

## Section 86, Trademarks Act, 1999

Term of 5 years or till he attains 65 years of age.



## Section 89A of Trademark Act r/w Section 184 of Finance Act

Amended the Trademarks Act; Term of the Chairperson to be decided by the Central Government Rules ; Cannot be more than 5 years or till individual attains 70 years



## Tribunal Rules, 2017

Framed under the FA 2017; Fixed the term to 3 years or till the individual attains 67 years of age, whichever is earlier.



## Incumbent Chairperson Appointed on 20.07.2017

Appointed by the 2017 Rules; For a period of three years



## Terms of the Appointment of the incumbent Chairperson modified on 29.12.2017

Central Government modified the terms of the appointment; Incumbent Appointed "upto 21.09.2019" (Date he turns 65 years)



## Kudrat Sandhu Interim Measures on 09.02.2018, 20.03.2018, 16.07.2018, 21.08.2018

Bunch of petitions challenged the Tribunal Rules, 2017; of one such cases interim order was passed; Tenure to be governed by parent act before the Finance Act (TM Act) or a term of 3 years.



## Supreme Court Decision in Rojer Matthew case on 13.11.2019

Scrapped the 2017 rules; Asked for framing new rules; in the interim, the term is to be governed by the parent Act before Finance Act 2017



## New Tribunal Rules 2020

Mandated for a term of 4 years or till he attains 70 years, which ever is earlier.



## Madras High Court Bar Association case revision

Case instituted challenging validity of the 2020 Rules; Modified the term under 2020 Rules to 5 years instead of 4 years

## Important Facts Surrounding the Incumbent Chairperson

1) He retired from the Delhi High Court on 21.09.2016- the day he turned 62 years (Article 214 of the Constitution mandates that a Judge of the High Court serves till he attains 62 years of age.

2) According to Section 86 of the Trademarks Act (Which was the law before the Finance Act, 2017) a Chairperson could have served for a period of 5 years or till he attains the age of 65 years.

3) The incumbent turned 65 on 21.09.2016.