

Photocopies of documents pertaining to Mr.Syed
Obaidur Rahaman, Technical Member, IPAB

Number of pages of Notesheet: 81

Number of pages of Correspondence : 10



APPLICATION FOR THE POST OF TECHNICAL MEMBER.

To
The Advertiser,
Ministry of Commerce and Industry Department of
Industrial Policy and Promotion
Room No. 432, Udyog Bhavan,
New Delhi- 110011.

Dear sir,

In response to your advertisement published in the Hindusthan Times dated 21st August, 2004 being advertisement no. 08/29/03- 1RS- Pt -1 issued by the Government of India that you are inviting for the post of Technical member in the Ministry of Commerce and Industry department of Intellectual property Appellate Board (IPAB) established at Chennai under section 83 of the Trade Marks Act, 1999.

I beg to offer myself as a candidate for the post of the same.

My particulars / Bio Data for the post of Technical member in the intellectual property appellate Board are given below:

-
1. Name: : Syed Obaidur Rahaman,
 2. Father's name : : Late syed Alauddin.
 3. Date of Birth : : 18-01- 1959.
 4. Educational Qualifica- : B.sc.(LL.B.).
tion. : B.A.
 5. Whether: SC/ST/ OBC: Not applicable.
 6. Date of Enrolment as an Advocate: 2.5.1986.
 7. Present Assignment: Practising as an Advocate.

Syed Obaidur Rahaman, Advocate, Chennai

367/1RS/04
22/9

8. Address: Official: (a). Room No.35 2nd floor,
10, K.S. Roy Road,
Kolkata - 700001.
- Address : (b). Village Kuleswar, P.O. Kuleswar,
Residential: P.S. Diamond Harbour. District:
South 24 Parganas:
- (c). E.Mail: Nil.
- (d). Telephone: Nil.
- (e). Fax: Nil.
- (f) Preferred contact address from the
above (a) and (b). stated.

9. Back ground Experience for last 10 years
Present Work.

I am practising in the Hon'ble High Court, Calcutta
and City Civil Court for a period of 18 years.

10. Details of special knowledge and experience in dealing
with Trade Mark Laws (enclosed separate sheet, if required).

I am practising with trademark Laws along with other Laws
as such I am competent to apply for the same post.

11. Citations of some of the important trade mark cases
appeared in the Hon'ble Supreme Court of India/ in any of the
State's High Court.

(Separate sheet is enclosed).

12. Published Work, if any On Trade Mark Law (Enclosed Copy).

Syed Obaidur Rahman
Signature of Applicant:

Designation: Advocate High
court Calcutta

Office Address:-

Dated: 09/09/2004

1. Brooke Bond India Ltd -vs- K.Manibhai & Co.1987(1)
Calcutta Law Journal. Page 410.
Rustom
2. -Hornby Ltd -vs- Zamindara Engineering Co.
AIR- 1970 SC 1649.
3. Lever -v- Goodwin , 36 Chancery Division- I.
4. Galaxo Operations UK Ltd. Middlesex.(England). and
others -Versus- samrat Pharmaceuticals, Kanpur, AIR
1984 Delhi- 255.
5. M/s. Hiralal Prabhudas -vs- M/s. Ganesh Trading Co.
AIR 1984 Bombay 218.
6. East End Hosiery Private Ltd -Vs-M/s.Agarwal
Textiles Mills AIR 1971, Calcutta- 3.
7. WILLIAM BAILEY (BIRMINGHAM)Ltd Applications
(1935) 52 RPC-136.
8. B.K. Engineering Company Delhi- Vs- B.H.I.
Enterprises(Regd) Ludhiana & Anr. Reported in A.I.R.
1985 Delhi- 210.
9. Century Traders -Vs- Roshanlal Duggar & Co.
AIR 1978 Delhi- 250.
9. Imperial Tobacco Company (of Great Britain and
Ireland) ID -Vs- Purnell and Co. reported in 21 R.P.C. 368.

Sekharan
Admiti
09/09/2004
Contd.

10. The Celluar Clothing Company Ltd -Vs- Maxitton
and Murray 15, R P C 581: L.R. 1899 app.cases 326.

11. John Walker & Sons Limited and others -Vs- Henry
Ost and Company Limited and Another reported in 1970
R.P.C. 489.

12. Imperial Tobacco Co.of India Ltd .Vs-Registrar o
Trade Marks AIR 1968 sc. 582.

13. Prem Nath Mayor -Vs- Registrar of Trade Marks
AIR 1969 Cal.80.

14. Century Traders -Vs- Roshan Lal Duggar & Co.
AIR 1978 Delhi- 250.

Sorahaman
9/9/2004

MINUTES OF THE MEETING OF THE SELECTION COMMITTEE HELD
ON 18-02-2005 IN ROOM NO 157, UDYOG BHAVAN, NEW DELHI

PRESENT

- | | | |
|-----|--|----------|
| (1) | Shri Ashok Jha
Secretary
Department of Industrial Policy and Promotion | Chairman |
| (2) | Shri R.L. Meena
Secretary
Department of Legal Affairs | Member |
| (3) | Shri A.N. Tiwari
Secretary
Department of Personnel and Training | Member |

ITEM 1. SELECTION FOR POST OF TECHNICAL MEMBER IN
INTELLECTUAL PROPERTY APPELLATE BOARD (IPAB) IN
THE SCALE OF PAY OF Rs. 22,400-600-26,000/-

1. The Committee was informed that at present one post of Technical Member is likely to be vacant consequent upon acceptance of the resignation of the present incumbent and that as per Section 85 (4) of the Trade Marks Act, 1999, the qualifications for appointment to this post were as under: -

"A person shall not be qualified for appointment as a Technical Member unless he-

- (a) has, for at least ten years, exercised functions of a tribunal under this Act or under the Trade and Merchandise Marks Act, 1958, or both, and has held a post not lower than the post of Joint Registrar for at least five years; or*
- (b) has, for at least ten years, been an advocate of a proven specialised experience in trade mark law."*

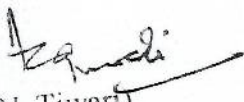
2. The Committee was also informed that the Department of Industrial Policy and Promotion had invited applications through advertisement in "The Employment News", dated 21-27 August, 2004 and in "The Times of India", "Indian Express", "The Hindustan Times" and "The Hindu" dated 21st August, 2004 for the post of Technical Member.

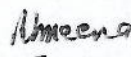
The Committee considered the resumes of the following candidates who had submitted their applications in response to the advertisement:


1. Shri J. Manikkam, Advocate, Erode District, Tamil Nadu.
2. Shri Syed Obaidur Rehman, Advocate, Calcutta High Court, West Bengal; and
3. Smt. Malati J. Jhaveri, Advocate, Mumbai High Court, Maharashtra.

4. The Committee, after considering the qualifications and experience, etc. of the candidates, recommended the following panel, in the order of merit, for appointment to the post of Technical Member with the stipulation that if the candidate at Serial No. 1 did not join, the candidate at Serial No. 2 would be appointed:

1. Shri Syed Obaidur Rehman
2. Smt Malati J. Jhaveri


(A. N. Tiwari)


(R. L. Meena)


(Ashok K. K.)

No 29CK

Immediate/Confidential

No. 13/8/2005-EO(SM.II)
Government of India
Secretariat of the Appointments Committee of the Cabinet
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, dated the 20th December, 2005

Reference Correspondence resting with Department of Industrial Policy & Promotion DO No. F 8(28)/04-IRS, dated 14.11.2005.

2. The Appointments Committee of the Cabinet has approved the appointment of Shri Syed Obaidur Rahaman to the post of Technical Member in the Intellectual Property Appellate Board in the scale of pay of Rs. 22400-24500/- for a period from the date of assumption of charge of the post until he attains the age of 62 years or until further orders, whichever is earlier, subject to confirmation of satisfactory character antecedents. The ACC has directed that order would be issued only after obtaining the antecedents verification certificate.

Say
Dy (CT)

Ravindra Kumar
(Ravindra Kumar)
Under Secretary to the Govt. of India

RI
Shri
Shri
Shri

Department of Industrial Policy & Promotion
(Shri A.K.DUA, Secretary),
Udyog Bhawan,
New Delhi.

2427-DS(CT)105
2/12

1292/JS(NMP)05
20/12/05

479/US(CKS)105
2/12

MS
whitewash
DS(CT)
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US(CKS)
2/12
IPR II

470-CD
20.12.05

SI 204101

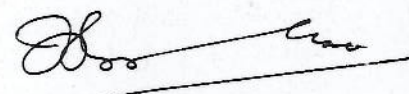
No. 8/28/04-IPR (II)
Government of India
Ministry of Commerce and Industry
Department of Industrial Policy and Promotion
(Intellectual Property Rights II Section)

Udyog Bhavan, New Delhi
Dated the 6-2-2006.

OFFICE MEMORANDUM

Subject: Appointment to the post of Technical Member in the Intellectual Property Appellate Board, Chennai-regarding.

The undersigned is directed to refer to Department of Personnel & Training's communication No. 13/8/2005-EO (SM.II) dated 20th December, 2005 conveying the approval of the Appointments Committee of the Cabinet to the appointment of Shri Syed Obaidur Rahaman to the post of Technical Member in the Intellectual Property Appellate Board (IPAB) in the scale of pay of Rs. 22400-24500/- for a period from the date of assumption of charge of the post until he attains the age of 62 years and to say that the appointment order has been issued vide order dated 30th January 2006. (copy enclosed). In this connection it is stated that as per Section 86 of The Trade Marks Act, 1999 the Technical Member shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-two years whichever is earlier. Therefore this condition has been incorporated in the order dated 30-01-2006.



(J.K.Saxena)

Under Secretary to the Government of India

Encl: as above.

Department of Personnel & Training
Sh. Ravindra Kumar, Under Secretary
(EO(SM.II))

Issued
RK
7/2

dc

KIND ATTENTION

Sh. T.C. JAMES, D.S

GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT OF INDUSTRIAL POLICY & PROMOTION
(INTELLECTUAL PROPERTY APPELLATE BOARD)

Annex-I, Guna Complex,
443 Anna Salai, Chennai-18
Dated 6th February, 2006

ASSUMPTION OF CHARGE

In accordance with Order No. 8(28)/04-IPR.II dated 30.1.06 of the Ministry of Commerce and Industry, Department of Industry Policy and Promotion, Government of India, New Delhi, I, Syed Obaidur Rahaman, hereby assume the charge of the office of the Technical Member, Intellectual Property Appellate Board, Chennai this forenoon, the 6th February, 2006.

Syed Obaidur Rahaman

(SYED OBAIDUR RAHAMAN)
TECHNICAL MEMBER

Copy forwarded to :

1. Justice Shri S.Jagadeesan, Hon'ble Chairman, IPAB, Chennai.
2. Cabinet Secretariat, Rashtrapathi Bhavan, New Delhi.
3. Establishment Officer, Government of India, Department of Personnel & Training, North Block, New Delhi.
4. The Controller of Patents, Designs & Trade Marks, Mumbai.
5. Shri T.C. James, Deputy Secretary to the Government of India, Ministry of Commerce & Industry, New Delhi - w.r.t. Order No. 8(28)/04-IPR (II) dated 30.1.06.
6. Trade Marks Registry, Chennai/Delhi/Kolkata/Mumbai/Ahmedabad.
7. The Assistant Registrar, Geographical Indications Registry, Chennai.
8. The Accounts Officer, PAO, SSI, Chennai.
9. Accounts Section
10. Service Book/Personal File.

2/6/06

27/05/06
10/10/06

In date, A

JS (C/ND)

6/2

*See PI table action
in case - modification / documents
as indicated in appointment letter.*

MM

6/2/06

1.02.06

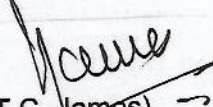
28

[To be published in the Gazette of India, Part I, Section 2]
Government of India
Ministry of commerce and Industry
Department of Industrial Policy and Promotion
New Delhi, the 28th February 2006.

NOTIFICATION

No. 8(28) 2004-IPR-II. The President is pleased to appoint Shri Syed Obaidur Rahaman, Advocate as Technical Member in Intellectual Property Appellate Board, Chennai with effect from the forenoon of February 6th, 2006 for a period of five years or till Shri Syed Obaidur Rahaman attains the age of 62 years, or until further orders, whichever is earlier.

2. The salary and allowances payable to Shri Syed Obaidur Rahaman as Technical Member in the Intellectual Property Appellate Board and the conditions of service by which he will be governed, shall be in accordance with the provisions of The Intellectual Property Appellate Board (Salaries and allowances payable to, and other terms and conditions of service of Chairman, Vice-Chairman and Members) Rules, 2003 as amended from time to time.

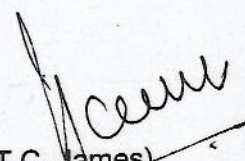

(T.C. James)
Deputy Secretary to the Government of India

To

The Manager
Government of India Press
Faridabad (with Hindi version)

Copy forwarded for information to: -

1. Hon'ble Chairman, Intellectual Property Appellate Board, Annexe-I, Guna Complex, 443 Anna Salai, Teynampet, Chennai-600 018.
2. Shri Syed Obaidur Rahaman, Technical Member, Intellectual Property Appellate Board, Annexe-I, Guna Complex, 443 Anna Salai, Teynampet, Chennai-600 018.
3. Cabinet Secretariat, Rashtrapati Bhavan, New Delhi
4. Establishment Officer, Department of Personnel & Training, North Block, New Delhi with reference to their O.M. No. 13/8/2005-EO (SM.II) dated 20th December 2005.
5. Deputy Registrar, Intellectual Property Appellate Board, Annexe-I, Guna Complex, 443 Anna Salai, Teynampet, Chennai-600 018.
6. The Controller General of Patents, Designs and Trade Marks and Registrar of Geographical Indications Registry, Mumbai.
7. The Trade Marks Registry, Ahmedabad/Chennai/Delhi/Kolkatta/Mumbai.
8. The Assistant Registrar, Geographical Indications Registry, Chennai.
9. Guard File.

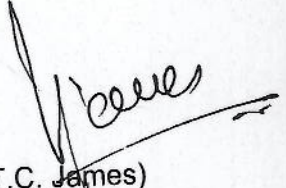

(T.C. James)
Deputy Secretary to the Government of India

✓ saved
RL
28/2

Department of Industrial Policy & Promotion

Have we received police verification report in respect of the selected candidate for the post of Technical Member, IPAB? If so, pl examine and put up today and, if not, pl put up with draft from JS(NNP) to the Resident Commissioner, Government of West Bengal in New Delhi, Res. Commr.'s tel. number and another draft d.o. to DG (Police), West Bengal, also from JS(NNP).

Action today, pl.


(T.C. James)
Deputy Secretary
15th July 2005

~~US (VK)~~

cfv
15/7
DPR-II

767-DS(LCS)105
15/7

File No. 8/28/04-IRS
Government of India
Ministry of Commerce and Industry
Department of Industrial Policy and Promotion
(Industrial Renewal Section)

Subject: - filling in the post of Technical Member in the Intellectual Property Appellate Board, Chennai- scrutiny of applications regarding.

SI No. 1 (R) pp 1/c (added)
SI No 2 (R) pp 2/c
SI No. 3 (R) pp. 3-4/corr.

