

The Pandemic and IPO Deadlines in India

On March 23, 2020, the Supreme Court of India had *suo motu* taken cognizance of the challenges being faced on account of Covid-19 and passed an order on the period of limitation in all proceedings. Irrespective of deadlines prescribed under the general law or special laws, whether condonable or not, all limitation periods were extended with effect from March 15, 2020 until further orders by the apex court.



Despite the said ruling, the Indian Intellectual Property Office (IPO) has issued several public notices on extension of IP deadlines ever since the country went under lockdown on March 25, 2020. Its notice of May 4 came in the wake of the extension of lockdown until May 17, 2020 and announced that all due dates falling between the period March 25 - May 17, 2020 would be extended until May 18, 2020. The Intellectual Property Attorneys Association (IPAA) challenged this notice before the Delhi High Court terming it violative of the Supreme Court ruling dated March 23, 2020. The Delhi High Court concurred. It held that no court, tribunal, or authority could contradict the Supreme Court – hence, the May 4 order issued by the IPO was suspended.

The lockdown was extended further on May 17, 2020. Rather surprisingly, the IPO once again issued a notice on May 18, 2020, stating that deadlines falling in the lockdown period between March 15 - May 17, 2020, stood extended until June 1, 2020. It further indicated that deadlines May 18 onwards would be as per schedule. Another notice on May 20 stated that provisions had been made in the electronic filing module for submission of petitions for condonation of delay under Rule 6(6) of the Patents Rules.

Once again, the IPAA took the IPO to court. The Delhi High Court came down harshly on the IPO; expressing displeasure at the disregard of the Supreme Court's and the Delhi High Court's previous rulings, it re-iterated that no court, tribunal or authority could impose timelines on the limitation period, even if prescribed under a special statute, in violation of an apex court ruling.

In view of the above developments, all IPO deadlines stand extended until further notice from the Supreme Court. We shall keep you updated. For any queries in the interim, please feel free to reach out to your regular contacts within the firm or send an e-mail to remfry-sagar@remfry.com.