



IPAB Intellectual Property Appellate Board
balancing ip protection

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 : **OA/42/2020/TM/CHN**

**MRS. MADHU DEVI TRADING AS
M/S HANUMAN TRADING COMPANY**APPELLANT
Versus

THE REGISTRAR OF TRADEMARKSRESPONDENTS
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

07/01/2021

Counsel for the Appellant : **Mr. Vishal NC**
Counsel for the Respondent : **None.**

Mr. Vishal NC, learned counsel appears on behalf of the Appellant and none for the Respondent. The Appeal has been filed under section 91 of the Trade Marks Act against the order passed refusing the registration of the devise mark "GLOBAL". Learned Counsel for the Appellant states that the trademark is being used for the last 20 years and the same is also registered in different classes. Registry is directed to issue notice to the Respondent returnable on 08/04/2021. Service be effected through e-mail. Learned Counsel for the Appellant will also take necessary steps to serve the Respondent No.1 by e-mail/courier/speed post. Upon service Counter Affidavit be filed by the Respondent within eight weeks with an advance copy to the learned counsel for the appellant who may file the response by the next date. Both the parties are allowed to file the Written Synopsis by the next date. List on 08/04/2021.

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-Sd/-

(Ms.LakshmideviSomanath)
Technical Member (Trademarks)

(Shri.Makyam Vijay Kumar)
Technical Member (Trademarks)

(Shri Justice Manmohan Singh)
Chairman

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Original Application/Appeal No : **ORA/03/2019/TM/CHN**

M/S RESQ TECHNOLOGIES PVT. LTD. ...APPLICANT
Versus

1. RAJDEEP ENERGIES PVT. LTD.
2. THE REGISTRAR OF TRADEMARKSRESPONDENTS
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

07/01/2021

Counsel for the Applicant : **Ms. SubaShiny**
Counsel for the Respondent : **Ms. MaheswariBalasubramaniam**

Ms. SubaShiny, learned counsel appears on behalf of the Applicant and Ms. MaheswariBalasubramaniam, learned counsel appears on behalf of the Respondent. Learned Counsel for the Respondent No.1 states that service was effected in September, 2020. However, Counter Statement could not be filed in time due to COVID 19. The learned counsel for the Respondent No.1 seeks some more time to file the Counter Statement. The learned counsel for the Applicant has no objection in granting time to file the Counter Statement. Two weeks time is granted to the Respondent to file the Counter Statement with advance copy to the learned counsel for the Applicant who may file the response within six weeks thereafter. Both the parties are allowed to file the Written Synopsis by the next date. List the Petition for consideration on 08/04/2021.

-Sd/-

-Sd/-

-Sd/-

(Ms.LakshmideviSomanath)
Technical Member (Trademarks)

(Shri.Makyam Vijay Kumar)
Technical Member (Trademarks)

(Shri Justice Manmohan Singh)
Chairman

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Original Application/Appeal No : ORA/30/2019/TM/CHN

M. K. MATHIVATHANAM ...APPLICANT

Versus

**1. PALSON ENTERPRISES
2. THE REGISTRAR OF TRADEMARKS ...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

07/01/2021

**Counsel for the Applicant : Ms. SubaShiny
Counsel for the Respondent : Mr. Arun C. Mohan**

Ms. SubaShiny, learned counsel appears on behalf of the Applicant and Mr. Arun C. Mohan, learned counsel appears on behalf of the Respondent. One more opportunity is sought by the learned counsel appearing on behalf of the Respondent No.1 to file the Counter Statement. Learned Counsel for the Applicant is agreeable with the same. Let the matter be decided on merit in the interest of justice as the same is not opposed by the learned counsel for the Applicant. Two months time is granted to the Respondent No.1 to file the Counter Statement with advance copy to the learned counsel for the Petitioner who may file the response within six weeks thereafter. List on 08/04/2021.