Section 83 of the Trade Marks Act, 1999 provides for the establishment of an Intellectual Property Appellate Board consisting of a Chairman, a Vice-Chairman and other Members. In pursuance to that provision, the Government of India established the IPAB consisting of a Chairman, a Vice-Chairman and two Technical Members on September 15, 2003 in Chennai.

2. On September 15, 2003 Shri Justice S. Jagadeesan, former Judge Madras High Court and Dr. Raghbir Singh, former Secretary, National Commission to Review the Working of the Constitution was appointed as the Chairman and Vice-Chairman of the Appellate Board respectively. However, since only one candidate i.e. Shri T.R. Subramanian was found suitable for the post of Technical Member, one of the two posts of Technical Member ^{was} vacant at the time. Thereafter applications were called to fill in the the vacant post and the proposal for appointment of the candidate recommended by the Selection Committee was forwarded to the Department of Personnel and Training (DOPT) for approval of the Appointments Committee of the Cabinet. Consequent upon change in Government the DOPT advised this Department to seek the approval of the new Commerce and Industry Minister. The file has been submitted for the same.

3. Shri T.R. Subramanian, Technical Member has been pressing hard for his resignation and he has gone on long leave since February, 2004. The Government is yet to accept the same in order to avoid the validity of constituting the Bench of the Appellate Board, which comprises of a Technical Member and a Judicial Member. Even the Trade Marks (Removal of Difficulties) Order, 2004 (notified vide Notification S.O. 540 (E) dated December 5, 2003) provides for constitution of a Bench of the Board by the Chairman and Vice-Chairman ^{only in case} because of leave of absence of the Technical Member appointed as such. Therefore, acceptance of the resignation of Shri T.R. Subramanian will create a vacuum in the functioning of the Board without a Technical Member.

4. Therefore, applications were invited to fill in the one vacant post of Technical Member that was likely to be vacant on accepting the resignation of the present incumbent Shri T. R. Subramanian. The post was advertised in the Employment News dated 21-27 August, 2004 and in leading newspapers in the 4 metros i.e the Indian Express, the Times of India, the Hindustan Times & the Hindu. The last date of receipt of applications expires on 26th September, 2004.

5. The qualifications prescribed for post of Technical Member as laid down in section 85 (4) of the Trade Marks Act, 1999 are as given below:

" A person shall not be qualified for appointment as a Technical member unless he-

- (a) has, for at least ten years, exercised functions of a tribunal under this Act or under the Trade and Merchandise Marks Act, 1958, or both, and has held a post not lower than the post of Joint Registrar for at least five years; or
- (b) has, for at least ten years, been an advocate of a proven specialised experience in trade mark law."

Acceptance of

From pre-page

6. In response we have received one application from Shri J. Manikkam, Advocate. The application has been scrutinised and a statement is placed below.

7. Shri Manikkam is not eligible for the post of Technical Member because he does not have 10 years proven experience as an advocate in Trade Marks Law and has experience in District Court only and not in High Courts.

Submitted for information, pl.

~~SPD~~
21/9/04

~~SO (IRS)~~ on leave

~~US (YPV)~~

~~Prasad~~
21/9/04

DS (TCTJ)

We may request the applicant to furnish a list of cases relating to trademark law in which he has appeared as an Advocate before a High Court. The reply be called for within two weeks.

~~Prasad~~
22.9.04

~~US (YPV)~~
22/9

with reference to DS (TCTJ) note above, fair letter is placed below for signature of US (YPV), if approved, ~~SPD~~ SO (IRS)

~~SOCIETY~~

~~SPD~~
22/9

x F/B

~~SPD~~
23/9/04

~~SPD~~
23/9/04

~~US (YPV)~~

DS (TCTJ)

~~Prasad~~
23/9/04

~~US (YPV)~~
23/9

~~Prasad~~
23/9/04

~~Prasad~~
23/9

~~US (YPV)~~
22/9

~~DS (TCTJ)~~
22/9

SI No. 5 (R) pp. 8-11/corr.
SI No. 6 (R) pp. 12-25/corr.

Section 83 of the Trade Marks Act, 1999 provides for the establishment of an Intellectual Property Appellate Board consisting of a Chairman, a Vice-Chairman and other Members. In pursuance to that provision, the Government of India established the IPAB consisting of a Chairman, a Vice-Chairman and two Technical Members on September 15, 2003 in Chennai.

2. On September 15, 2003 Shri Justice S. Jagadeesan, former Judge Madras High Court and Dr. Raghbir Singh, former Secretary, National Commission to Review the Working of the Constitution was appointed as the Chairman and Vice-Chairman of the Appellate Board respectively. However, since only one candidate i.e. Shri T.R. Subramanian was found suitable for the post of Technical Member, one of the two posts of Technical Member remained vacant at the time. Thereafter applications were called to fill in the vacant post and the proposal for appointment of the candidate recommended by the Selection Committee was forwarded to the Department of Personnel and Training (DOPT) for approval of the Appointments Committee of the Cabinet. Consequent upon change in Government the DOPT advised this Department to seek the approval of the new Commerce and Industry Minister. The file has been submitted for the same.
3. Shri T.R. Subramanian, Technical Member has been pressing hard for acceptance of his resignation and he has gone on long leave since February, 2004. The Government is yet to accept the same in order to avoid the validity of constituting the Bench of the Appellate Board, which comprises of a Technical Member and a Judicial Member. Even the Trade Marks (Removal of Difficulties) Order, 2004 (notified vide Notification S.O. 540 (E) dated December 5, 2003) provides for constitution of a Bench of the Board by the Chairman and Vice-Chairman only in case of leave of absence of the Technical Member appointed as such. Therefore, acceptance of the resignation of Shri T.R. Subramanian will create a vacuum in the functioning of the Board without a Technical Member.
4. Therefore, applications were invited to fill in the one vacant post of Technical Member that was likely to be vacant on accepting the resignation of the present incumbent Shri T. R. Subramanian. The post was advertised in the Employment News dated 21-27 August, 2004 and in leading newspapers in the 4 metros i.e the Indian Express, the Times of India, the Hindustan Times & the Hindu. The last date of receipt of applications expired on 26th September, 2004.
5. The qualifications prescribed for the post of Technical Member as laid down in section 85 (4) of the Trade Marks Act, 1999 are as given below:
- " A person shall not be qualified for appointment as a Technical member unless he-
- (c) has, for at least ten years, exercised functions of a tribunal under this Act or under the Trade and Merchandise Marks Act, 1958, or both, and has held a post not lower than the post of Joint Registrar for at least five years; or
- (d) has, for at least ten years, been an advocate of a proven specialised experience in trade mark law."
6. In response we have received three applications from Shri J. Manikkam, Shri Obaidur Rahaman, and Smt. Malati J. Jhaveri Advocates. The application has been scrutinised and a statement is placed below. (C117 A)
7. Shri Obaidur Rahaman, and Smt. Malati J. Jhaveri are eligible for the

L-1/c

2 P3-6/c
P3-11/c
P3-29/c

(from pre-page)

not eligible for the post of Technical Member because he does not have 10 years proven experience as an advocate in Trade Marks Law and has experience in District Court only and not in High Courts.

8. A meeting of the Selection Committee may be convened for recommending a panel of names for appointment to the post of Technical Member. Thereafter, on obtaining the approval of Hon'ble Commerce and Industry Minister the proposal may be forwarded to the Department of Personnel and Training for obtaining the approval of the Appointments Committee of the Cabinet (ACC).

9. Secretary (IPP) may kindly indicate a convenient date for convening the meeting of the Selection Committee.

SPD
14/10/04

SO (IRS)

heena
14/10/04

US (YPV)

Basu
14/10/04

Ref: Note above D S L T / C J

The procedure approved by CIM and adopted last time was selection by a Committee consisting of Secretaries of IPP, Personnel & Training and Legal Affairs. Thereafter approval of CIM and Appointments Committee of the Cabinet was obtained before appointment of the selected candidate. If approved, the same Selection Committee may be convened this time too.

SIPP may like to indicate a convenient time and date for convening a meeting of the above-proposed Selection Committee.

James

(F C JAMES)
Deputy Secretary
14th October 2004

JS (Ads)

Adl
19/10/04

SIPP 16th Nov at 5:30pm.

Adl
24/10/04

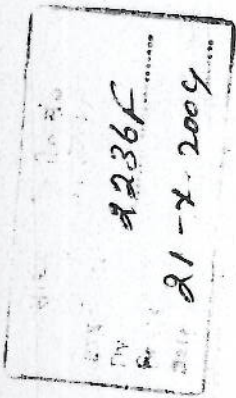
Jr (Ads)

Adl
26/10/04

S22/US(YPV)/04
14/10

3149-DSC(TCS)/04
14/10

200/JS(Ads)
20/10/04



US (YPV)

SO (IRS)
26/10

Reference: Notes on pages 3-4/ante.

Secretary (IPP) has indicated that the meeting of the Selection Committee be held on 16th November, 2004 at 1730 hours.

2. Accordingly, draft d.o. letter from Secretary (IPP) to Secretary (Legal Affairs) and Secretary (DOPT) with the request to make it convenient to attend the said meeting is placed below for approval, pl.

cd
28/10/04.

SOCIETY

keena
28/10/04

Boonab
28/10/04

us (YPV)

DSCSG

Q
29/10/04

JS (Ads)

Draft for approval.

Q
29/10/04

SIPP u/c
27/10/04

Q
1/11/04

JS (Ads)

DSCSG

Q
1/11/04

US (YPV) Q
1/11/04
SOCIETY

S. NO. 7 (Issued) p 26.27/c

S. NO. 8 (Issued) p 28.30/c

599/05 (YPV) 04
28/10

381/JS (Ads)
29/10/04
2205/DS (SG) 04

23.29f
29 - 11.2004

A
1/11/04

shs P

The proposal on this file relates to the appointment of Technical Member in the Intellectual Property Appellate Board, Chennai.

2. The meeting of the Selection Committee consisting of Secretary (IPP) as Chairman and Secretary (Legal Affairs) & Secretary (DOPT) as Members was scheduled for November 16, 2004. However, O/o Secretary (IPP) have intimated that Secretary (DOPT) will not be available on November 16, 2004 and therefore the scheduled meeting may be postponed to a future date. O/o of Secretary (Legal Affairs) has been informed accordingly over phone by US (YPV).

3. Fair O.M is placed below for signature, if approved, pl.

~~SPd~~
04/11/04

~~SO (IRS)~~

keena
4/11/04

~~Keena~~
4/11/04

~~US (YPV)~~

~~DS (SG)~~

~~Keena~~
4/11/04

~~US (YPV)~~

~~Keena~~
5/11

~~SO (IRS)~~

~~2225/25/04~~
4/11
~~650/US(YPV)04~~
4/11

~~Keena~~

S-NO. 9 (of 2500)

11/20/04

The proposal on this file relates to the appointment of Technical Member in the Intellectual Property Appellate Board (IPAB).

2. The meeting of the Selection Committee consisting of Secretary (IPP) as Chairman and Secretary (Legal Affairs) & Secretary (DOPT) as Members scheduled for November 16, 2004, was postponed as Secretary (DOPT) was not available (Note at page 6/N refers).

3. We may now request Secretary (IPP) to indicate a convenient time and date for convening the meeting of the Selection Committee.

~~JS(Ads)~~
25/11/04

~~Sd/-~~
17/11/04

~~Keene~~
17/11/04

~~USL (PV)~~

~~Booth~~
17/11/04

~~DS(TCJ)~~

~~Keene~~
24.11.04

~~3212-DS(TCJ)~~
17/11

~~JS(Ads)~~

~~Ad~~
21/11/04

STPP to ascertain convenience of Secy DOPT/
Legal Affairs for 2-3 wks of date.

~~Ad~~
25/11/04

~~JS(Ads)~~

~~Ad~~
11/12/04

~~JS(TCJ)~~

25-11-04
2521-f

Spoke to
Sd/- to secy, DOPT
Decision not
possible
16/12

Pl. resubmit
on 20/12/04

~~JS(USL(PV))~~
17/12

IRS

Ref. SIPP's directions on pre-page.

The following three dates are convenient for Secretary, DOPT:

- 11.02.05 (Friday)
- 17.02.05 (Thursday)
- 18.02.05 (Friday)

The above dates are partially convenient for Secretary, Department of Legal Affairs. He has meetings at 4.30 p.m. on 11.02.05 and 18.02.05. At other times on these dates and at any time on 17.02.05 it is convenient for him

Submitted, pl.

(T.C. James)
Deputy Secretary
17th January, 2005.

Pl. see pre-page.
for orders.

JS(ADS)

~~SIPP~~

18/2/05 at 12 noon.

l/s
18/1/05.

JS(ADS) - on tour

~~DSLTCG~~

18/1/05

USI (YDV)

19/1/05

SO IPR II

1/20/1

l/s.p

936-JS(ADS)05
18/01/05

177-DSLTCG)05
17/1/2005

Secretary (DO)
125 - F
By No.
18-1-05
Date

Reference: Notes on pages 8/ante.

Secretary (IPP) has indicated that the meeting of the Selection Committee be held on 18th February, 2005 at 1200 hours.

2. Accordingly, draft d.o. letter from Secretary (IPP) to Secretary (Legal Affairs) and Secretary (DOPT) with the request to make it convenient to attend the said meeting is placed below for approval, pl.

SLD
24/1/05

SO (IRST)

keena
24/1/05

Bansal
24/1/05

1034/US(YPV)/05
24/1

US(YPV)

DS(TCJ)

971-JS(AdS)05
25/01/05

JS(AdS) - on tour

Keena
24/01/05
25

STPP
to upn.

PPS, JS, JS, JS

220-DS(TCJ)05
24/1

JS(AdS) - on tour

DS(TCJ) - on leave

US(YPV)

31/1/05

SO IPR II

31/1/05

Sl. No. 10 (I) PP. 36 - 38/C

Sl. No. 11 (E) PP. 39 - 41/C

संख्या	165-F
दिनांक	25-1-05
व्यक्ति	

Sh. P. P

Reference :- Notes on pages 8-9/ante.

The meeting of the Selection Committee for the post of Technical Member, IPAB is scheduled on February 18, 2005 at 1200 hours.

- 2. Folders for use of Secretary (IPP), Secretary (Legal Affairs), ~~and~~ Secretary (DOPT) and J.S (S.I) are placed below.

Submitted, Pl.

SPd
16/2/05

SO (IPR-11) on leave

US (YPV)

Basu
16/2/05

DSC (PLK) - out
J.S (S.I)

Donk
16/2/2005

1090-43(YPV)/05
16/2

749/J.S(S.I)/05
16-2

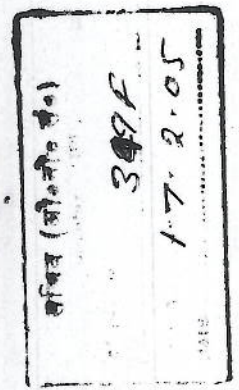
Secy. Meeting conducted. Minutes appd.

M/C
19/2/05

J.S (S.I) - in meeting

US (YPV)
16/2

SO (IPR II)



The proposal on this file relates to the appointment of Technical Member in the Intellectual Property Appellate Board (IPAB) in the pay scale of Rs. 22,400-600-26,000/-.

2. The Selection Committee which met on February 18, 2005 recommended the following panel, in order of merit, for appointment to the post of Technical member with the stipulation that if the candidate at Serial No. 1 did not join, the candidate at Serial No. 2 would be appointed.

