



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 : **ORA/89-96/2020/TM/CHN & MP.NO. 149-164/2020**

C. KRISHNIAH CHETTY & SONS PVT. LTD : **APPLICANT**

Versus

1. DEEPALI CO. PRIVATE LIMITED
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

23.10.2020

Counsel for the Applicant : Mr. Sivaraman Vaidyanathan & Mr. Kalra
Counsel for the Respondent : None

1. Fresh petition has been filed under Section 47/57 of the Trademark Act, 1999. Along with the petition, the urgent Miscellaneous Petitions are also filed. Counsel for the petitioner seeking ex-parte interim order.

2. We have heard the learned counsel for the petitioner. Registry is directed to issue notice to the respondent. Service be effected through e-mail. Counsel for the petitioner shall also take necessary steps to serve the respondent through Mail/Courier/Registered AD. The learned counsel for the petitioner to file the Affidavit in proof of service on or before the next date of hearing. Parties are granted liberty to file their Written Synopsis by next date of hearing. List on 05/11/2020.

-SD/-

-SD/-

-SD/-

(MS.LAKSHMIDEVI SOMANATH)
TECHNICAL MEMBER (TM)

(MR. MAKYAM VIJAY KUMAR)
TECHNICAL MEMBER (TM)

(SHRI JUSTICE MANMOHAN SINGH)
CHAIRMAN

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Original Application/Appeal No : **ORA/101/2020/TM/CHN**

PEPSICO, INC : **APPLICANT**

Versus

1. MAJJI SURESH
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

23.10.2020

Counsel for the Applicant : Mr. Sanjeev Tiwari
Counsel for the Respondent : None

1. Fresh petition for rectification of the registered trade mark granted in favour of Respondent No.1 has been filed. Issue notice to the respondent for 02.03.2021. Service be effected through e-mail. The learned counsel for the petitioner shall take necessary steps to serve the respondent by email/Courier/Registered AD. Affidavit in proof of service be filed by next date. Upon service respondents are granted two months time to file counter statement with an advance copy to the learned counsel for the petitioner who may file the response by the next date. Both the parties are allowed to file their written submissions by the next date. List this matter for hearing on 02.03.2020.

-SD/-

-SD/-

-SD/-

(MS.LAKSHMIDEVI SOMANATH)
TECHNICAL MEMBER (TM)

(MR. MAKYAM VIJAY KUMAR)
TECHNICAL MEMBER (TM)

(SHRI JUSTICE MANMOHAN SINGH)
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Original Application/Appeal No : **ORA/102/2020/TM/CHN & MP.NO. 167/2020**

M/S. KARKHANA ZINDA TILISMATH : **APPLICANT**
Versus

1. SH. SYED AKHTAR AHMED TRADING AS
M/S. KOMAL PERFUMERY WORKS
2. THE REGISTRAR OF TRADE MARKS : **RESPONDENTS**

CORAM

HON'BLE SHRI JUSTICE MANMOHAN SINGH : **CHAIRMAN**
HON'BLE MS. LAKSHMIDEVI SOMANATH : **TECHNICAL MEMBER (TM)**

ORDER SHEET
23.10.2020

Counsel for the Applicant : Mr. Saurabh Kapoor
Counsel for the Respondent : None

Present petition has been filed for rectification of the registered trademark No.1633656 in Class 5. Along with the petition, the interim application has also been filed. The learned counsel for the petitioner has referred two rival marks/label in question. The prima-facie both the marks are similar issue. The learned counsel for the petitioner is pressing for ex-parte order. Let the short notice be issued for 29.10.2020. Registry is directed to issue notice to the respondent. Service be effected through email. The learned counsel for the petitioner shall also take necessary steps to serve the respondent through e-mail/Courier/Registered AD. Affidavit in proof of service be filed by next date. Both the parties are allowed to file the written synopsis. List on 29.10.2020.

-SD/-

(MS.LAKSHMIDEVI SOMANATH)
TECHNICAL MEMBER (TM)

-SD/-

(SHRI JUSTICE MANMOHAN SINGH)
CHAIRMAN

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Original Application/Appeal No : **ORA/103/2020/TM/CHN**

GANESH GRAINS LIMITED : **APPLICANT**

Versus

**1. K.R. NAGENDRA AND K.N. SHOBA TRADING AS
SHANKAR INDUSTRIES**

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

23.10.2020

Counsel for the Applicant : Mr. Sowmya Ray Chowdhury

Counsel for the Respondent : None

1. Fresh petition for rectification of the registered trade mark granted in favour of Respondent No.1 has been filed. Issue notice to the respondent for 02.03.2021. Service be effected through e-mail. The learned counsel for the petitioner shall take necessary steps to serve the respondent by email/Courier/Registered AD. Affidavit in proof of service be filed by next date. Upon service respondents are granted two months time to file counter statement with an advance copy to the learned counsel for the petitioner who may file the response by the next date. Both the parties are allowed to file their written submissions by the next date. List this matter for hearing on 02.03.2020.

-SD/-

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-SD/-

(MS.LAKSHMIDEVI SOMANATH)
TECHNICAL MEMBER (TM)

(MR. MAKYAM VIJAY KUMAR)
TECHNICAL MEMBER (TM)

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Original Application/Appeal No : **ORA/104/2020/TM/CHN**

GANESH GRAINS LIMITED : **APPLICANT**

Versus

**1. K. NAGA KUMAR, K. SUDHA RANI, K. NAGAENDRA PRASAD
& K. SUKANYA TRADING AS SRI GANESH INDUSTRIES**
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

23.10.2020

Counsel for the Applicant : Mr. Sowmya Ray Chowdhury
Counsel for the Respondent : None

1. Fresh petition for rectification of the registered trade mark granted in favour of Respondent No.1 has been filed. Issue notice to the respondent for 02.03.2021. Service be effected through e-mail. The learned counsel for the petitioner shall take necessary steps to serve the respondent by email/Courier/Registered AD. Affidavit in proof of service be filed by next date. Upon service respondents are granted two months time to file counter statement with an advance copy to the learned counsel for the petitioner who may file the response by the next date. Both the parties are allowed to file their written submissions by the next date. List this matter for hearing on 02.03.2021.

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-SD/-

(MS.LAKSHMIDEVI SOMANATH)
TECHNICAL MEMBER (TM)

(MR. MAKYAM VIJAY KUMAR)
TECHNICAL MEMBER (TM)

(SHRI JUSTICE MANMOHAN SINGH)
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