant such leave after hearing the parties concerned on such terms and conditions as it deems fit. (b) Where such intervention is permitted or where a party is impleaded, such person shall be entitled to require the plaintiff, petitioner, applicant or appellant, as the case may be, to supply, without charge, copies of all pleadings	“(b) Where such intervention is permitted or where a party is impleaded, such person shall be entitled to require the plaintiff, petitioner, applicant or appellant, as the case may be, to supply, without charge, copies of all pleadings and documents which have been filed in the case. The documents must be supplied within 48 hours after a written request is received or within such time as may be fixed by the IPRD or the IPRAD as the case may be.” IPD Rules Kolkata provides the procedure if Intervention of third parties are allowed.

		and documents which have been filed in the case. The documents must be supplied within 48 hours after a written request is received or within such time as may be fixed by the IPRD or the IPRAD as the case may be.	
41.	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.	—	
42.	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	Rule 24. Summary Judgement : The IPRD shall be entitled to pass summary judgment in intellectual property subject matter suits on	Same

	contained in Order XIII A, Code of Civil Procedure, 1908 as applicable to commercial suits under the Commercial Courts Act, 2015.	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.	
43.	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.	—	
44.	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.	—	
45.	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	30. Power to remove difficulties : If any difficulty arises in giving effect to the Rules, the High Court may, by order	“In case of any conflict, inconsistency or repugnancy, between these Rules and any other Rules or practice directions made by the High Court at Kolkata from time to time, the Rules herein shall

	for removing such difficulty.	published in the Official Gazette, make such provisions not inconsistent with the provisions of these Rules as may appear to be necessary for removing, the difficulty. In case of any conflict, inconsistency or repugnancy, between these Rules and any other Rules or practice directions made by the High Court at Kolkata from time to time, the Rules herein shall prevail in relation to all Intellectual Property subject matter proceedings.	prevail in relation to all Intellectual Property subject matter proceedings.” IPD Rules Kolkata talks about IPD Rules being prevalent over Other Rules in case of conflict.
46.	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	Rule 22. Independent Experts : (a) If any of the parties seeks the appointment of an independent expert, the IPRD may appoint such expert if it is of the opinion that the view of an independent expert is necessary to be obtained on specific points and/or questions to be formulated by it. (b) If the parties are unable to agree on the name of such expert, the [PRD may appoint such Expert as it deems fit and proper. For such purpose, the parties	

	expert(s) shall be prescribed by the IPD, from time to time.	may be required by the IPRD to submit a list of qualified experts willing to act. The objections of the parties to the experts named in such lists will be considered before appointing any such expert. (c) If, necessary, the IPRD may also appoint an expert who is not named in the lists submitted by the parties but from a separate list of experts registered and maintained by the Department. (d) The IPRD may also on its own motion appoint such expert if it is of the opinion that the view of an independent expert is necessary to be obtained on specific points and/or questions to be formulated by it. (e) The IPRD may give appropriate directions to enable the expert to perform any examination or inspection or experiments or tests, as may be necessary and for the costs that may be incurred for such purpose.	
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		(f) The IPRD will determine the terms of appointment and the remuneration of the expert appointed including the costs of attending hearings for deposing. (g) The IPRD shall require the expert to appear physically or through video conferencing, to be examined by the parties, if required by any of the parties. (h) General duties of Independent Experts : i) The independent Expert shall provide a declaration that he or she has no conflict of interest with the subject matter of the dispute and will assist the IPRD fairly and impartially. ii) Evidence is to be given in a written report unless the IPRD directs otherwise. iii) The report must clearly state the substance of all material instructions, whether written or oral, on the basis of which the report was written.	
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47.	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	—	
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	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.		
48.	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.	—	
49.	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.	—	
50.	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.	—	