1. Shri Syed Obaidur Rahaman
2. Smt. Malati J. Jhaveri.

3. We may now write to Shri Syed Obaidur Rahaman to furnish the following for verification: -

- (a) 5 copies of attestation forms duly filled (attestation forms are enclosed)
- (b) certificate showing date of birth (in original)
- (c) certificates of educational qualifications (in original)
- (d) certificate showing date of enrolment as an Advocate from Bar Council (in original); and
- (e) list of reported cases involving trademark in which he has appeared as advocate in a High Court or Supreme Court with full citations.

4. However, in respect of Smt. Malati J. Jhaveri we may request only to ^{furnish the} duly filled in attestation forms as we are having the other particulars that may be required. This is because she is the 2nd candidate that has been recommended by the Selection Committee that met on 29-01-2004 for the post of Technical Member, the proposal for which had already been forwarded to DOPT for obtaining the approval of Appointments Committee of the Cabinet.

5. Fair letters are placed below for signature of US (YPV), if approved, pl.

1109 - US(YPV)/05
18/2

US(YPV)

DUR (RR)

heena
18/2/05
D. Jhaveri
18/2/05

Rangan
18/2/05

US(SJ)
↗

DUR (RR)

he
21/2/05

Megh
Kishor

318/JJ(SJ)/05
21-2

US(YPV)

RE Issue

21/2

SO (IPR II)

SP. No. 13(R) PP. 57/c.

✓ FR

We have received the attestation forms (duly filled in) for character and antecedent verification from Smt. Malati J. Thaveri.

2. We may write to the Commissioner of Police, ^{Mumbai} and Ministry of Home Affairs for verification of character and antecedents of Smt. Thaveri.

3. ~~Enclosed~~ ^{DFA-I} and DFAII, Pl.

SPd
2/3/05

~~SO (IPR II)~~

Keena,
3/3/05
~~Basant~~
3/3/05

~~1229-45(YPV)105~~
3/3

~~477/DS(PLK)105~~
3/3

~~US(YPV)~~

~~DS(PLK)~~

~~PLKam~~

~~3/3~~

~~US(YPV)~~

Round 2
letter at p 49c
US No. 1.

~~4~~
4/3

SO (IPR II)

SP No 14 (E) PP 66-67/c

SP No 15 (E) PP. 68/c.

Reference :- US (YPR) minutes on prepage.

Reminder I to Shri Syed Abaidur Rahaman
for furnishing the requisite documents is placed
below for signature, if approved, pl.

~~SOP~~
07/03/05

~~SO (IPR-II)~~

~~Seen~~
7/3/05

~~US (YPR)~~

(Please kindly per ~~use~~)

~~Seen~~
7/3/05

1255-US (YPR) 105
7/3

~~DS (PL) (L) - on tour~~
14.3.05

~~Seen~~
14/3

576/DS (PL) 105
14/3

~~US (YPR)~~

~~Seen~~
14/3

SO (IPR II)

Sl No. 17(R). PP. 70/C.

Shri Obaidur Rahman, Advocate, Kolkata High Court has forwarded the attestation forms for character and antecedent verification. However, he has not got "Identity Certificate" signed. Therefore, we may return the "attestation forms" to get it completed.

2. Fair letter is placed below for signature of US (YPV), Pt.

703/D/IR/8/05
18/3

SPD
17/3/05

SO (IPR-11)

Beena
18/3/05

1349-US(YPV)/05
18/3

US (YPV)

(P/S) attestation forms

Identity certificate is required to be signed by

one of designated officer

(to) by kindly see to

D/r (RSTJ)

Beena
18/3/05

US (YPV)

Amr
18-03-05

S.O. (IPR-11)

Sms (PCT) 7/1/05

P. Mani
Sh R. K

Complete Identity Certificate from Shri Syed
Obaidur Rahman is still awaited in connection
with appointment to the post of Technical
Member in IPAB. We may remind ~~to~~
him. A draft letter is placed below for approval
please

Chauhan
1-4-04

So a line
US(4PV)

Approved
11/4/05

SO (IPR II)

A fair letter is placed below for sign please.

Chauhan
1-4-04

So a line
US(4PV)

Approved
11/4/05

Sno 20(7) Page 72/107

Identity Certificate from Shri Syed Obaidur Rahman
has not been received so far. We may remind him
again. We may send reminder on both official
as well as residential address. Two letters are
placed below for approval/sign please.

Chauhan
12/4/05

SO (IPR-II)

SIPP's directions at Reference "Y" at Flag A.

"Attestation Form" received from Shri Syed Obaidur Rahman were not complete. Therefore, his attestation form was returned vide this Department's letter dated 17th March, 2005 with request to complete the Identity Certificate and send the complete attestation form to this Department urgently. A reminder was issued on 1st April, 2005. We have not received a reply from his so far.

2. As the selection process is being delayed, we may remind the applicant again to send the "Identity Certificate" complete in all respect by 21st April, 2005. He may also be informed that if the complete form is not received by the given deadline, his nomination may be cancelled.

3. Accordingly, a draft letter is placed below for approval/signature please.

✓
✓
✓
12/4/05

1249/01RSJ05
13/4

Chauhan
12/4/05

~~SO (IPR-II)~~

Keena
12/4/05
~~Keena~~
13/4/05

~~us (YPR)~~

D/10 (RS J)

13.04.05

1596-46(YPR)05
13/4

~~us (YPR)~~

13/4/05

~~SO (IPR-II)~~

Draft letter placed below for signature pl.

Keena
13/04/05
~~Keena~~
13/4/05

~~us (YPR)~~

SO (IPR-II)

Sl.No.4(R) page 75-88/ cor.

Attestation forms complete in all respects have been received from Shri Syed Obaidur Rahaman. We may now forward the same to the Commissioner of Police, Kolkata and Ministry of Home Affairs, Intelligence Bureau, New Delhi for verification of his Character and Antecedents.

Two drafts are placed below for approval please.

Chaubay
20/4/05

So(CIPR-II)

Keena
20/4/05

Ux(YPV) - on leave

D/S (RSJ)

Ref- Noting as above

Two drafts are placed below for approval please.

Chaubay
25/4/05

So(CIPR-II)

Keena
25/04/05

Keena
28/4/05

Ux(YPV)

D/S (RSJ)

pl. follow it up/went week to DM
25.04.05

Ux(YPV)

Pe see
concerns
on DFA

Format/Proforma has been obtained from EI section which is at flag "B". DFA for consideration please.

Chaubay
26/4/05

So(CIPR-II)

Keena
26/4/05

Ux(YPV)

1370/DIRSDOS
25/4/05

Draft has been compared as per format given by
US(YPV). fair letter is placed below for
signature please.

Chauhan
26/4/05

~~SoCIPR-II)~~

heena
26/4/05

~~US(YPV)~~

SoCIPR-II)
26/4/05

SoCIPR-II)

SNO 5 CI)

92-93/cor

SNO 6 CI)

96/cor

SNO 7CR) 95/101

Attestation form of Shri Syed Obaidur Rahaman was sent to Intelligence Bureau, Ministry of Home Affairs for verification of his Character and Antecedents. The Intelligence Bureau, Ministry Home Affairs had returned the attestation form with remark that "the verification of Character and Antecedents in this regard are not done by IB. This is required to be done by State Police".

2. Attestation form of Shri Rahaman have been sent to Police Commissioner, Kolkata for verification on 26.4.2005. Reply is awaited. Earlier in case of Shri M.K. Chakrabarti, who was selected for the post of Technical Member, we had sent the attestation form to Intelligence Bureau, Ministry of Home Affairs, who returned the same after verification (Flag 'A'). It is for orders whether we may ask IB to verify the character and antecedents of Shri Syed Obaidur Rahaman, again.

3. We may send a reminder to the Police Commissioner, Kolkata to expedite the report. A draft letter is placed below for approval please.

1703/DIRSS)05
11/5

Chakrabarty
11/5/05

SO CIPR-IP

Keena
11/05/05

US(YPV) - on leave

Di (RST)

Send by fax. Please obtain phone number and name of the Police Commissioner in a day or two.

US(YPV)
12/5

Mr
11.05.05

1861-US(NP)105
12/5

SO (EPR)

Letter has been issued by speed post as well as by fax. The following information has been obtained from Bengal House

- 1- Name of Police Commissioner Shri P. Mukherjee
- 2 Phone No 033-22145060
- 3 Fax No 033-22145424

SO (EPR)
Chakrabarty
12/5/05

Chakrabarty
12/5/05

US(YPV)
So on leave

Keena
11/5/05

Di (RST)
Seen. Thank.

Attestation form of Shri Rahaman was sent to Police Commissioner, Kolkata on 26th April 2005 Page 92/100 for verification. A reminder was also sent on 11th May, 2005 by Speed Post and by fax. This Dept. has not received any response so far. We may remind him again. A draft reminder is placed below for approval please. Page 98/100

Chakrabarty
26/5/05

So (IPR-II)

Keena
26/05/05

1942/DIRSJJ/05
26/5

~~UJ(VK)~~ He may consider reminding the Commission of Police, Kolkata as per d/s.a. placed below pl.

DIR(RSJ) also desired to speak to the Commission of Police to get the matter expedited. Particulars of Commissioner are as under:
Sh. P. Mukherjee, Commissioner of Police
Tel: 033-22145060.

Submitted pl.

Adv. GMR
26.5.05

DIR(RSJ)

DM
26.05.05

UJ(VK)

ok
27/5
IPR-II

We have not received Police verification in respect of Shri Rehman in spite of repeated reminders. We may again send a reminder to Police Commissioner, Kolkata to expedite the report. A dfa please.

Chaubay
13/6/05

So (IPR-II)

Beena
13/6/05

Pl-issue.

Thereafter re-submit the file so

that I may speak to the concerned officers in Kolkata Police.

Beena
13/06/05
DS(TCS)

US(UK) - On tour

So (IPR-I)

14
14/06/05

SM10(I) Page 100/00

461-DS(TCS)105
13/6

Beena

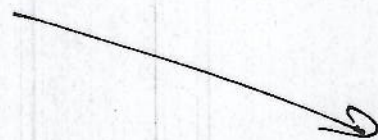
As directed, the file is re-submitted. The name and phone NO of Police Commissioner, Kolkata is mentioned on Page 19/ante.

Chaubay
14/6/05

So (IPR-IP)

Beena
14/06/05

US - on tour
DS(TCS)



Commissioner of Police, Kolkata was requested *vide* letter dated April 26, 2005 (pp.92-93/cor.) to furnish report on verification of character and antecedents of Shri Syed Obaidur Rahaman, Advocate selected for the post of Technical Member in the Intellectual Property Appellate Board (IPAB). Despite three reminders, the report is yet to be received. Attempts to speak to the Commissioner of Police on telephone (No.033-22145060) were not successful. Therefore, a draft D.O. letter from JS (NNP) to Commissioner of Police, Kolkata is submitted for consideration.

DFA

T.C. James
(T.C. JAMES)
Deputy Secretary
17.06.2005

1073-JS(NNP)
17/06/05
514-JS(NNP)105
17/6

~~JS (NNP)~~

Kindly fax as well as send by courier.

NW
17/06/05

~~JS (NNP)~~

17/06/05

~~JS (NNP)~~

17/06/05

IPR-II

Reference DS(TCJ)'s note at F/X

The police verification report in respect of Shri Syed Obaidur Rahaman, Advocate, the selected candidate for the post of Technical Member, IPAB has not been received yet despite five (5) reminders. As directed draft D.O. to the Resident Commissioner (Ph. 23344269), Govt. of West Bengal, New Delhi and to D.G.(Police), West Bengal is placed below for consideration (DFA-1 & II) pl.

beena
15/07/05

us(vk)

Amr
15.7.05

DS(TCJ)

Access
15/07/05
Pl. following paper the letters are issued.
NW
15/7/05

DS(NNP)

ALUT

780-DS(TCJ)105
1577

ok
19/7
19/07
US(VK)
DR-II

Sno 12 (F)
Sno 13 (F)

102-103/05
106/05

Ref: FR.I

The police verification in respect of Shri Syed Obaidur Rahaman, a candidate for the post of Technical Member in Intellectual Property Appellate Board has been received from Office of Commissioner of Police, Kolkata. In the report the following has been stated:

- (i) The identity of the Subject could not be verified on the point of jurisdiction.
- (ii) As regards verification of educational qualifications, of the Subject within Kps jurisdiction, the studies of B.SC. B.A. and L.L.B could not be verified for want of copies of relevant mark-sheets.
- (iii) As regards verification of previous services of the Subject, it is stated that the employments mentioned under Col.11 (a) (ii) & (iii) of the attestation form could not be verified as the concerned organisations were not found located at the given addresses.

2. However, they have stated that Shri Rahaman does not figure on the records of Kolkata Police as per supplied particulars. They have suggested that Attestation Form of Shri Rahaman may be forwarded to the District Magistrate, South 24- Parganas, Alipore, Kolkata for identification and other study verifications.

FR.II

This has been received from Special Branch Kolkata Police. They have stated that the Attestation Form of Shri Syed Obaidur Rahaman has been forwarded to the Spl. Supdt. Of Police(C), Intelligence Branch, West Bengal, Kolkata for necessary action. They have informed that all future correspondence, if necessary, may kindly be made with that officer direct.

Submitted for orders please.

Clayton
26/7/05

SO (IPR-IT)

Keena
26/07/05

902-DSC/CR/105
26/7
27

US(VK)
We may await
West Bengal
be immed.

May kindly see. for the time being
receipt of report from S SP, IB,
for which a reminder could

Pl. discuss
26/07
US(VK)
Discussed
27/07

DSC/CR

Yes, PL

Over signed
26.7.05

Keena
07.07.02

US(VK)

Dr
27/7
US(VK)
27/7

25 -

Ref. previous meetings.

Office of Police Commissioner has suggested to send a copy of Affidavit Form to D.19 Gu. Parganas, Alipur Kolkata and to have correspondence with the Spl. Puper. Intelligence Branch Kolkata for verification in respect of Shri Rahman. We may send a reminder to Intelligence Branch Kolkata and may forward a copy of Form to Spl. Puper. DFA Head

Chakraverty
1/8/05

Dr. G. IPR-IPJ

Beena
2/8/05

US (JKS)

DS (TCS)

Do
3/8/2005

956-DS(TCS)105
2/8

US (JKS)

Beena
4/8/05

IPR-II
2/4/8

10081 DS(TCS)105
4/8

The Police verification report in respect of Shri Rahaman, has not yet been received we may remind the Special Assistant of Police Kolkata and DM, Serpangas. Accordingly off. please.

Chakravarty
26/8/05

FO (IPR)

Beena
26/08/05

US (IPR)

DSC (TCT)

[Signature]
26.8.2005

[Signature]
26-08-05

US (IPR)

IPR-II

[Signature]
26/8

1196-DSC(TCT)/05
26/8

-97-

Sno 20 (R) 716/Cor

Report of Kolkata police in respect of Shri Syed Obaidur Rahaman may be seen at page 24/ante. (Pg. 107-110/Cor).

Special Branch Kolkata Police had informed that the Attestation Form of Shri Syed Obaidur Rahaman has been forwarded to the Spl. Supdt. Of Police(C), Intelligence Branch, West Bengal, Kolkata for necessary action and all future correspondence, if necessary, may kindly be made with that officer direct.

