



IPAB Intellectual Property Appellate Board
विभागाचे प्रमुख

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/60/2020/TM/MUM**

**MR. HITESH RASTOGI TRADING AS
M/S. AVON ELECTRICAL INDUSTRIES**

APPLICANT

Versus

**MR. AMIT AGARWAL TRADING AS M/S.
SEETU ELECTRICALS
THE REGISTRAR OF TRADE MARKS**

RESPONDENTS

CORAM

HON'BLE SHRI JUSTICE MANMOHAN SINGH : CHAIRMAN

HON'BLE DR. ONKAR NATH SINGH

: TECHNICAL MEMBER (PVPAT)

ORDER SHEET

07.08.2020

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

1. Registry is directed to issue notice to the respondent. Service be effected through e-mail. Counsel for the petitioner to take necessary steps to serve the respondent by email. Upon service, respondent is to file the counter statement within two months with an advance copy to the learned counsel for the petitioner who may file the response to the counter statement within four weeks thereafter. Parties are allowed to file written submissions by the next date of hearing. List this petition for hearing on 26.11.2020.

-Sd/-

-Sd/-

TECHNICAL MEMBER (PVPAT)

CHAIRMAN

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Original Application/Appeal No : **ORA/61/2020/TM/MUM &
MP. NO. 57/2020**

**STAR TELEVISION PRODUCTION
LIMITED**

APPLICANT

Versus

**EUROSPORT
THE REGISTRAR OF TRADE MARKS**

RESPONDENTS

CORAM

HON'BLE SHRI JUSTICE MANMOHAN SINGH : CHAIRMAN
HON'BLE DR. ONKAR NATH SINGH : TECHNICAL MEMBER (PVPAT)

ORDER SHEET

07.08.2020

Counsel for the Applicant : Mr. Saikrishna and Ms. Sneha Jain
Counsel for the Respondent : Mr. ArjunKhurana and Mr. NikilKhanna

1. Mr. Sai Krishna, Counsel appearing on behalf of applicant has submitted that in view of averment made in the petition, the operation of the device of star whis the part of impugned registration be stayed otherwise the respondent no.1 may assign the said device of star to the third party. Counsel for respondent no.1 is opposing the prayer.
2. We have gone through the petition and documents placed on record. Para 8, (viii) to xiv) are reproduced as under:-
3. The respondent No.1 has filed the application of trademark which contain the device of Star. Without making any comments at this stage, we direct that till the next date, the respondent no.1 shall not claim any exclusive reight to the device of Star in any manner and shall also not transfer the registration with the device of Star.
4. List this matter on 26.11.2020.

-Sd-/

-Sd-/

TECHNICAL MEMBER (PVPAT)

CHAIRMAN

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Original Application/Appeal No : **ORA/62/2020/TM/MUM &
MP. NO. 58/2020**

**STAR TELEVISION PRODUCTION
LIMITED**

APPLICANT

Versus

**EUROSPORT
THE REGISTRAR OF TRADE MARKS**

RESPONDENTS

CORAM

HON'BLE SHRI JUSTICE MANMOHAN SINGH : CHAIRMAN
HON'BLE DR. ONKAR NATH SINGH : TECHNICAL MEMBER (PVPAT)

ORDER SHEET

07.08.2020

Counsel for the Applicant : Mr. Saikrishna and Ms. Sneha Jain
Counsel for the Respondent : Mr. ArjunKhurana and Mr. NikilKhanna

5. Mr. Sai Krishna, Counsel appearing on behalf of applicant has submitted that in view of averment made in the petition, the operation of the device of star whis the part of impugned registration be stayed otherwise the respondent no.1 may assign the said device of star to the third party. Counsel for respondent no.1 is opposing the prayer.
6. We have gone through the petition and documents placed on record. Para 8, (viii) to xiv) are reproduced as under:-
7. The respondent No.1 has filed the application of trademark which contain the device of Star. Without making any comments at this stage, we direct that till the next date, the respondent no.1 shall not claim any exclusive reight to the device of Star in any manner and shall also not transfer the registration with the device of Star.
8. List this matter on 26.11.2020.

-Sd-/

-Sd-/

TECHNICAL MEMBER (PVPAT)

CHAIRMAN

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Original Application/Appeal No : **ORA/64/2020/TM/MUM &
MP. NO. 62/2020 & 63/2020
ORA/72/2020/TM/MUM &
MP. NO. 69/2020 & 70/2020**

RSPL HEALTH PRIVATE LIMITED

APPLICANT

Versus

**TATA CHEMICALS LIMITED
THE REGISTRAR OF TRADE MARKS**

RESPONDENTS

CORAM

**HON'BLE SHRI JUSTICE MANMOHAN SINGH : CHAIRMAN
HON'BLE DR. ONKAR NATH SINGH : TECHNICAL MEMBER (PVPAT)**

ORDER SHEET

07.08.2020

**Counsel for the Applicant : Mr. S.K. Bansal
Counsel for the Respondent : None**

1. The application has been filed in the present petition for removal of trademark DX DETERGENT EXPERT registered under No.3986893 in class 03 in favour of Tata Chemicals Ltd. from the Register or rectification of the register under Section 47/57/125 of the Trade Marks Act, 1999.
2. Issued notice to the respondent for 26.11.2020. Upon service, the respondent No.1 is granted two months time to file counter-statement.
3. Separate application for stay has been filed. We have gone through the petition, stay application and documents placed on record. We have also heard Mr. S.K.Bansal advocate who is pressing for interim order.
4. The brief facts mentioned in para 9(vi) to 9(xi) are reproduced below:
5. The respondent No.1 has obtained the registration which contain the words Expert. The Trademark expert is the registered trademark of the applicant in relation to some goods. At this stage we do not wish to make any comments. However, in view of pleadings and documents placed on record, prima facie we are of the view that Part relief should be granted directing the respondent No.1 not to claim any exclusive right to the word expert who shall also not assign the trademark expert or exposit to their party till the next date i.e.26.11.2020.

-Sd/-

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Original Application/Appeal No : **ORA/66 – 71 /2020/TM/MUM**

**N. RANGA RAO & SONS PRIVATE
LIMITED**

APPLICANT

Versus

**TRENT HYPERMARKET PRIVATE
LIMITED
THE REGISTRAR OF TRADE MARKS**

RESPONDENTS

CORAM

HON'BLE SHRI JUSTICE MANMOHAN SINGH : CHAIRMAN
HON'BLE DR. ONKAR NATH SINGH : TECHNICAL MEMBER (PVPAT)

ORDER SHEET

07.08.2020

Counsel for the Applicant : Mr. S. Diwakar
Counsel for the Respondent : None

1. Registry is directed to issue Notice to the respondent. Upon service, counter statement be filed by the respondent within six weeks time with an advance copy to the learned counsel for the applicant who may file response, if any, within two weeks time. Both the parties allowed to file written submissions by the next date.
2. List on 26.11.2020.

-Sd/-

-Sd/-

TECHNICAL MEMBER (PVPAT)

CHAIRMAN

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