51.	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.	Rule 15. Filing of pleadings : (a) All pleadings/documents shall be filed electronically in a Portable Document Format (PDF) with Optical Character Recognition (OCR) enabled with image resolution of at least 300 dots per inch (dpi) and in strict accordance with the e-filing Rules, 2021 of the High Court at Calcutta, as notified on 16th December 2021 and/or any subsequent amendment thereto. (b) The Department shall direct the party/its advocate to take steps for the removal of the defects, if any detected upon scrutiny, within a fixed time and the Department may for reasons to be recorded in writing, decline to register the proceeding until such defect is rectified. Time for compliance may be extended by the Department on sufficient cause being shown for non-compliance within the time originally fixed for removal of defects; (c) The Department shall number and/or renumber the proceedings in the manner provided in these Rules;	“(b) The Department shall direct the party/its advocate to take steps for the removal of the defects, if any detected upon scrutiny, within a fixed time and the Department may for reasons to be recorded in writing, decline to register the proceeding until such defect is rectified. Time for compliance may be extended by the Department on sufficient cause being shown for non-compliance within the time originally fixed for removal of defects; (c) The Department shall number and/or renumber the proceedings in the manner provided in these Rules;” IPD Rules Kolkata provides steps to be taken by the Department.
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52.	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.	—	
53.	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.		
54.	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.	–	
55.	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.		
56.	SCHEDULE I - Forms	SCHEDULE II	
57.	SCHEDULE II- COURT FEES	SCHEDULE III	

ADDITIONAL RULES IN IPD RULES, KOLKATA(Not in IPD RULES, Delhi)

1. **Rule 2(e)"Application"** unless the context otherwise requires, shall mean applications, complaints, disputes, petitions and references filed under the Acts specified in Rule 2(a) above;
2. **Rule 2(f) "Department"** means the Department to be set up for the administration and management of all proceedings under the Intellectual Property Rights Division and Intellectual Property Rights Appellate Division;
3. **Rule 2(g)"Effective date"** shall mean the date on which these Rules come into force;
4. **Rule 2(j)"High Court"** shall mean the High Court at Calcutta;
5. **Rule 2(l)"IPAB"** shall mean the "Intellectual Property Appellate Board";
6. **Rule 2(p) "Transferred IPAB proceedings"** shall mean and include all applications, appeals and other proceedings pending before the IPAB and transferred to the High Court consequent to the Tribunals Reforms Act, 2021;
7. **Rule 5. Intellectual Property Rights Appellate Division:**(a) There shall be an Appellate Division in the High Court to be known as the Intellectual Property Rights Appellate Division (hereinafter referred to as the 'IPRAD'). The same shall have one or more Benches comprising of two judges for the purpose of exercising the jurisdiction and powers conferred under these Rules.

(b) The Chief Justice shall nominate such number of Judges of the High Court, as may be necessary, to preside over the IPRAD. Such Judges shall preferably have experience in dealing with intellectual property subject matter.

(c) All Intellectual Property subject matter proceedings required to be heard by a Division Bench shall be transferred to the IPRAD which shall have exclusive jurisdiction to hear the same.

(d) The IPRAD shall hear all appeals against orders passed by the IPRD.
8. **Rule 6. Intellectual Property Rights Division Department :** There shall be an Intellectual Property Rights Division Department for the administration and management of all proceedings under the IPRD and the IPRAD
9. **Rule 7. Procedure in Transferred IPAB proceedings :**

(a) All such proceedings shall be re-numbered by the Department in accordance with Schedule I to the Rules.

(b) Upon transfer, the same shall be caused to be listed by the Department expeditiously in a warning list before the same is listed before the IPRD. Such warning list shall be published every week from the effective date.

(c) The IPRD shall proceed with the matter from the stage at which it was transferred to the IPRD.