Accordingly, we made two correspondences with the Special Superintendent of Police (c) Intelligence Branch, Kolkata, for verification of character and antecedents of Shri Rahaman. They have informed that they have already sent their report to the Commissioner of Police, Kolkata vide their letter dated 7.7.05. The office of the Commissioner of Police, Kolkata sent their report to this Department on 11.7.05. Therefore, the report sent by office the Commissioner of Police, Kolkata, may be taken as final.

However, Office the Commissioner of Police, Kolkata, suggested to send a copy of Attestation Form to the D.M. South 24 Parganas, Alipore, Kolkata for identification and other study verifications. Accordingly Attestation Form was sent and response from D.M. Alipur is awaited.

Submitted please.

Chauhan
8/9/05

So CIPR

Sen
6/9/05

us (JKS) We may await D.M. South 24 Parganas report and in case no reply is received by 10th Sept, 05, a reminder may go.

[Signature]
7.9.2005

JSC T/J

Ref. Note above.

The report we received from office of the Commissioner of Police, Kolkata state that the identity of the subject could not be verified on the point of jurisdiction. It further stated that the previous source of the person also could not be verified as the

VFRJ

P. 111/Cor

X PUC

X P. 107/Cor

Abdus...
7/9
US (JKS)
Discovered
1284-DS (TCS) 7/5
7/9

From pre-page

concerned organisations were not found located at the addresses given. We may send one more reminder to DM, South 24 Parganas, Alipore and if no report is received in a fortnight's time, submit the file for obtaining SIPP's orders for processing the case of the second selected candidate name.

11/9/05

Submitted for present information, pl. as the IPAB currently has only the chairman in position.

~~JS (NIP)~~ PL follow up. Heena
NH 07-09-05
Station

11/9/05
US (JKS)

Ref. above! -
For signature pl.

~~US (JKS)~~
US (JKS)
US (JKS)

Heena
12/9/05
Heena
12/9/2005

1291-DSC(TC)105
873
2398/SSC(NIP)S
843

1 PR II
2/9/9

Heena
1341-DSC(TC)105
173
1 PR II
2/12/9

Ref: pre-page noting

The Selection Committee consisting of Secretary (IPP) as Chairman and Secretary(Legal Affairs) & Secretary (DOPT) which met on February 18, 2005 recommended the following panel, in order of merit, for appointment to the post of Technical Member with the stipulation that if the candidate at Serial No. 1 did not join, the candidate at Serial No. 2 would be appointed.

1. Shri Syed Obaidur Rahaman
2. Smt Malati J. Jhaveri

2. Accordingly, Attestation Forms were sent to applicants. The Attestation Forms, duly filled in by the candidates, were sent for police verification to their respective States. The Attestation Form of Shri Syed Obaidur Rahaman was sent to the Commissioner of Police, Kolkata on 26th April, 2005 for verification of his Character and Antecedents. After several reminders the report which we received from Office of the Commissioner of Police, Kolkata states that the identity of the subject could not be verified on the point of jurisdiction. It further states that the previous service of the person also could not be verified as the concerned organisation was not found located at the address given in Attestation Form. In the report it was suggested that Attestation Form of Shri Rahaman may be forwarded to the District Magistrate, South 24-Parganas, Alipore, Kolkata for identification and other study verification.

3. A letter was sent to DM, Alipore, West Bengal on 5th August, 2005 for identification and other verification. Last reminder was issued on 12th September, 2005. We have not received any response from District Magistrate, South 24-Parganas, Alipore, Kolkata so far.

4. Therefore, as stated in para (1) above, we may solicit the approval of Secretary (IPP) for processing the case of the second selected candidate viz Smt. Malati J. Jhaveri, whose police verification we have already received. The IPAB currently has only the Chairman in position.

Page 9/600
 Page 119/600
 Page 117/600
 Page 121/600

Chauhan
5/11/05

So (IPP)

Keena
5/10/05

1629-DS(TC-T)/05
 6/10
 2715-33(CNND)05
 10/10/05

us (IRs)

DS(TC-T)

5.10.2005

J S (NND) for return

6.10.05

he should make one more attempt to get the verification done. Pl. connect me to DM, South 24 Parganas, Alipore or also the Police chief of 24 Parganas, Alipore.

137/10
 SO (IPP II)
 Kachowdy
 13/10
 us (IRs)

M/IRs

Mh
10/10/05

Reference JS(CNND)⁻³⁰⁻'s directives on P.29/ante
The following information have been collected
from Resident Commissioner, W. Bengal.

Name of D.M., 24. Parganas, Alipur, West Bengal

Smt. Roshani Sen

Tele. No 033-24793713

24793456

Fax No 24793456

Name of Police Chief of Alipur

Shri S. Gupta

Tele. No 033-24793333

24793330

Fax No 2479126

Chakraborty
13/1/05

As a lead

US(JKS)

PS to JS(CNND) may pl get the
conversation of JS with the above two officials
on their phone numbers, as desired by JS(CNND)

[Signature]
13/1/2005

PS to JS(CNND)

Pl. connect

MH

13/1/05

PS

4/US(JKS)/05
13/1/05

Ref. Notes on Pp 73/ante

One post of Technical Member (Trade Marks) is lying vacant in IPAB. The Hon'ble High Court, Delhi, on 20.10.2005 while hearing a W.P. filed by CMTE Development Ltd. against the decision of Controller of Patents, on a prayer to issue a writ of Mandamus or any other appropriate writ / order directing respondent Union of India through Secretary, DIPP to appoint Technical Member in IPAB to hear the appeals against the decisions of Controller of patents, has directed that the post of Technical Member be filled within a period of One month.

2. It is stated that the Selection Committee which met on 18.2.2005 has selected Shri Syed Obaidur Rahman for appointment to the post of Technical Member, in IPAB, However, further action for obtaining the approval of the ACC and issue of offer of appointment are pending for want of the verification report on his character and antecedents from the Govt. of West Bengal in spite of several reminders sent on dated 11.5.2005, 26.5.2005, 13.6.2005, 17.6.2005, 18.7.2005, 5.8.2005 and 26/8/2005. The matter has also been taken up with the Commissioner of Police and the District Magistrate of 24 Parganas, West Bengal. Shri Rahman's character & antecedents verification report is not forthcoming and the selection process for this post, which requires approval of ACC, is at stand still at present. In these circumstances the only option to meet the Hon'ble Court's deadline appears to fill this post by treating the case of appointment of Shri Rahman as closed and offering the post to the next candidate on Panel namely Ms. Malti J. Jhaveri, whose character, antecedents verification report has already been received. (P.121/cor). IB(MHA) have also sent a clear report about her (P.120/cor).

3. It is pointed out that as per the IPAB (Salaries, Allowance payable to and other terms and condition of Chairman, Vice-Chairman and Members) Rules, 2003, the post of Member Technical (Trade Marks) has a pay scale of Rs. 22,400 - 26,000/- and the applications, under consideration on this file were invited with the pay scale prescribed in the above Rules i.e. Rs. 22,400-26,000/-. It is pertinent to note that Ministry of Finance, Deptt. of Expenditure has separately concurred creation of a post of Member Technical (Patents) in the pay scale of Rs. 22,400-24,500/-. With a view to draw parity in the pay scales of Member Technical (Trade Marks) and Member Technical (Patents), it is necessary to amend the IPAB Salary and Allowance Rules 2003 for Chairman, Vice-Chairman, Member. Since the proposed amendment to rules needs prior publication to invite objection / suggestions and may take more than one month, it is for consideration whether the candidate selected for the post of Member Technical be offered the post in the pay scale agreed by Ministry of Finance, Deptt. of Expenditure for Member Technical (Patents) i.e. Rs. 22,400-24,500/- so that the deadline to fill this post in one month fixed by Hon'ble Court is met. Objections, if any from the selected candidate about the scale for the post advertised and offered could be sorted out later. This way at least the selection process will not remain stand still.

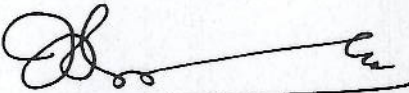
4. In view of the facts explained in preceding paras and to meet the deadline fixed by Hon'ble Court, kind approval is solicited for the following course of action:-

1. Closure of the selection process for the appointment of Shri Syed Obaidur Rahman to the post of Technical Member (Trade Marks)
2. Offering the post of Technical Member (Trade Marks) to Mrs. Malti J. Jhaveri the next candidate on Panel.
3. seeking quick approval of ACC to appoint of Ms. Malti J. Jhaveri. as Member Technical.
4. Requesting E.O. to get the approval of ACC at the earliest.

Pp 46-47/cor
 P. 101/cor
 P. 102/cor
 P. 103/cor
 P. 104/cor
 P. 113/cor
 P. 114/cor
 P. 115 & 117/cor
 P. 121/cor
 X 8/A
 4 8/B
 X 8/C

5. Offering the post of Technical Member to Mrs. Jhaveri in the pay scale of 22,400-24,500 before 10th November 2005.
6. Initiating process for amendment in the IPAB salary & Allowance Rules, 2003 to bring parity in the pay scale of Technical Member (TM) and Technical Member (Patents).

A [5. If the above course of action is agreed, kind approval of C&IM may kindly be solicited for the closure of selection process to appoint Shri Rohman as Technical Member, appointment of Ms. Jhaveri to the post of Member Technical (Trade Marks), obtaining approval of ACC, etc.


24.10.2005

DS (TCJ) on leave
JS (NND)

86/US(JKS)/05
24/10
2718/JS(NND)/05
24/10

(for page)

33

Under consideration on this file is a proposal to fill up the post of Technical Member (Trade Marks) in the Intellectual Property Appellate Board.

On 20th October, 2005, the Hon'ble High Court of Delhi while hearing a writ petition filed by CMTE Development Ltd., directed that the Central Government should appoint the Technical Member (Trade Marks) in IPAB within one month.

The Selection Committee for the said post vide its order dated 18th February, 2005 recommended the following panel, in the order of merit, for appointment to the post of Technical Member with the stipulation that if the candidate at Serial No. 1 did not join the candidate at Serial No. 2 would be appointed;

- (i) Shri Syed Obaidur Rahaman
- (ii) Smt. Malati J. Jhaveri.

Despite best efforts, we have been unable to obtain the character/antecedents verification report with respect to candidate at Serial No. 1, Shri Rahaman. The verification in respect of candidate at Serial No. 2, Smt. Malati J. Jhaveri, has been received.

In the circumstances explained above, it is proposed that we may seek the appointment of candidate at Serial No. 2, Smt. Malati J. Jhaveri as Technical Member (Trade Marks) through the ACC route.

Kind approval of CIM is solicited for the same.

N.N.
 (N.N. PRASAD)
 Joint Secretary
 October 24, 2005

Secretary (IP&P)

Given to
27/10

~~CIM~~

Rec to discuss

Sy. /PP

Remanded
26/10/05

Discussed. In open with evg
the candidate postponed.

Given to
27/10

215/JS (IP&P)/6
24/10

Office (IP&P) No.	2634-F
Date	25-10-05

Cy Minister Office
 DA No. *3722*
 Date *25/10/05*

1955-DSCTCS/105
3/11

Noted. file
11/11

3/11
JS (IP&P) (onmt)
N.N.
Sharma

Reference Notes on pre-page.

2. A copy of the formal order of the Court containing details of the proceedings of 20.10.2005 is placed below. The Court has, *inter-alia*, directed that the existing vacancy of Member Technical (Trademarks) be filled up in one month's time. It is submitted that we may take action on priority basis in order to avoid any contempt of the Court.

3. A selection committee comprising Secretary (IPP), Secretary (Legal Affairs) and Secretary (Personnel & Training) recommended the following panel indicating also that if the candidate at Sl. No.1 did not join the candidate at Sl. No. 2 would be appointed:

- 1) Shri Syed Obaidur Rahaman
- 2) Smt. Malati J. Jhaveri

4. In view of the fact that despite our best efforts we have not been able to get the character and antecedents verified in respect of Shri Rahaman and keeping in view the urgency to comply with the Court orders, we may consider appointing Smt. Jhaveri.

5. A copy of CV of Smt. Jhaveri is placed below. She holds a Bachelor's degree in Law and is a practising advocate for over 30 years and handled IP law cases, motor accident claim cases, etc. In the field of Trade Marks, she is handling cases including filing of applications, opposition, and application for rectification and attending all pre-registration and post-registration matters in the Trade Marks Registry apart from handling suits for infringement and passing off, appeals from the orders of the Registrar of Trademarks.

6. In view of the position explained above, it is submitted that we may cancel the selection of Shri Rahaman and issue appointment to Smt. Jhaveri as Technical Member (Trademarks). Kind approval of C&IM may be solicited before the proposal is referred to DoPT for obtaining the approval of ACC. Efforts would be made to secure the approval of ACC by 20.11.2005.

Vinod Kumar
(Vinod Kumar)
Under Secretary
10.11.2005

X - for kind approval of C&IM.

~~DS(TCJ) - on tour~~

~~JS(NNP)~~

NW
10/11/05

Sy, IPP

Sy, Legal
10/11

C & I M

D. K. Singh

10/11/05

Sy, IPP

14/11

JS

NW
14/11/05

Today

JS

14/11
(KS)

4105/JS(Admin)/012
10/11

सचिव (जी.टी.सी.) Secretary (IPP)
आपकी सं. 28392
दिनांक 10-11-05

2019-DS(TCJ)105

Dr. P. I. Minister Office
Date: 10/11/05

US/A

US/B

AS/C

X

Ref Pre-page noting

CIM has approved the name of Smt. Malati J. Jhaveri for appointment of Technical Member in IPAB. Now we may forward the proposal of Smt. Malati J. Jhaveri, for appointment to the post of Technical Member to ACC for approval. *as per draft d.o.*

The proposal in the prescribed proforma is placed below for approval/signature of JS(NNP), please.

S/JS(NNP)/07
14/11/05

Chaubey
14/11/05

S/CIPR

Keena
14/11/05

WJ(TKS)

DS(TCJ)

[Signature]
14.11.2005

[Signature]
14.11.05

JS(NNP)

[Signature]
14/11/05

DSL/JS1

JSCNND spoke to E.O. and requested him for expeditious clearance of Acc proposal in view of the court directive. The undersigned then went and personally delivered the papers in the O/o of E.O. explaining the background and urgency of the matter.

Please personally follow up the matter.

[Signature]
16.11.05

WJ(TKS)

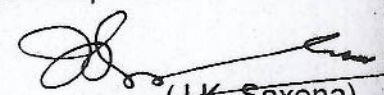
We are considering on this file a proposal to fill up a vacant post of Member, Technical, IPAB.

2. On 20.10.2005, the Hon'ble High Court of Delhi while hearing a writ petition filed by CMTE Development Limited, directed that the Central Government should appoint the Technical Member (Trade Marks) in IPAB within one month. A copy of the formal order of the Court containing details of the proceedings of 20.10.2005 is placed below.