-Sd/-

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-Sd/-

(Ms.LakshmideviSomanath)
Technical Member (Trademarks)

(Shri.Makyam Vijay Kumar)
Technical Member (Trademarks)

(Shri Justice Manmohan Singh)
Chairman

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Original Application/Appeal No : **ORA/25/2020/TM/CHN**

**K. MOHANASUNDARAM TRADING AS
BHARANI JEWELLERS**

....APPLICANT

Versus

**1. N. NALLATHAMBI, N. PONNUSAMY, N. RAVI
AND N. SEKAR TRADING AS BHARANI SILK
CENTRE**

2. THE REGISTRAR OF TRADEMARKS

....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

07/01/2021

Counsel for the Applicant : **Ms. SubaShiny**
Counsel for the Respondent : **None**

Ms. SubaShiny, learned counsel appears on behalf of the Applicant and none for the Respondent. Fresh Petition has been filed for removal of the device mark "BHARANI" registered under No.1695393 in class 14. Registry is directed to issue notice to the Respondent returnable on 08/04/2021. Service be effected through e-mail. Learned counsel for the Applicant will also take necessary steps to serve the Respondent No.1 by e-mail/courier/speed post. It is also informed to us that the other litigation between the parties in ORA/221/2015/TM/CHN, ORA/222/2015/TM/CHN and ORA/223/2015/TM/CHN are pending before the Board for hearing. Registry is directed to list all the matters together by the next date. List on 08/04/2021.

-Sd/-

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Technical Member (Trademarks)

(Shri.Makyam Vijay Kumar)
Technical Member (Trademarks)

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Original Application/Appeal No : ORA/77-87/2020/TM/CHN

**M/S WHITE HOUSE, A PARTNERSHIP FIRM,
REPRESENTED BY ITS PARTNER, MOHAMED
YUNUS**

....APPLICANT

Versus

- 1. WHITE HOUSE APPARELS PRIVATE LIMITED**
- 2. THE REGISTRAR OF TRADEMARKS**

....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

07/01/2021

Counsel for the Applicant : Mr. KarthikBhuvarahamurthy
Counsel for the Respondent : None

Mr. KarthikBhuvarahamurthy, learned counsel appears on behalf of the Applicant and none for the Respondent. The present rectification application has been filed for removal of Trademark "WHITE HOUSE" in different classes. Two months time is granted to the Respondent NO.1 to file the counter statement with an advance copy to the learned counsel for the Petitioner who may file the response within six weeks thereafter. List on 08/04/2021.

-Sd/-

-Sd/-

-Sd/-

**(Ms.LakshmideviSomanath)
Technical Member (Trademarks)**

**(Shri.Makyam Vijay Kumar)
Technical Member (Trademarks)**

**(Shri Justice Manmohan Singh)
Chairman**

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Original Application/Appeal No : **MP NO.82-83/2020 IN
ORA/40/2020/TM/CHN &
ORA/40/2020/TM/CHN**

**SHRI AMRISH AGGARWAL TRADING AS
M/S MAHALAXMI PRODUCT**

....APPLICANT

Versus

- 1. VENUS HOME APPLIANCES PVT. LTD.**
- 2. THE REGISTRAR OF TRADEMARKS**

....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

07/01/2021

Counsel for the Applicant : **Mr. AmitChanchalJha**
Counsel for the Respondent : **Mr. R.K. Aggarwal**

Mr. R. K. Aggarwal appears on behalf of the respondent No.1 seeks four weeks time to file the counter statement. According to him, the Miscellaneous petitions No.82 & 83/2020 in ORA/40/2020/TM/CHN are not maintainable in view of the judgment rendered by the Hon'ble Supreme Court in the case **Patel Field Marshal Agencies and Anr v. P.M.Diesels Ltd And Ors., 2018 (73) PTC 15 (SC)**. It is stated by him that no permission is sought by the petitioner from the Civil Court where the suit for infringement is pending against the Petitioner. We will consider the said plea on the next date of hearing. The learned counsel for the petitioner may file the response within two weeks. Both the parties are allowed to file their written synopsis by the next date of hearing. List on 09/03/2021.

-Sd/-

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-Sd/-

(Ms.LakshmidiviSomanath)
Technical Member (Trademarks)

(Shri.Makyam Vijay Kumar)
Technical Member (Trademarks)

(Shri Justice Manmohan Singh)
Chairman

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