- (d) Upon transfer, the provisions including the timelines prescribed in these Rules shall apply to those procedures that were incomplete on the effective date. On the date of first listing, the IPRD may, however, prescribe new timelines or issue such further directions as may be necessary for a speedy and efficacious disposal of such proceedings. The IPRD shall take into account any event of default which may have occurred prior to the effective date while prescribing any new timelines or issuing any such direction.
- (e) At the time of first listing and/or soon thereafter, the IPRD shall consider grant of interim relief and/or pass such other orders and/or directions as may be necessary.
- (f) The IPRD shall endeavour to dispose of all such proceedings expeditiously.

10. Rule 10. Procedure in appeals arising out of judgements and orders in passed in Intellectual Property subject matter suits filed in Courts other than the High Court and proceedings connected therewith from which an appeal lies to the High Court :

- (a) All appeals filed in the High Court prior to the effective date against judgements and orders passed by other Courts in Intellectual Property subject matter suits and proceedings connected therewith shall be transferred to the IPRAD and shall be renumbered as per Schedule I to these Rules. Upon transfer, the same shall be caused to be listed by the Department expeditiously in a warning list before the same is listed before the IPRAD. Such warning list shall be published every week from the effective date.
- (b) After the effective date, all appeals from judgments and orders in Intellectual Property subject matter suits and proceedings against which an appeal lies to the High Court, shall be filed before and heard by the IPRAD.
- (c) The IPRAD shall endeavour to dispose of all appeals expeditiously.

11. Rule 12. Procedure in Applications arising out of the Acts mentioned in Rule 2(a) :

- a) All applications under the Acts mentioned in Rule 2(a) above shall be in conformity with the forms prescribed in Schedule TI to these rules along with all evidence/documents intended to be relied on.
- b) The concerned IPO and all contesting parties shall be impleaded as Respondents in all such applications.

- c) Such applications shall be served on all necessary and proper parties including the concerned IPO in accordance with the provisions of service prescribed in these Rules.
- d) The IPRD may direct the Registrar or Controller or any authorized representative of the IPO to be present or represented in accordance with the provisions of the Act(s).
- e) Copies of all substantive orders passed by the IPRD in all applications shall be communicated by the Department to the concerned IPO by e-mail within seven (7) days from the date of such order being passed.
- (f) If interim orders are sought, an application akin to an application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 as amended by the Commercial Courts Act, 2015 may be filed setting out the grounds for such interim orders.
- (g) Upon service of the application, the respondents shall file a reply with all evidence/documents intended to be relied on within 45 days from the date of service of the application unless the IPRD otherwise directs. However, in the case of applications under the Patents Act, 1970, The Plant Varieties and Farmers Right Act, 2001 and The Semiconductor Integrated Circuits Layout-Design Act, 2000 the period for filing such Reply shall be 90 days.
- (h) A copy of such reply shall be served on the other parties in accordance with the provisions for service prescribed in these Rules.
- (i) Rejoinder, if any, shall be filed within 30 days from the date of service of reply unless the IPRD otherwise directs. However, in the case of applications under the Patents Act, 1970, the period for filing such Rejoinder shall be 45 days.
- (j) Inspection of all original documents shall be provided, if called upon, within a period of 15 days from the request received by the party from whom inspection is sought or such other time as the IPRD may permit.
- (k) The IPRD may permit oral evidence including cross examination, if necessary, only upon being satisfied of the necessity of oral evidence.
- (l) Filing of any further affidavits or pleadings or any documents shall be permitted only with the leave of the IPRD.