3. In order to obey the orders of the Hon'ble High Court, kind approval of C&IM has been obtained for appointment of Mrs. Malati J. Zaveri as Technical Member (Trade Marks). The proposal has been referred to DoPT on 16.11.2005 for obtaining the approval of ACC. It has been specifically mentioned in the letter to EO that in view of Hon'ble Court's directives, the approval may be conveyed early to enable this Department to issue the letter of Appointment to Mrs. Zaveri within the time prescribed by the Hon'ble High Court in order to avoid contempt proceedings. Concerned officers of DoPT have also been consulted personally to expedite the approval of ACC. They have, however, advised that it is beyond them to ensure that ACC approves this case within two days. In view of the procedure involved, it is quite likely that it may take some more time before the approval of ACC [if the High-Powered Committee, so decides to approve the proposal to appoint Mrs. Zaveri as Member Technical (Trade Marks) IPAB] is received. In the circumstances, there is no other option but to file a Miscellaneous Petition before the Hon'ble High Court of Delhi seeking an extension of time of about 2 months to obey the orders of Hon'ble High Court to fill up the post of Member, Technical (Trade Marks), IPAB. If the above course of action is approved, the Ld. Additional Solicitor General of India be requested to file or to move a Miscellaneous Petition before the Hon'ble High Court of Delhi in this regard. Submitted for consideration and approval please.

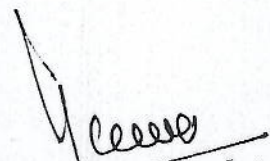
8/A
x 134 parts
x 11/11/05

<an affidavit x


(J.K. Saxena)
Under Secretary
17.11.2005

2069-DSC(TCS)/05
17.11.05

~~DS(TCJ)~~
~~JS(MNP)~~
X- for approval
NH
17/11/05


17.11.05

Key: ipa
~~JS(MNP)~~
NH
18/11

4203/JS(MNP)/05
17/11/05

AS(T/S)
18/11
USC JSKJ

Stamp: 29/15 f, 18.11.05

Ref. notes on pre-page

As discussed. A draft d.o. letter to CGPDTM to file a Misc. petition or an Affidavit before Hon'ble High Court of Delhi praying for extension of time to comply with its order is placed below for consideration/approval pl. A statement of facts of the steps taken to comply with the Hon'ble Court's orders is also placed below for approval pl.

DSC (FCJ)

US (JKS)

Do
18/11/2005

Mcceer
18/11/05

This file concerns the proposal for the appointment of Smt. Malati J. Jhaveri as Technical Member under the Trade Marks Act, 1999 in the Intellectual Property Appellate Board (IPAB), Chennai. The proposal is under submission to the Appointments Committee of the Cabinet (ACC). Today I spoke to Shri K.S. Achar, Deputy Secretary in the Office of Cabinet Secretary and requested his help in expediting the clearance of ACC.

217/DS(705)/05
5/12/2005

4440/2011/1991
5/12/05

6/12/2005
NR II

JS(NNP)

Dear, Thanks - Pl- follow up.

MJ
6/12/05

6/12/05

9/12
6/12/05

(Handwritten signature)

(T. C. JAMES)
Deputy Secretary
5 December, 2005

This file concerns the proposal for the appointment a Technical Member under the Trade Marks Act, 1999 in the Intellectual Property Appellate Board (IPAB), Chennai. The proposal is under submission to the Appointments Committee of the Cabinet (ACC). Today I spoke to Shri K.S. Achar, Deputy Secretary in the Office of Cabinet Secretary again. He told me that the ACC had approved the appointment of Shri Syed Obaidur Rahaman, instead of Smt. Malati Jhaveri whom this Ministry recommended, as Technical Member after getting the character and antecedents verified. The official communication conveying the decision of the ACC will be issued by the Office of the Establishment Officer. We will get it collected personally.

Meanwhile, it is also understood that the petition filed by this Department seeking extension of time for implementation of the orders of the Hon'ble High Court is coming up for hearing today. The counsel said it would not be necessary for any officer to be present in the court but that it should be ensured that the appointment is made w within the extended time sought. However, I have requested Shri B.P.Singh, Assistant Controller of Patents and Designs in the Patent Office who has been handling this case to be present in the court and inform me of any development immediately.

Submitted for information, pl.

James
(T C JAMES)
Deputy Secretary
20th December, 2005

~~JS (NNP)~~

MS

MS

~~H (TCS)~~

MS
20/12

US (JRS)

2399-DS(TCS)105
20/12

4628/JS(NNP)/05
28/12/05

Ref. Note on pre-page.

Shri B.P. Singh, Assistant Controller of Patents & Designs had gone to the High Court today and contacted Shri J.P. Singh, the Central Government Counsel, who informed him that the petition had come up as item 28. The Hon'ble High Court was kind enough to give extension of time upto 20th January, 2006 for implementation of the orders regarding appointment of Technical Member under the Trade Marks Act, 1999. The written orders of the Court are awaited.

Submitted for information, pl.

[Signature]
F C JAMES)
Deputy Secretary
20th December, 2005

4628/38 (amp) of
20/12/05

~~JS (NNP)~~

NW
20/12/05

~~MS (CT)~~

20/12

~~US (FRS)~~

2399-DS (CTE) of
20/12

21/12
IPR-II

Ref. Notes on pp 31-34/ante and FR.

It is stated that a Selection Committee (on 18.02.2005) had earlier selected Shri Syed Obaidur Rahaman for appointment to the post of Technical Member, IPAB. Accordingly, Police Authority of Government of West Bengal was requested for the verification of his character and antecedents. Since, the verification report of the character and antecedents of Shri Rahaman was not forthcoming and the Hon'ble High Court had fixed a deadline for filling up the post, kind approval of C&IM was obtained for closure of the selection process for appointment of Shri Rahaman to the post of Technical Member (Trade Marks) and selection of Ms. Malati J. Jhaveri as Technical Member (Trade Marks) as her character, antecedent verification report was already available.

2. With a view to meet the deadline fixed by the Hon'ble High Court of Delhi to fill up the post of Technical Member (Trade Marks) within a period of one month, a proposal was sent for consideration of ACC with the approval of C&IM for the appointment of Smt. Malati J. Jhaveri as Technical Member (Trade Marks) on 16.11.2005. The ACC has, however, approved the appointment of Shri Syed Obaidur Rahaman to the post of Technical Member in the Intellectual Property Appellate Board in the scale of pay of Rs. 22,400 - 24,500 from the date of assumption of charge of the post until he attains the age of 62 years or until further orders whichever is earlier subject to confirmation of satisfactory character, antecedents. The ACC has directed that order would be issued only after obtaining the antecedent verification certificate.

3. Pending receipt of ACC's approval, for the appointment of Technical Member, IPAB, an affidavit was filed before the Hon'ble High Court with the request for grant of extension of time by two months to meet the deadline for appointment of Technical Member, IPAB. The Hon'ble High Court is stated to have granted the extension of time upto 20.1.2006. The written order of the court is awaited.

4. Now, the ACC has approved appointment of Shri Syed Obaidur Rahaman to the post of Technical Member in the IPAB subject to confirmation of satisfactory character antecedents, The DM of 24 Parganas, West Bengal and the Police Chief of Alipur may be requested for submission of an early verification report, JS(NNP) may also like to speak to DM and Police Chief so that the offer of appointment is issued to Shri Rahaman before the expiry of extended period of deadline fixed by the Hon'ble High Court.

Submitted please.

~~DSC(TCJ)~~
~~JS(NNP)~~

~~Access~~
21.12.05

[Signature]
21.12.2005

X - This process has been attempted in the past but absolutely no success. Pl. direct an officer from the o/o CLISTM in Kolkata to pursue this matter personally with the concerned authorities and to ~~submit it~~ in 15 days. I would

Atk

P. 47/cor

P. 34/ante
x P. 149-164/cor
FR
P. 185/cor

P. 170/cor

P. 40/ante

489/05 (TKS)/05
21/12

2450/DSC(TCJ)05
22/12

4059/JS(NNP)/05
22/12/05

28/12
ML(JKS)

Phone
message
at 20/12/05

NA

Ref. notes on pre-page.

As directed, a draft d.o. letter to CGPDTM for deputing one of its official from Kolkata Office to liaison with Police Commissioner, Kolkata and DM, 24 Parganas is placed below for consideration. A letter each for DM, 24 Parganas and Police Commissioner, Kolkata is also placed below for consideration.

DSC(TCJ)

[Signature]
23/12/2005

[Signature]
26-12-05

~~JSC(N/P)~~

MU
rephrased

~~A1411~~

Pl. issue

[Signature]
27.12.05

UB(JRS)

2511-DSC(TCJ)205
26/12

FC
~~[Signature]~~
PA

Pl send
By Speed Post

27/12
IPR-11

Issued with
enclosures to
D.M, S.P and
CGPDTM

[Signature]
27/12/05

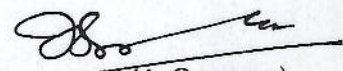
Ref.: Notes on page 36/ante.

In order to obey the orders of Hon'ble High Court to appoint Technical Member (Trade Marks) within one month i.e. before 19th November, 2005, an affidavit was filed before the Hon'ble High Court praying for grant of time of about 2 months as the proposal for appointment of Technical Member (Trade Marks) was pending with ACC. The Hon'ble High Court vide their order dated 20th December, 2005 (unsigned) have allowed the prayer and have also extended the period for appointment of Technical Member (Trade Marks), IPAB by 2 months i.e., upto 20.01.06.

It may please be noted that the ACC has approved the candidature of Shri S. Obaidur Rahaman for appointment to the post of Technical Member (Trade Marks), IPAB subject to getting his character antecedents verified. The DM, South-24 Parganas and SP, Diamond Harbour South-24 Parganas have been requested to get the character antecedents of Shri Rahaman verified and submit their report by 15th of January, 2006 so as to meet the extended deadline fixed by the Hon'ble High Court of Delhi. CGPDTM have also been requested to depute one of his official from Kolkata Office to liaison with the Police Officials and expediting the verified report.

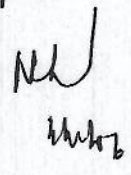
The Hon'ble High Court in its original order dated 20.10.2005 has also directed that Technical Member (Patents) be appointed within 3 months. In this regard, it is stated that a draft Cabinet Note was circulated amongst Ministries of Finance, Law and Justice and the Planning Commission for creation of the post of Technical Member (Patents), IPAB. After incorporating the views/observations of the Ministries/Departments consulted, a Cabinet Note has been submitted on 30.12.2005 to Cabinet Secretariat for obtaining kind approval of the Cabinet for creation of this post. It has been specifically mentioned in the forwarding DO Letter that it may be borne in mind that the Hon'ble High Court of Delhi have fixed a deadline and the post is to be filled before 19th of January, 2006.

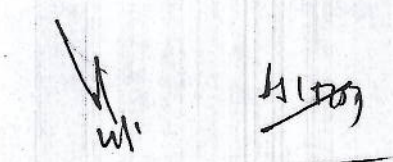
Submitted for kind perusal.


(J.K. Saxena)
Under Secretary
3.01.2006

~~DS(TCJ)~~ ~~J&C(MP)~~ ~~CCU~~
3.1.06

Pr. follow up.




US(TKS)

IP 168 12/10/05

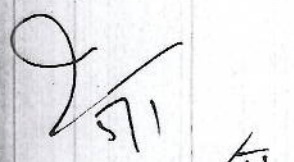
S/B

S/A

4/05 (PKS) /06
3/11

38-DS(TCJ) /06
4/11

25/JS(WND) /06
4/11/06

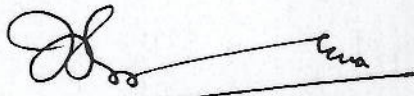

5/11
IPAB II

Ref.: Notes on pre-page.

In view of ACC's directives to issue appointment letter to Shri Syed Obaidur Rahaman as Member Technical (Trade Marks), IPAB after verification of his character and antecedents, SP, PO Diamond Harbour, and DM, South-24, Parganas were requested on 26.12.2005 to get the character and antecedents verified and submit a report at the earliest.

Since the extended deadline for appointment of Member Technical, IPAB is 20th January, 2006, we may if approved request Chief Secretary, West Bengal through a DO Letter from Secretary (IPP), to get the character and antecedents of Shri Rahaman verified on priority.

Submitted please.


(J.K. Saxena)
Under Secretary
5.01.2006

DS(PCJ)

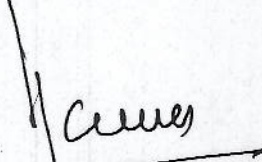
Ref. Note above.

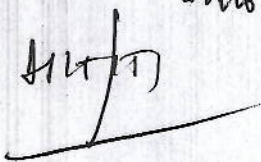
CGPDTM has informed over phone that his officers contacted the DM concerned and that a report would be sent by the D.M. in a couple of days. As they gathered informally the problem seems to be with the verification of the educational records.

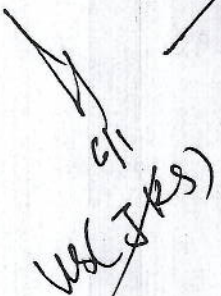
Submitted for information, pl.

~~JSC(NNP)~~

NW
HWS


5-1-06

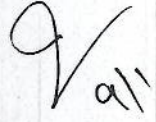




WS(JPS)

29/05/06
9-1-06

88-DS(PCS)106
6/1

53/51/N/ND
6/1/06


a11
IPR II


✓ S/A

Reference notes on pre-page and DOPT's Memo. dated December 20, 2005 conveying ACC's approval to appointment of Shri Syed Obaidur Rahaman to the post of Technical Member in IPAB. The ACC has approved the appointment subject to confirmation of satisfactory character antecedents. The ACC has further directed that order would be issued only after obtaining the antecedents verification certificate.

✓ P.F.R

X []

2. With a view to get the character and antecedents of Shri Rahaman verified, his attestation Forms were sent to DM-24 South Parganas and the S.P. Police Station, Diamond Harbour, South-24 Parganas for getting the requisite verification and early submission of the report. The papers sent to S.P. South-24 Parganas has been received back undelivered from Postal Authorities. However, DM, South-24 Parganas has sent the verification report which may kindly be perused. As may be seen, there is no adverse report against Shri Rahaman, whose identity has been established. However, the report points out that only part of study (M.P.) has been verified but remaining portion of studies (B.Sc. , B.A. and LLB) could not be verified for want of relevant marks-sheets, as per the Police report.

✓ S/B

3. In view of report of D.M. South-24 Parganas, it is for orders whether we may issue order of appointment to Shri Syed Obaidur Rahaman, as Technical Member, IPAB subject to production of original certificates and marks-sheets. It may be pertinent to note the Hon'ble High Court of Delhi had fixed a deadline of one month (20th November, 2005) for the appointment of Technical Member, IPAB, which now stands extended upto 20th January, 2006.

(Signature)
(J.K. Saxena)
Under Secretary
13.01.2006

235-DS(TCS)/06
13/1

~~DS(TCJ)~~

'A' above is for consideration, p.

~~JS(NNP)~~

(Signature)
13.1.06

25/JS(NNP)/06

X - The antecedents of Shri Rahaman have been verified with nothing adverse coming to light.

A - The educational qualifications can be verified at the time Shri Rahaman is to join.

Discussed with SIPP. The educational qualifications must also be verified before we issue the letter of appointment. Pl. take action. *(Signature)*
13.1.06

- In light of the orders of the Delhi High Court, we may issue the order of appointment of Shri Rahaman as Technical Member, IPAB, subject to production of original certificates & marks-sheets.

(Signature)
13.1.06

Ref. notes on pre-page.

We may request Shri Syed Obaidur
Rehman to submit his certificates & marks-
sheets in original by 25.1.2006 for verification
failing which we may consider the other
candidate on panel. D.F. Appl.

