



## Intellectual Property Appellate Board

Guna Complex Annexe-I, 2nd Floor, 443 Anna Salai, Teynampet, Chennai-600 018.  
Tele: 24328902/03 Fax: 24328905 email id: ipab.tn@nic.in Website: <http://www.ipab.gov.in>

Original Application/Appeal No : MP.NO. 22/2020 IN  
ORA/26/2020/TM/CHN

MR. T.G. ARUMUGAM : APPLICANT

Versus

1. MR. T.G. HARIGOPAL  
2. THE REGISTRAR OF TRADE MARKS : RESPONDENTS

### CORAM

HON'BLE SHRI JUSTICE MANMOHAN SINGH : CHAIRMAN  
HON'BLE MS. LAKSHMIDEVI SOMANATH : TECHNICAL MEMBER (TM)  
HON'BLE MR.MAKYAM VIJAY KUMAR : TECHNICAL MEMBER (TM)

### ORDER SHEET

16.10.2020

Counsel for the Applicant : Mr. Rajesh Ramanathan  
Counsel for the Respondent : Ms. Gladys Daniel

1. The learned counsel for the applicant has informed that the fresh application has been filed for production of the additional documents. The reply if any be filed within 10 days. List this matter on 04/12/2020. The learned counsel for the respondent No.1 states that she is also inclined to file the additional application.

-Sd/-

Ms. Lakshmidēvi Somnaath  
Technical Member (Trademarks)

-Sd/-

Shri Makyam Vijay Kumar  
Technical Member (Trademarks)

-Sd/-

Hon'ble Shri Justice Manmohan Singh  
Chairman

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# IPAB Intellectual Property Appellate Board

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Tele: 24328902/03 Fax: 24328905 email id: ipab.tn@nic.in Website: <http://www.ipab.gov.in>

Original Application/Appeal No : MP.NO. 144/2020 IN  
SR.NO.33/2020/TM/CHN

M/S. GOLDMEDAL ELECTRICALS PVT. LTD : APPELLANT

Versus

1. THE REGISTRAR OF TRADE MARKS  
2. K. DALPAT SINGH : RESPONDENTS

## CORAM

HON'BLE SHRI JUSTICE MANMOHAN SINGH : CHAIRMAN  
HON'BLE MS. LAKSHMIDEVI SOMANATH : TECHNICAL MEMBER (TM)  
HON'BLE MR.MAKYAM VIJAY KUMAR : TECHNICAL MEMBER (TM)

## ORDER SHEET

16.10.2020

Counsel for the Appellant : Mr. S.K. Bansal  
Counsel for the Respondent : Mr. Sanjeev Singh and Ms. N. Devi for R2

1. The present appeal has been filed against the order dated 09/08/2019 passed by the Respondent No.1 whereby the opposition No.891715 filed by the appellant was abandoned by operation of Rule 45 (2) of the Trade Marks Rules, 2017. Along with the appeal, the application for Condonation of Delay has also been filed. The learned counsel for the appellant submits that as far as the impugned order is concerned, the same has been passed contrary to the rules as well as the judgements passed by the Hon'ble Madras High Court. It is the case of the appellant that under Rule 45, the appellant has relied upon the notice of opposition as evidence. Due to oversight, the said communication was issued to the Mumbai Office instead of Head Office. The copy of the same was sent to the learned counsel for the respondent No.2 who has also relied upon the counter statement as evidence. However, it has been noted from the impugned order that the respondent No.1 has abandoned the opposition without deciding the matter on merits. As far as the application for Condonation of Delay and reply to the appeal is concerned, let the same be filed within two weeks. List the appeal for final hearing on 04/12/2020. In the meanwhile the operation of the impugned order shall remain stayed.

-Sd/-

Ms. Lakshmidevi Somnaath  
Technical Member (Trademarks)

-Sd/-

Shri Makyam Vijay Kumar  
Technical Member (Trademarks)

-Sd/-

Hon'ble Shri Justice Manmohan Singh  
Chairman

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