12. Rule 13. Procedure in appeals arising out of the Acts mentioned in Rule 2(a) :

- a) All appeals under the Acts mentioned in Rule 2(a) above shall be in conformity with the forms prescribed in Schedule I to these rules.
- b) A Memorandum of Appeal shall be filed along with a certified copy of the impugned order unless leave is obtained from the IPRD to file the appeal without a certified copy of the impugned order. The same shall ordinarily be accompanied by a Paper Book containing all documents forming part of the records of the IPO.
- c) The appellant shall be required to separately apply for condonation of delay, where necessary.
- d) The concerned IPO and all contesting parties shall be impleaded as Respondents in all such appeals.
- e) Such appeals shall be served on all necessary and proper parties including the concerned IPO in accordance with the provisions of service prescribed in these Rules.
- f) Filing of reply to the appeal shall be permitted only if necessary and upon seeking prior leave of the IPRD within such time as the IPRD may direct. Rejoinder, if any, may be filed within such time as the IPRD may direct. Filing of any further pleadings shall be permitted only with the leave of the IPRD.
- g) No party shall be entitled to rely on any new or additional document which did not form part of records of the original proceedings unless prior leave is obtained for such purpose by applying for leave with cogent grounds for failure and/or inability to disclose the same before the concerned IPO and the necessity for relying on such documents.
- h) The Appellant will be entitled to apply for suitable interim reliefs.
- i) The IPRD may direct the Registrar or Controller or any authorized representative of the IPO to be present or represented in accordance with the provisions of the Acts).
- j) Copies of all substantive orders passed by the IPRD in all appeals shall be communicated by the Department to the concerned IPO by e-mail within seven (7) days from the date of such order being passed.

13. Rule 14. Preliminary and Extent of liability :

While Rules 12 and 13 are specific to appeals and applications under the Acts mentioned in Rule 2(a) above, Rule 15 to Rule 30 shall be applicable to all Intellectual Property subject matter proceedings before the IPRD and IPRAD. The same shall also apply to appeals and applications mentioned in Rule 2(a) above to the extent there is no conflict.

14. Rule 15. Filing of pleadings :

- (a) All pleadings/documents shall be filed electronically in a Portable Document Format (PDF) with Optical Character Recognition (OCR) enabled with image resolution of at least 300 dots per inch (dpi) and in strict accordance with the e-filing Rules, 2021 of the High Court at Calcutta, as notified on 16th December 2021 and/or any subsequent amendment thereto.
- (b) The Department shall direct the party/its advocate to take steps for the removal of the defects, if any detected upon scrutiny, within a fixed time and the Department may for reasons to be recorded in writing, decline to register the proceeding until such defect is rectified. Time for compliance may be extended by the Department on sufficient cause being shown for non-compliance within the time originally fixed for removal of defects;
- (c) The Department shall number and/or renumber the proceedings in the manner provided in these Rules;

15. Rule 16. Service of Pleadings. Documents and Notices :

- (a) Unless otherwise directed by the IPRD or the IPRAD, an advance copy of the pleadings shall be served upon the parties directly or on the address for service in the mode and/or manner prescribed by the High Court at Kolkata Commercial Courts Practice Directions, 2021 at least four working days in advance of the date fixed for listing of the proceeding.
- (b) At the time of filing, the Plaintiff, Appellant or the Applicant, as the case may be, shall provide the Department and the contesting parties with the address, e-mail and contact number of the Advocate/ Agent, as the case may be, authorised to receive pleadings, documents and correspondence on its behalf.
- (c) When the Defendant or Respondent, as the case may be, first enters appearance, it shall provide the Department and the contesting parties with the address, e-mail and contact number of the Advocate authorised to receive pleadings, documents and correspondence on its behalf.
- (d) The parties shall provide all subsequent change of names of Advocates or their address and e-mail ID forthwith to the Department and the contesting parties.

- (e) Service of all pleadings, documents and notices on the appointed Advocate of a party shall be treated as valid service.
- (f) The matter may be heard and disposed of after the first day of listing where the opposing party is not represented only on satisfactory proof of service being furnished.

16. Rule 18. Concurrent hearings in certain cases :

- (a) While dealing with suits, the IPRD may direct all petitions seeking revocation, rectification or cancellation involving, the same subject matter be listed and heard concurrently.
- (b) While dealing with suits, the IPRD may direct any other suit or proceeding involving the same subject matter between the same parties be listed and heard concurrently or one after the other. For such purpose, the IPRD may also consolidate such proceedings.

17. Rule 19. Calling for records :

The IPRD or the IPRAD, as the case may be, may call for all relevant records from the concerned IPO.