Doos
16/1/2006

~~D/R (RST)~~

~~U.S. (JKS)~~

Mr
16/1/06

Reference : Notes on pages 36 and 46/ante.

The proposal under consideration on this file relates to filling up of a post of Member, Technical, IPAB. On 20.10.2005, the Hon'ble High Court of Delhi while hearing a Writ Petition filed by CMTE Development Limited, directed that the Central Government should appoint the Technical Member, IPAB within one month and the post of Technical Member (Patents) be filled up within 3 months.

With a view to meet the deadline fixed for appointment of Technical Member, IPAB, the name recommended by the Selection Committee earlier (which could not be referred to ACC for approval for want of verification report of the character and antecedents of the candidate), was cancelled and approval for appointment of next candidate in panel, Smt. Malati J. Jhaveri as Technical Member (Trade Marks), IPAB was obtained from C&IM. A proposal for appointment of Smt. Malati J. Jhaveri as Member Technical (Trade Marks) was sent to DoPT for approval of ACC with the request to get the approval before the deadline fixed by the Hon'ble Court. The ACC, however, approved the candidature of Shri Syed Obaidur Rahaman and directed that the appointment letter be issued after obtaining the antecedent verification certificate. Since the deadline fixed by the Hon'ble High Court was to end on 20.10.2005, an affidavit seeking extension of time by 2 more months was filed on 21.11.2005 before the Hon'ble High Court of Delhi. *The Hon'ble Court was pleased to grant extension of time upto 20.1.2006.*

In view of the ACC's approval of Shri Obaidur Rahaman's candidature for the post of Member Technical, IPAB, the DM South-24 Parganas, Government of West Bengal was requested to get police verification done expeditiously. CGPDTM, Mumbai was also requested to depute official to liaison with the police authorities of Government of West Bengal. The police authorities have since submitted the verification report. The antecedents of Shri Rahaman have been verified with nothing-adverse coming to light. However, the educational qualifications of Shri Rahaman have been verified partly and the remaining of his studies (B. Sc., B.A. and LLB) could not be verified for want of relevant mark-sheets. In the circumstances, this Department is not in a position to meet the deadline fixed for filling the post of Member Technical (Trade Marks) even within the extended deadline i.e., before 20th January, 2006 fixed by the Hon'ble High Court of Delhi.


This Department has circulated amongst certain Ministries/Departments a draft Cabinet Note for the creation of the post of Member Technical (Patents), IPAB and after incorporation of the views/comments of the Ministries/Departments consulted, a Cabinet Note with the approval of C&IM was submitted for approval of cabinet for the creation of the post of Member Technical (Patents), IPAB. The Cabinet Note came up for consideration of the Cabinet in its meeting held on 12th January, 2006. The minutes of the meeting are, however, awaited. As may be seen from the foregoing in spite of its best efforts, this Department has not been able to fill either the post of Member Technical (Trade Marks) or the post of Technical Member (Patents) within the time frame stipulated by the Hon'ble High Court of Delhi. In case Shri Rahaman is able to submit his original certificates and mark-sheets to the satisfaction of this Department, he will be issued the offer of

Contd....*49*-

appointment otherwise a fresh proposal will be required to be sent for ACC's consideration. In the case of Technical Member (Patents), once the Cabinet's approval is received, an advertisement will be sent to DAVP inviting application within a months time. Thereafter a Selection Committee will draw a panel for approval of C&IM and the character and antecedents of the candidate approved by C&IM will be verified. Then a proposal will be sent to DoPT for ACC's consideration. It is only after ACC's approval that the offer of appointment will be issued. All these steps may need at least 3-4 months. In the circumstances, the only course left is to seek an extension of time of about 4 months to obey the orders of the Hon'ble High Court to fill up both the posts. If the above course of action is approved, the Senior Government Counsel may be requested to file an affidavit before the Hon'ble High Court of Delhi in this regard. Since original WP was handled by CGPDTM, we may request CG to depute Shri B.P. Singh, Assistant Controller, Patents to do the needful as was done by him earlier.

'x'

Submitted for consideration and approval please.


(J.K. Saxena)
Under Secretary
17.01.2006

139/US(JKS)/06
17-1-06

D/r(RSJ)

As proposed at 'x' above, we may seek extension of time of 4 months from the H.C. for furnishing compliance report.

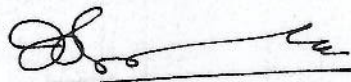
Amr
18.01.06

305/US(JKS)/06
18/1

JS(Comp) NH
18/1/06

Ac/ST/

A draft d.o. along with details of steps taken for implementation of the decision is placed below for consideration & approval.


18/1/2005

Amr
18/01/05

F-183/JS(AWD)/06
18/1/06

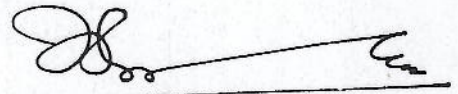
D/r(RSJ)

US(JKS)

Ref.: Notes on pre-page.

As desired by the Senior Government Counsel, a copy each of a chronology of steps taken pursuant to court's directive on 20.10.2005 (also E-mailed) and a brief note on amendment to the Patent Law has been handed over to him for preparation of application for grant of extension of four months time for appointment of "Technical Member (Trade Marks) and Technical Member (Patents). As directed, it was also brought to the notice of Sr. Govt. Counsel that the progress with regard to filling up vacant posts in the IPAB is reviewed at the level of J.S. on a day-to-day basis and substantial progress has been made. The Central Government Counsel prepared an affidavit and an application for filing before Delhi High Court today, the undersigned has signed the affidavit. The application may kindly be perused at Pp.223-227/Cor., which he said would be filing today. Late in the evening his Munshi when contacted informed that the application has since been filed.

The Central Government Counsel has, however, vide his letter dated 20.1.2006 requested that the Additional Solicitor General may kindly be engaged for the application requesting further time. We may, if approved, request Additional Legal Adviser, Ministry of Law & Justice (Litigation Section), Delhi High Court in this regard as per DFA.


(J.K.SAXENA)
Under Secretary
20.01.2006

Dir.(RSJ) In view of paucity of time, US(JKS) had to get the request for extension of time prepared and sign on 20.01.06 in the office of the Central Govt. Counsel. I could not see the application/ affidavit before filing. By and large the application filed is okay and supporting facts would be stated during arguments.

In view of 'x' above, we may request M/o Law to engage ASG for the request for extension of time and further course of action.

J.S.(NND)
Dir.(RSJ)
US(JKS)
23.01.06

Mr
23.01.06

373/DIRS/06
23/1

c. P. 50/ ante

(66/VS/RES)/65
29/1/06

R 230/JS(NND)/66
29/1/06

Today Mr. Chaudhary may take it in hand
PR 9/28/1

Ref: Pre page noting

As the Central Government Counsel requested that the Additional Solicitor General may kindly be engaged for the application requesting further time, a request was made to Additional Legal Adviser, Ministry of Law & Justice, Ligitation Section to engage the Additional Solicitor General, Shri P.P. Malhotra for defending the Union of India.

Regarding the appointment to the post of Technical Member in the Intellectual Property Appellate Board, Shri Syed Obaidur Rahaman was asked by this Department's letter dated 16th January, 2005 (sent by Speed Post) to submit original certificates of educational qualifications and mark sheets by 25th January, 2005 failing which his application would be treated as closed. We have not received any response from Shri Rahaman.

Page 229/108
Page 230/108
A

Clauway
27/1/06

henna
27/1/06

US (TJS)

B I have met the Addl. Legal Adviser Today morning. They will be issuing the letter for engaging A.S.G. by evening. Somebody from IPR-II Section can receive it personally.

Regarding 'A' above, we may perhaps wait for a couple of days more upto 31.1.2006) Thereafter, if Shri Rahaman still fails to submit his original certificate, we may request ACC. for selection of the other candidate on panel.

DS (TCT)

Doon
27.1.2006

B above may go to Doo.

We may submit the file to JS (NIP) on 30.1.06, on his return from town.

US (TJS)

Ceece
27.1.06

Ref. notes on pre-page

M/Law have since endorsed a copy of their letter engaging ASI to appear on behalf of NO1 in this case.

For information pl.

lp 231-232/cm

[Signature]
27.1.2004

DSC(TCJ)

Note on pre-page may pl. be seen.

196/USJKS/06
29/1/06

The Additional Solicitor General (Shri P. P. Malhotra) was briefed on 27.1.06 and 29.1.06. He has again desired to be briefed once the application is listed for hearing in the Court.

Submitted for information, pl.

[Signature]
30.1.06

305-DSC(TCJ)106
30/1

F-275/JS(NNP)/06
30/1/06

[JS(NNP)]

F.No.8(2)/2006-IPR-II
Government of India
Ministry of Commerce & Industry
Department of Industrial Policy & Promotion

Subject :- WP No. 723 of 2006 -- Paul Manufacturing Company Vs. Assistant Registrar of Trade Marks and Others.

Ref: 'PUC'.

Shri Ashok Bhasin, Senior Government Counsel has informed that the petitioner has filed a writ against the registration of Trade Marks "Bonny" in the name of Bonny Care Pvt Ltd. under Trade Marks Act. The petitioner's application for removal of Trade Marks before the Intellectual Property Appellate Board (IPAB) is pending but the IPAB is not functioning. The matter was listed before the Court on 18.1.2006 when the Government Counsel appeared on behalf of Govt of India. During the course of argument, the Hon'ble Court informed that in another matter, the Court has directed that the IPAB shall be constituted and functions within 6 months. The Court further directed the Govt Counsel to enquire from the concerned Department whether the IPAB has been constituted or have started functioning or not within 10 days. The matter was listed again for 25.1.2006. However, no reply was received from the Department with regard to functioning of Appellate Tribunal. The Hon'ble Court in the WP No. 13034 of 2005 had granted two months' time lapsing on 20.1.2006 to appoint Technical Member (Trade Marks). The Hon'ble Court in the present matter had directed if the Appellate Tribunal have not started functioning from 20.1.2006 then on the next date of hearing i.e., 31.1.2006, the Secretary of the concerned Ministry shall remain present before the Court.

It is stated that this Department has come to know only through the letter of Shri Ashok Bhasin, Senior Government Counsel (dated 25.1.2006 received today) about the filing of a WP by M/s. Paul Manufacturing against the non-functioning of IPAB.

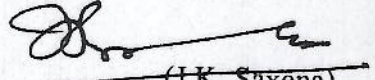
The Hon'ble High Court of Delhi has earlier directed to appoint Technical Member (Trade Marks) within one month and Technical Member (Patents) within three months to the IPAB, Chennai vide its order dated 20.10.2005 passed in WT No. 13034 of 2005 - CMTE Development Ltd Vs. Union of India and Others. On a request filed by this Department, the Hon'ble Court vide its order dated 20.12.2005 allowed two months extension for filling up the post of Technical Member (Patents). While approval of the Cabinet has been obtained for the creation of a post of Technical Member (Patents) the advertisement for inviting application for the post will be published on 30.1.2006. The post of Technical Member (Trade marks) could not be filled up as educational credentials of the selected candidate could not be verified despite best of efforts.

Despite the earnest efforts of this Department and day-to-day monitoring at the level of Joint Secretary, filling up the vacancies of Technical Members in the IPAB, Chennai is taking time on account of reasons beyond the control of this Department. Consequently, a request for further extension of four months' time for filling up the post of Technical Member in the IPAB has been filed in the form of an application before the Hon'ble Court on 20.1.2006. The Senior Government Counsel, Shri J.P. Singh who has filed the application, has however

requested for engaging Additional Solicitor General for the application seeking extension of time. Shri J.P. Singh was apprised of WP No. 723 of 2006 today and he reiterated engagement of ASG. The undersigned has met the Additional Legal Advisor, Ministry of Law, who has assured that ASG will be engaged to appear on behalf of Union of India. Shri Singh also informed that the case (WP No. 13034 of 2005) is likely to come up on 30.1.2006.

Submitted please.

May like to speak to Shri Bhasin, Sr. Govt. Counsel after meeting ASG.



(J.K. Saxena)
Under Secretary
27.1.2006

DS(TCJ)

P.l. see note above.

The following actions have been taken:

- (a) Requested Shri J.P. Singh, Sr Counsel for money for early hearing of the application filed by Government for extension of time for implementation of the Court's directives.
- (b) Shri Singh had to serve a copy of the application on the other party by post as Shri Jain, the other party's advocate refused to accept the same. The application is expected to come up on 31st Jan or 1st Feb.
- (c) Shri P.P. Malhotra, Addl. S. G. had been briefed on 27.1.06 and given statements of chronology of action taken

194/US/5K5/06
27/1/2006

VFA

From pre-page

for filling up various posts in IPAB Barring
He has desired to be briefed
again once the application is listed.

(d) Shri. Ashok Bhasin, Sr. Counsel
has given time at 2-30 p.m. ^{today} for
briefing him.

submitted for information, P.

Ames
30-1-06

[JSCNPA]

Note continued.

I have met Shri Ashok Bhasin,
Sr. Counsel at 2-30 p.m today and
briefed him on the steps that the
Government had taken to make the
IPAB operational. He was also given
copies of the application for extension
of time for implementation of the orders
of the court, filed by the Department
on 20.1.06, and also the statements
of the chronology of events. He advised
that Shri J.P. Singh, Sr. Counsel may
be requested to get the application

R-271/JS (w/nd) 106
30/1/06

304-05LTC37106
30/1

from pre-page

listed for hearing tomorrow.

Shri J.P. Singh's office intimates that the application is listed for tomorrow.

Thereafter Shri P.P. Malhotra, ASy was again briefed. He said that if the Secretary is not available, then the Additional Secretary should be present in court tomorrow as the Joint Secretary had already been present in an earlier occasion.

The case would come up in Court No. 9.

Submitted, P.

~~JSC(NP)~~

Verma
30-1-06

S.No. (F.R) – pp. 234-235/cor

Note on page 46/ante.

The Appointments Committee of the Cabinet (ACC) approved the appointment of Shri Syed Obaidur Rahaman to the post of Technical Member in the Intellectual Property Appellate Board in the pay-scale of Rs. 22,400 – 24,500/- for a period from the date of assumption of charge of the post until he attains the age of 62 years or until further orders, whichever is earlier, subject to confirmation of satisfactory character antecedents. The ACC further directed that order would be issued after obtaining the antecedents verification certificate (p.185/cor). The Office of the District Magistrate, South 24 Parganas, Kolkata has intimated *vide* letter dated 5.1.06 (pp.204/cor.) that there is no adverse report against the candidate in South 24 Parganas and Kolkata District. It is further stated by the District Magistrate, "He is an Indian National and part of study (M.P.) has been verified but the remaining portion of studies (B.Sc., B.A., and LL.B.) could not be verified for want of relevant marksheets, as per police report." Shri Obaidur Rahaman was requested on 16th January, 2006 to submit his original certificates of educational qualifications and marks sheets. He was also informed that if the above certificates in original were not received in the Department by 25th January, 2006, it would be construed that he was not interested in the post and his application would be treated as closed (p.211/cor.)

2. Shri Rahaman has now replied that he had already furnished completed attestation forms and identity certificates and copies of marks sheets. He has also stated that he would produce all the documents personally, if so desired. He has further requested that the documents already furnished be perused and joining letter be issued immediately (pp.234-235/cor.)

