



Intellectual Property Appellate Board

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OA/12/2018/TM/CHN &
M.P.No.60/2018 in OA/12/2018/TM/CHN

MONDAY THIS THE 22nd DAY OF JULY, 2019

HONBLE SHRI JUSTICE MANMOHAN SINGH
HON'BLE DR.ONKAR NATH SINGH

...CHAIRMAN
...TECHNICAL MEMBER (PVPAT)

PHARMED LTD,
Pharmed Gardens,
Whitefield Road,
Bangalore -560 048.

.... Appellant

(Represented by Advocate: Ms. Akshaya P. Sachin & K. Premchander)

Versus

The Registrar of Trade Marks,
Trade Marks Registry,
Chennai

.... Respondent

ORDER

Hon'ble Shri Justice Manmohan Singh, Chairman:

1. The present appeal has been filed against the order dated 28/11/2016 whereby the application of the appellant bearing mark "REESIZE" in class 5 was rejected on the basis of objection under section 11. It is submitted by the learned counsel for the appellant that the subsequent application filed by the appellant in class 5 bearing No.3541603 in class 5 has been accepted. No opposition was filed by any party. The registration certificate is awaited. It is also stated that another mark FARANED REESIZE in same class has been registered in No.3545104. The objection raised by the registry is without any valid reason. The appellant has been using the mark since 2011. Sufficient evidence is produced. Thus, the order passed by the registrar is liable to be set-aside. The appeal is allowed. No costs.

2. The Miscellaneous Petition No. M.P.No.60/2018 becomes infructuous.

- Sd -

(DR. ONKAR NATH SINGH)
TECHNICAL MEMBER (PVPAT)

- Sd -

(JUSTICE MANMOHAN SINGH)
CHAIRMAN