18. Rule 20. Intervention by third parties :

- (a) Any person interested in a proceeding before the IPRD or the IPRAD as the case may be, shall apply under these rules for leave to intervene and/or be impleaded stating the nature of its interest. The IPRD or the IPRAD may refuse or grant such leave after hearing the parties concerned on such terms and conditions as it deems fit.
- (b) Where such intervention is permitted or where a party is impleaded, such person shall be entitled to require the plaintiff, petitioner, applicant or appellant, as the case may be, to supply, without charge, copies of all pleadings and documents which have been filed in the case. The documents must be supplied within 48 hours after a written request is received or within such time as may be fixed by the IPRD or the IPRAD as the case may be.

19. Rule 22. Independent Experts :

- (a) If any of the parties seeks the appointment of an independent expert, the IPRD may appoint such expert if it is of the opinion that the view of an independent expert is necessary to be obtained on specific points and/or questions to be formulated by it.
- (b) If the parties are unable to agree on the name of such expert, the [PRD may appoint such Expert as it deems fit and proper. For such purpose, the parties may be required by the IPRD to submit a list of qualified experts willing to act. The objections of the parties to the experts named in such lists will be considered before appointing any such expert.
- (c) If, necessary, the IPRD may also appoint an expert who is not named in the lists submitted by the parties but from a separate list of experts registered and maintained by the Department.
- (d) The IPRD may also on its own motion appoint such expert if it is of the opinion that the view of an independent expert is necessary to be obtained on specific points and/or questions to be formulated by it.
- (e) The IPRD may give appropriate directions to enable the expert to perform any examination or inspection or experiments or tests, as may be necessary and for the costs that may be incurred for such purpose.
- (f) The IPRD will determine the terms of appointment and the remuneration of the expert appointed including the costs of attending hearings for deposing.
- (g) The IPRD shall require the expert to appear physically or through video conferencing, to be examined by the parties, if required by any of the parties.
- (h) General duties of Independent Experts :
 - i) The independent Expert shall provide a declaration that he or she has no conflict of interest with the subject matter of the dispute and will assist the IPRD fairly and impartially.
 - ii) Evidence is to be given in a written report unless the IPRD directs otherwise.
 - iii) The report must clearly state the substance of all material instructions, whether written or oral, on the basis of which the report was written.

20. Rule 23. Preservation of Confidential information :

At any stage in a proceeding, the IPRD may adopt appropriate measures for the preservation and exchange of confidential information filed and/or to be filed before it. It may, also on a request by any party, direct the redaction of any information it deems to be confidential on such terms as it deems fit and proper.

21. Rule 25. procedure for Fast Track Hearings :

In appropriate circumstances, the IPRD may provide for a fast track procedure for final disposal of intellectual property subject matter suits and proceedings. In such case, the IPRD may curtail the timelines normally applicable in respect of such proceedings and set the timelines and steps required for speedy disposal of the matter, including allotment of time for arguments taking into account the complexity of the case and the number of contesting parties required to be heard.

22. Rule 26. Translations and transliterations :

No document in a language other than English, intended to be used in any proceeding before [PRD or the IPRAD, as the case may be, shall be received by the Department, unless accompanied by :

- (a) An English translation duly certified by the translator of the Court; or
- (b) A translation generated using standard online translation software may be filed provided however that such online translation may be rejected if the other party is able to establish the inaccuracy thereof.

23. Rule 28: Applicability of the High Court at Kolkata Commercial Courts Practice Directions, 2021 :

Unless expressly provided for under these Rules, the High Court at Kolkata Commercial Courts Practice Directions, 2021 shall be applicable to all Intellectual Property proceedings.

24. Rule 29: Accessibility and Reasonable Accommodations for disable persons :

The IPRD or the IPRAD, suo moto or upon a request made by way of an application, may issue 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 any proceedings before the IPRD or the IPRAD.