3. In this connection, it is submitted that photocopies of the educational qualifications and Bar Council Registration of Shri Rahaman are at Flag 'X'.

4. It is also submitted that the Hon'ble Delhi High Court had allowed time upto 20th January, 2006 for (a) appointment of Technical Member (Trade Marks), Intellectual Property Appellate Board and (b) Appointment of Technical Member for Patents in the Intellectual Property Appellate Board. We have already moved an application in the court seeking extension of time by four months for implementation of the orders of Hon'ble High Court. It is understood from the office of Shri J.P. Singh, Advocate that the application would come up for hearing tomorrow i.e. 31st January, 2006.

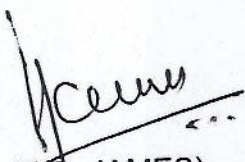
5. Meanwhile in another case (W.P. No.723 of 2006 Paul Manufacturing Co. vs. Assistant Registrar of Trade Marks & Ors.) the Hon'ble Court referred to the directions regarding the functioning of IPAB and directed, "if the Appellate Tribunal has not started functioning from 20.1.2006 then in the next date of hearing i.e. 31.1.2006, the Secretary of the concerned Ministry shall remain present before the Court." (p. 233/cor.) Shri P.P. Malhotra, Additional Solicitor General advised that officer senior to the Joint Secretary should appear in the Court as Joint Secretary had appeared last time. The matter thus reached a critical stage where the appearance of Secretary of the Department in the Court has become necessary, since there is no Additional Secretary in the administrative hierarchy.

From pre-page.

6. Since we have now received a reply from Shri Rahaman expressing his interest in taking up the assignment and also his willingness to furnish the educational documents in person and since the Police had already certified that he did not figure on their records, and keeping in view the urgency of making the IPAB functional so far as Trade Marks are concerned, it is submitted that we may now issue the order of appointment to Shri Syed Obaidur Rahaman, Advocate to the post of Technical Member, Intellectual Property Appellate Board for a period of five years from the date on which he enters upon his office or until he attains the age of 62 years, whichever is earlier, as provided in Section 86 of the Trademarks Act, 1999, as per draft order placed below for approval. In the endorsement of the order to Shri Rahaman it may be stated that his appointment to the post is subject to production of original certificates in support of his educational qualifications and marksheets.

V.D.A.

Submitted for approval, pl.


(T.C. JAMES)
Deputy Secretary
30.01.2006

*Orders to issue. Pl re-submit file for
perusal of SIPP on his return from tour.*

JS (NNP)

NHJ
30/1/06

ASST CT

2

Ref. notes from page 58/ante.

Reference DOPT's communication dated 20th December, 2005 conveying the decision of the ACC to the appointment of Shri Syed Obaidur Rahaman to the post of Technical Member in the Intellectual Property Appellate Board in the scale of pay of Rs. 22400-24500. In this connection, it is submitted that this department has issued the order of appointment to Shri S.O.Rahaman with stipulation that his tenure of appointment will be for a **period of five years** from the date on which he enters upon his office or until he attains the age of 62 years, whichever is earlier, as provided in Section 86 of the Trade Marks Act. 1999. Since ACC's approval indicated that the term of appointment of the Member will be until he attains the age of 62 years, we may inform DOPT that five year clause is required under Statute. DFA placed below pl.

F-392/JS(NNP)/06
3/2/06

238/US(XS)/06
3-2-06

392-DSC(TCS)/06
3/2

1 PR II 2
3/2

200/US(XS)/06
06/07/06

Rahman
2/2

keena
2/2/06

for approval. p.

~~DSC(TCS)~~

~~3/2/2006~~

~~JS(NNP)~~

3-2-06

MU
3/2/06

3/2

~~US(XS)~~

13/1/06 US(XS)

Page 236/00

Ref JS(NNP)'s remarks on F/A :-
In pursuance with this Department's Order No. 8(28)/04-IPR.II dated 30.1.06, Shri Syed Obaidur Rahaman has assumed the charge of the office of Technical Member, Intellectual Property Appellate Board, Chennai on 6th February, 2006 (forenoon). He has forwarded photocopies of certificates and marksheets.

As per the post of Technical Member the following documents are required to be verified.

- (i) Certificate of Secondary Examination which bears the date of birth
- Shri Rahaman has submitted.
- (ii) Degree and marksheet of B.A./B.S.c.
- He has submitted degree of B.Sc.
- (iii) Degree of LLB & marksheet
- He has submitted marksheet and provisional certificate of LLB.
- (iv) Certificate of enrolment as Advocate
- He has submitted a certificate from Bar Council of West Bengal

He has submitted ~~the~~ ^{the} all requisite documents which are required for the post of Technical Member. However, the documents submitted are not attested.

Submitted for information please.

Chauhan
18/2/06

So G.P.K.

Beene
18/2/06

P. 241/02

us/sks) Shri Syed Obaidur Rahaman's appointment to the post of Member Technical, IPAB was subject to production of original certificates in support of his educational qualifications & marksheets.

Shri Rahaman, along with his assumption of charge report has sent copies of his certificates & marksheets, which are not even attested. Shri Rahaman, whether or not he has produced his original certificates/marksheets, the Head of Office, IPAB needs to be cross checked with the IPAB official, who is also expected to forward the charge assumption report to this Ministry officially for issue of Gazette Notification.

DS (TCS)

Do. Ca

Pl. write to Dy. Registrar, IPAB
11/11/06
10.2.2006
10000

583-DSC(137)/06
13/2

IPAB
Pl. keep PL

13/2

Ref. pre page meeting

A draft letter to Deputy Registrar, IPAB requesting to send charge assumption report alongwith attested copies of documents in respect Shri Rahaman is placed below for approval please.

Clawson
74/2/06
341/05(14-2)/06
15-2-06

S. C. P. R.

Keena
14/2/06

US (JKS)
DSC (CJ)

[Signature]
14.2.2006

[Signature]
15/2/06

US (JKS)

S/O 42 (I) 290/cor

S/O 43 (M) 291-286/cor

"FR" - IPAB have sent the charge assumption report and ^{collected} copies of certification ^{materials} in respect of Shri Syed Obaitur Rahaman, Advocate-in-Charge, Technical member in IPAB, Chennai. Accordingly we may issue a notification to this effect submitted for approval and signature please.

[Signature]
27/2/06

S.O.

Keena
27/2/06

US (JKS)
DSC (CJ)

[Signature]
27.2.2006

[Signature]
27/2/06

US (JKS)

P. de...

15
 USC JK

663-DSC...
 1572

2/13/1 PR

990-DSC...
 27/2

1 PR

28/2

1113-DSC...
 28/2

In a case filed by CMTE Development Ltd against the Controller of Patents and others, concerning the orders issued by the Patent Office in an application for Patents, the issue of operationalisation of IPAB in respect of Patent Law for which the provision was made in the Patent Act by an amendment to the said Act in June, 2002 was raised by the Petitioner before the Delhi High Court on 20.10.2005. Since at that time the post of Vice-Chairman and both Technical Members were vacant, the Hon'ble Court took a very serious note of the delay and inter-alia directed that the existing vacancy of Technical Member (Trade Marks) be filled up within a period of one month and that of Technical Member (Patents) within three months.

The vacancies of Vice-Chairman as well as Technical Member (Trade Marks) have since been filled. However, filling up of the post of Technical Member (Patents), necessitated the following steps:-

- a) Cabinet approval for creation of this post
- b) Advertisement for the post
- c) Meeting of the Selection Committee to finalise a panel for this post
- d) Approval of Commerce & Industry Minister
- e) Submission of proposal for ACC's approval

All the above steps have been taken in the shortest possible time. The deadline set by the Hon'ble High Court of Delhi for filling up of this post is 31.3.2006. The ACC normally takes about two ~~to~~ half months in clearing a proposal. It is, therefore, unlikely that ACC's approval for the candidate for the appointment to the post of Technical Member (Patent) is received by 31.3.2006. In the circumstances, we may, if approved, explain the facts to Hon'ble High Court and seek extension of time by another two months. A statement of steps taken in compliance of Hon'ble Court's direction is also placed below for consideration which is to be given to Govt. Counsel (Shri J.P. Sengh) who has been assigned the brief of this case for moving an application before the Hon'ble Court to seek an extension of time by two more months by beyond 31.3.2006. Thereafter, Ministry of Law will be requested for engaging Additional Solicitor General for appearing on behalf of this Department on 31.3.2006 or on the date this application is taken up by the Hon'ble Court.

Dir (IPD)

[Signature]

As per Court's direction, 16.3.2006
 the vacancy of Vice-Chairman and Technical member (TM) has been filled and process of filling the vacancy of Tech. member (Patent) is in the final stage. Accordingly a statement of steps taken need to be made available to the Govt. counsel for approval ip.

[Signature]
17/3/06

JS(NWP)

[Signature]

Delhi 17/3/06

F-801/JS(NWP)/06
17/3/06

P 268/06

868/JS(NWP)/06
16/3/06

33/Dir (IPD) 16
16/3

28/3

IPR-I
(Mr. Chakraborty)

Ref. notes on pre-page.

A draft letter ~~for~~ to Sr. Govt. Counsel to request moving of an Application seeking extension of time of two months to meet the deadline set by Hon'ble Court to fill the post of Technical Member (Patents) IPAB, is placed below for consideration please.

P-888/JS(NWP)/08
23/3/08

Woo
23.3.2008

Dis (MSD)

for approval, pl.

130/MSD/MSD/08
23/3

JS(NWP)

Approved with minor modifications.

W
23/3/08

W
23/3/08

JS (MSD)

W
24/3/08

US (JKS)

Signed modified draft.

W
24/3/08

(US) JKS

2
28/3
IDR ?

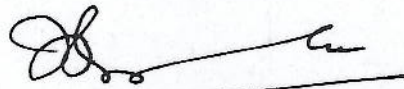
102
11
12
150

Reference notes on pre-page.

The Senior Government Counsel has been requested vide this Ministry's letter dated 27.3.2006 for moving an application before the Hon'ble Court at the earliest but not later than 31.3.2006 to seek extension of time of two months beyond 31.3.2006 for compliance of its directives. The Government Counsel has, however, suggested that the Additional Solicitor General may please be engaged for defending the Union of India. He has, however, agreed to prepare an application to be filed before the Hon'ble Court. A draft DO letter addressed to Additional Legal Adviser, Ministry of Law and Justice for engagement of Shri P.P. Mallhotra, the Additional Solicitor General to appear before the Hon'ble Court to defend Union of India is placed below for consideration please.


P. 258/06

DPA


28/3/2006

~~Dis (MSD)~~

DPA modified.
Pl resubmitt again for signatures.


28/3/06


~~US (JKS)~~

21/3/2006
28/3


Ref. F.R. Appointment letters for Shri P.P. Mallhotra, Addl. Solicitor General and Shri J.P. Singh, Sr. Govt. Counsel to appear on behalf of UOI have since been obtained (8/PA)

Application for extension of time by two more months to be filed before 31.3.2006 has been prepared by the Govt. Counsel, the same may please be seen at P/A. The Counter Affidavit is to be signed by Dis (MSD). Thereafter this application will be delivered to Govt. Counsel for filing before 31.3.2006

~~Dis (MSD)~~


29.3.2006

Signed.


29.3.06

ign affidavit along with
draft application
handed over personally
to Sh. J.P. Singh, Sr.
Govt. Counsel on
30/3/06 at 10.30 AM.

~~US (JKS)~~

~~US (JKS)~~

IPR

15/3/06

Ref. notes on pre-page.

An application to seek two more months beyond 31.3.2006 to appoint Tech. Member (Patent), IPAB has been handed over to Govt. Counsel on 30.3.2006 for filing before the Hon'ble High Court of Delhi. M/Law has assigned the brief of the case to Shri J. P. Singh, Sr. Govt. Counsel and have also engaged Shri P. P. Malhotra, Addl. Solicitor General to appear on behalf of the Govt. The undersigned and the S.O. have personally met the Id Addl. Solicitor General and the Govt. Counsel. and have regularly enquired about the listing of the application. The application has not been listed so far and the staff of Addl. Solicitor General has requested to enquire the current status from the Govt. Counsel who has been assigned the brief.

May like to speak to Govt. Counsel (Shri J. P. Singh, @ 2338 7169 (R) 26896054) W.P.N. 13034/05, C M T E Development Ltd v/s UOI (CGPDTA) and also apprise JS (NND) of the current status of the case as he had appeared before the Hon'ble Court on 20.10.2005.

Dir (MSD)

Do 9.5.2006

Govt. Counsel Mr. Singh was not available on phone. His aid (clerk) informed that the said file has mixed up with other records which have been sent to record room after disposal. And thus the application filed by the Govt. couldn't be placed in the proper file of the case. They are searching the original file as on date, & having found it, will place our application and only then the case would come up for hearing, and also that he would bring it to the notice of JS (JKS) at the appropriate time. For information pl.

keep track. We should not

17/29/05
P.65 pm

1293296

F-1371/JS (NND)/16
10/5/08

1160/US (JKS) 2
9.5.06

669/mix MSD/16
9/5/06

11/5/08

ML

Reference notes on pre-page.

An application to seek two more months beyond 31.3.2006 to appoint Technical Member (Patents), IPAB was handed over to Government Counsel on 30.3.2006 for filing before the Hon'ble High Court of Delhi. Ministry of Law had assigned the brief of the case to Shri J.P. Singh, Sr. Government Counsel and had also engaged Shri P.P. Malhotra, Additional Solicitor General to appear on behalf of the Government. The application came for hearing before the Hon'ble Court on 26.5.2006. Shri J.P. Singh, Sr. Government Counsel appeared on behalf of this Department and submitted before the Hon'ble Court that this Department has taken all the requisite steps in compliance of the Court's directives. The proposal is pending before ACC which is headed by Prime Minister and sought extension of time. The Hon'ble Court observed that this is not the ground to seek extension and dismissed the case. The written order of the Hon'ble Court is awaited.

Submitted for kind perusal please.

[Signature]
 26-5-2006

~~J.P. (MSD)~~

for information, pl.

[Signature]
 26/5/06

~~J.S. (NMP)~~

[Signature]
 26/5/06

~~J.P. (MSD)~~

[Signature]
 26/5/06

~~U.S. (JRS)~~

[Handwritten notes]
 26/5/06

[Handwritten notes]
 F-1592/J.S.(NMP) 02
 26/5/06

[Handwritten notes]
 29/5
 IPAB
 J.P. SRC
 29/5/06
 (SPR) 26/5/06

Ref pre page noting

WP (C) No.13034 of 2005-CMTE Development Limited Vs Union of India and Others. case was listed for hearing on 26.5.2006 in the Hon'ble Delhi High Court. The Court did not grant the further extension of time for filling up the post of Technical Member (Patents), IPAB and dismissed the case.

The concerned Dealing hand personally approached the office of Government Counsel for copy of Judgement on 22.6.2006. It was informed that the copy of Judgement has not yet been received. To-day the PA of Govt. Counsel was contacted on mobile. He again informed the same.

If approved, we may send a formal letter to Sr. Govt. Counsel for providing a copy of Judgement. A.d.f.a please.

Chauhan
23/6/06

So on leave

US (JES)

[Signature]
23/6/2006

Dis (MSD)

[Signature]
23/6/06

US (MS)

Ref AS above

[Signature]
23/6
IPAB

1140/misc/msd/06
23/6

A letter to Sr. Government, Delhi High Court was delivered on 26/6/06. A copy of letter has also been sent by Regd. Post. Today the PA of Govt. Counsel was contacted on mobile. He informed that the court is closed for summer vacation. It will open on 3rd July, then the copy of judgement will be collected.

Chauhan
28/6/06

So on leave

US (JES)

For information.

[Signature]
28/6/2006

[Signature]
29/6
IPAB

Dis (MSD)

[Signature]
28/6/06

Ref pre page noting

WP (C) No.13034 of 2005-CMTE Development Limited Vs Union of India and Others. case was listed for hearing on 26.5.2006 in the Hon'ble Delhi High Court. The Court did not grant the further extension of time for filling up the post of Technical Member (Patents), IPAB and dismissed the case.

A copy of Judgement has been received from Hon'ble High Court. The Court's order is as under:-

"No grounds for extension of time is made out. The application is dismissed."

Submitted please.

R. Dhad
28/7/06

Chauhan
28/7/06

So GTR

May kindly see w.r.t notes on P. 67/ante.

US (K5)

10/7/2006

The undersigned has requested the Govt. Counsel about the implications of the above judgement. He enquired whether the Member has been appointed. He was informed although Acch approval has been received, the incumbent could not be appointed as the Hon'ble High Court has not yet vacated its order dt 18.5.2006 setting aside this Dept's order and re-instating Dr. Naity as Ch. The Govt. Advocate then advised that we may have to seek extension of time from Hon'ble Court on these grounds.

For perusal please

[Signature]

28/7/2006

Dir (NSD)

we may seek extension of time based on grounds mentioned above.

Vijay H.

NSD

28/7/06

28/7/06

JS (NMP)

In 4/10/06

28/7/06

1546/19/06
9/7/06

2433/05(NMP)/06
28/7

Pl put up ofn
31/7

Ref. pre page meeting

A draft letter to Sr. Government Counsel for filing an application in Hon'ble Delhi High Court seeking extension of time in respect of appointment of Technical Member, IPAB, is placed below for approval please.

Chauhan
31/7/06

S. C. P. R. J.

R. Shrivastava
31/7/06

U. S. J.

D. S. J.

[Signature]
1/8/2006

For approval, pl.

J. S. C. N. P.

[Signature]
01.08.06

2154-DSCT(J)
1/8
2474/JS(NND)/06
1/8

Letter to go from J1 (T1) and
in last) is out of station.

[Signature] [Signature]
01/08

U. S. J.

Ref. notes on pre-page 8DIPP's
letter dated 2.8.2004 (Pp 313-314/Cor).

The Govt. Counsel has since ^{sent} drafted the
Application to be moved in Hon'ble High Court
of Delhi for extension of time, which may
kindly be seen for approval before it is
sent to Govt. Counsel for further n-a.

[Signature]
10/8/2006

~~Dis CMSD~~ A para at Sr. No.
10 may be included.
DFA, pl.

[Signature]
10/8/06

~~US (JKS)~~

DFA/1

[Signature]
10/8/2006

~~Dis CMSD~~

[Signature]
10/8/06

~~US (JKS)~~

9/8/06

P. J. Prasad
10/8
S. T. Nana
~~_____~~

Ref. pre page ruling

An application has been filed in Hon'ble Delhi High Court by Govt. Counsel on 17.8.06 seeking extension of time in respect of appointment of Member Patent. A copy of application is placed below for information please.

PhD J
22/8/06

clauway
22/8/06

SC (IPR)

USTIC (on leave)
DIA (MPS)

See.

24/8/06

US (JRS)

17/12/06
22/8/06

Pl follow-up regularly with Member/Counsel to know the date of hearing. Also update list of steps prepared.

22/8
IPR J
Mr Chauhan
5/2

The application filed in Hon'ble High Court seeking extension of time in respect of appointment of Member Patent in Intellectual Property Appellate Board came for hearing on 15th September, 2006. The Court issued notice and the case is listed for hearing on 10th October, 2006.

Submitted please

Chaubey
5/10/06

FCIPR

Rohit J
5/10/06

1989/WL 2452/06
5/10

USG/ISS

Do
5.10.2006

Dir (MST)

for information, pl.

AD
5/10/06

JS (NND)

NW
6/10/06

29787/MS/MS/06
5/10/06

Dir (MST)

3244/JS(NND)/06
6/10

AD
6/10/06

US (JKS)

This Dept's application for grant of time for appointment of Member Technical (Patents), IPAB came up for hearing before the Hon'ble High Court of Delhi on 10.10.2006. The undersigned alongwith Sh. Chaubey, Dealing Assistant was present in the Court at the time of hearing. The Court fixed 25.1.2007 as the next date for hearing. The written orders are awaited.

Submitted for kind perusal.

Dir (MST) - on Tour

Do
10.10.2006

DS/LTCD

AD
10.10.06

JS (NND)

3301/JS(NND)/06
10/10
3024/MS/MS/06
11/10/06

AD
11/10

MS/D
10/10

AD
11/10/06

ur
ms
inble
Adm

The application filed in Hon'ble High Court, Delhi, seeking extension of time in respect of appointment of Technical Member (Patents) came for hearing for 10th October, 2006. The court issued notice and the case is listed for hearing Page 'x'
25th January, 2007

Submitted Pleader

Shud
14.11.06

Clawson
14/11/06

So CAPR

~~US (SRS)~~

During the period between last hearing of the instant case and to-day, SLP came up for hearing before Hon'ble Supreme Court, the Hon'ble Court has directed maintenance of status-quo. The case may get listed before 25.1.2007. We may in case the case (i.e. SLP is heard before 25.1.07, update our application or file an additional application to update the material on record/before Hon'ble High Court of Delhi. We may await listing of SLP for hearing, for the present.

2136/US(SRS)/06
15/11/06

~~Dr (USD)~~

Shud
15/11/2006

The situation needs to be reviewed 15 days prior to listing of this case (i.e. 25.1.07).

~~JS (NRP) - on return~~

NK
16/11/06

AN
15/11/06

3477/US(SRS)/06
15/11/06

Dr (MNS)

3800/US(SRS)/06
16/11

AN
16/11/06

Dr (MNS)
16/11

~~US (SRS)~~

Dr (MNS)
17/11

WPC(C) No 13034 of 2005 - CMTE Development Intl vs Union of India and others is listed for hearing on 25th January, 2007 in Hon'ble High Court, Delhi. As the next date of hearing of SLP is yet to come, we may request Govt. Counsel to seek further extension of time in respect of appointment of Technical Member (Patents). DFA please.

P. Choudhary
14/1/07

Chowbey
20/1/07

So (CFPR)

US (S) (S)

A

This matter was also discussed by Dir (MSD) and the undersigned with Addl. Govt. Counsel (Sh. Verma) on 11.1.07. It was advised to seek extension of time from Hon'ble High Court of Delhi.

The Govt. Advocate, who is handling this case in Delhi High Court was also briefed of the current status of the case by the undersigned. Sh. J. P. Singh, the Govt. Advocate advised to send a letter to update him and take further n.a.

We may write to Sh. J. P. Singh, Govt. Advocate as per dfa.

Do
11.1.2007

Dir (MSD)

Pl. issue & then submit again for the perusal of JSC(NNP).

Mh
11/1/07

215/55/MSD
15/1/07

68/USC (KSD) 107
11/1

139/MSD/MSD/112
12/1/07

US (S) (S)

Chowbey
12/1/07

letter has been issued. As directed file is resubmitted.

So (CFPR)

'A' above for kind perusal of JSC(NNP).

Pl. follow up will be sent based on the info.

P. Choudhary
11/1/07

JSC(NNP)

Do
15.1.2007

52 Chowbey
11/1

US (S) (S)

Govt. Counsel in (MSD)

Mh
16/1/07

Mh
15/1/07

Mh
15/1/07

Ref. F.R.

-- 76

W P(C) NO 13034/2005 CMTE Development Htel.
Vs UOI and others Came for hearing on 25th Jan, 2007
in Honorable Delhi High Court. The Court has
disposed off the application stating that time
period for compliance is extended for a period of two
months beyond the date of the final order by Supreme Court
subject to the orders as may be deemed ^{appropriate} by Apex Court.
Submitted for information please.

920-JS(NMP)/
14/3/07

391/US(JKS)/07
14/3/07

Chauhan
14/3/07

JS(NMP)
14/3/07

For kind perusal.
~~US(JKS)~~ The Grant. Advocate has been requested
to get the Certified Copy of the High Court's
order dt 25.1.07 expeditiously.

Din (MSD)

[Signature]
14.3.2007

FR for kind perusal, pl.

14/3/07

~~JS(NMP)~~

[Signature]
14/3/07

[Signature]

14/3/07

~~US(JKS)~~

742/MSD/MSD/22
14/3/07

1573
18/3/07
15/3
R. Chauhan

Consequent upon grant of stay on the impugned order dt 18.5.2006 of Hon'ble High Court of Jharkhand by the Hon'ble Supreme Court of India on 12.3.2007, this Deptt has appointed Shri S. Chandrasekaram as Technical Member (Patents), IPAB on 31.3.2007. The provisions of Patent Act have been ~~open~~ brought into force to operationalise the appellate jurisdiction of IPAB to the appeals against the orders of Controller of Patents.

In view of this development, we may request Govt. Counsel to bring this to the notice of Delhi High Court, if considered necessary as an act of Compliance of Hon'ble High Court's directives.

DFA/1.

[Signature]
3.4.2007

Dir (MSI)

A DPA for approval, pl.

[Signature]
3/4/07

1353/25(NNP)07
05/4/07

470/USCCKS/07
3/4/07

9221/MSI/07
3/4/07

~~JSC(NNP)~~ *Mh*
2nd/07

~~Dir (MSI)~~

Mh
3/4/07

~~US (JCS)~~

Recd today
9/4
12 Chakray

Ref: pre page noting

WP(c) No.13034/2005 CMTE Development Ltd. Vs UOI and others came for hearing on 25th January, 2007. The case was disposed off by Delhi High Court. Certified copy of order has been received and placed below. After appointment of Technical Member (Patents), Govt. Counsel was asked to bring this to the notice of High Court.

Shri J.P Sengh, Govt. Advocate has informed that the issue before the Hon'ble Court was only with regard to appointment of Technical Member (Patents). After appointment of Technical Member (Patents), the order of Court has been complied with as such no further directions need to be sought in this regard from the Hon'ble Court.

For information please.

Pr. H. V.
17/5/07

SO C/P/R

Since the order of the Hon'ble High Court of Delhi has been complied with with the appointment of Technical Member (Patents), I PAB, no further action is called for. For kind perusal.

[Signature]
18/5/2007

for kind perusal, pl.

[Signature]
18/5/07

JS (MNP)
[Signature]
19/5/07

J.P. Sengh
[Signature]
18/5/07

US (JRS)
[Signature]

Pr. H. V.

[Signature]

1977/55 (MNP)
18/5/07

631/US (JRS)/07

Chauhan
18/5/07

US (JRS)

1401/52 (MNP)
18/5/07

2/5

1/P.R.1

[Signature]
18/5/07

PUC is a RTI application forwarded by RTI Section, DIPP, received from Mr. Papinder Pal Singh Kalara seeking information under Right to Information Act, 2005 regarding documents submitted by Mr. Syed Obaidur Rahaman for his appointment as Technical Member under Section 85(4)(b) of the Trade Marks Act, 1999. The application has sought the following information under RTI Act, 2005:-

"Please let the undersigned know as to what documents were submitted by Mr. Syed Obaidur Rahaman for his appointment as Technical Member under Section 85(4)(b) of the Trade Marks Act, 1999 in support of the fact that he was an advocate for atleast 10 years having a specialized experience in trade mark law."

2. In this connection, it may be stated that the Selection Committee comprising Secretary, IPP as Chairman and Secretary, DOPT and Secretary, D/Legal Affairs recommended the name of Shri S. Obaidur Rahaman for selection to the post Technical Member in its meeting held on 18.2.2005. DOPT conveyed the approval of ACC for his appointment vide letter dated 20th December, 2005. The work relating IPAB was earlier being dealt by IPR.II Section. As per information available in file Mr. Rahaman submitted the following information in support of specialized experience in trade mark law:-

Citations of trade mark cases in Hon'ble Supreme Court/High Courts stated by the application are as under:-

1. Booke Bond India Ltd. Vs K. Manibhai & Co. 1987(I) Calcutta Law Journal page 410 Rustom.
2. Hornby Ltd. Vs Zamindara Engineering Co. AIR 1970SC 1649.
3. Lever Vs Goodwin, 36 Chancery Division I.
4. Galaxo Operations UK Ltd. Middlesex. (England) and other Vs Samrat Pharmaceuticals, Kanpur AIR 1984 Delhi 265
5. M/s Hiralal Prabhudas Vs M/s Ganesh Trading Co. AIR 1984 Bombay 218.
6. East End Hosiery Private Ltd. Vs M/s Agarwal Textiles Mills AIT 1971, Calcutta 3.
7. William baily (Barmingham) Ltd. Applications (1935) 52 RPC-136
8. B.K. Engineering Company Delhi Vs B.H.I Enterprises (Regd.) Ludhiana & Anr. Reported in AIR 1985 Delhi 210.
9. Century Traders Vs Roshanlal Duggar & Co. AIR 1978 Delhi 250
10. Imperial Tobacco Co.(of Great Britain and Ireland) ID Vs Purnell and Co. reported in 21 R.P.C.

3. If approved, we may forward the above information to the applicant. However, this Section does not have any documents in support of the citation submitted by Mr. Rahaman at time of his selection to the post of Technical Member.

Submitted for approval please.

3361/DSCSKA
24/12/09

Pl. discuss.
24/12/09

Chauhan
23/12/09

~~DOPT~~

[Signature]
24/12/09

pe ssk
24/12/09
SOI(MZI)

US (B) (M)

~~DS(SKA)~~

[Signature]
24/12/09

As desired, the matter was discussed with the then dealing hand of IPAB, Shri Sanjay Prasad, who is presently Section Officer of Leather Section. He informed that as the matter is of nearly five years old, he is not in position to recall the case clearly. However, on going through records available in the file at page 11/ante and page 48/corr., it is clear that Shri Syed Obaidur Rahaman was asked to send the requisite documents in support of citation after his selection to the post of Technical Member, IPAB. If approved, we may furnish the information to the applicant as per records available in the file. DFA please.

Chaturay
4/11/2010

for as leave

CS (B/KM)

for vullchur
4/11/2010

DS (SK/A)

Tone

Shub
4/11/10

use reply

for
5/1/10

So (IPR-E)

11510SCSKA)
4/11/10

Shri S. Obaidur Rahaman, Technical Member, Intellectual Property Appellate Board, Chennai will complete the tenure of five years from the date of his appointment (ie. 6th February, 2006) on 5th February, 2011. We may, therefore, issue order regarding his retirement from the post of Technical Member, IPAB. DFA please.

~~Chembay
31/1/11~~

~~So (IPR)~~

~~[Signature]
31/1/11~~

~~US (BKM)~~

~~For membership
31/1/11~~

~~DIR (GR)~~

~~Chand
31/1~~

~~JSC (V6)~~

~~BM
1/1~~

~~(70/Piacca)
01/02~~

~~US (BKM)~~

~~PM
1/2~~

~~So (IPR-7)~~

~~F. 466/JS (V6)/2011
01/02~~