



IPAB Intellectual Property Appellate Board

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MP.NO. 123/2020 in ORA/50/2020/TM/CHN

&

MP.NO. 124/2020 in ORA/51/2020/TM/CHN

MONDAY, THIS THE 3RD DAY OF NOVEMBER, 2020

HON'BLE SHRI JUSTICE MANMOHAN SINGH
HON'BLE MS.LAKSHMIDEVI SOMANATH
HON'BLE SHRI. MAKYAM VIJAY KUMAR

CHAIRMAN
TECHNICAL MEMBER (TRADEMARKS)
TECHNICAL MEMBER (TRADEMARKS)

M/S HARYANA SOAP FACTORY
2ND MILE STONE
BASAI ROAD
GURUGRAM
HARYANA - 122001

...APPLICANT/APELLANT

(Represented by: SAURABH KAPOOR)

Versus

SH.A.J.SARAVANAN.
TRADING AS M/S JAYA PUSHPAM AGENCY
NO.89/1-E, PANNITHITTU ROAD
KRIUMAMBAKKAM
PUDUCHERRY - 607402

2. THE REGISTRAR OF TRADE MARKS
TRADE MARKS REGISTRY,
INTELLECTUAL PROPERTY BUILDING,
G.S.T. ROAD, GUINDY, CHENNAI – 600 032

...RESPONDENT

(Represented by – RAHUL VIDHANI)

ORDER

HON'BLE SHRI JUSTICE MANMOHAN SINGH, CHAIRMAN

1. Both interim petitions came up for hearing today. Respondent No. 1 has filed its reply to the interim petitions. The Respondent No. 1 is agreeable to file counter statement by 9th December 2020.
2. As far as the interim directions sought by the Petitioner in its Miscellaneous Petitions, to stay of operation of Registrations until the Rectification Applications are finally decided, the prayer is opposed by the Respondent No.1. Both counsels have made their submissions for some time. The Respondent No. 1 is claiming user of the 707 label since 1984, it is also stated by the counsel that Respondent No. 1 is selling its goods in the southern states only, i.e. Andhra Pradesh, Karnataka, Tamil Nadu and the Union Territory of Pondicherry.

3. Counsel for the Petitioner is denying this user as well as the submissions of the counsel for the Respondent No. 1 regarding geographically restricted usage.
4. After hearing, we are of the view that the submissions made by both parties are to be considered on merit in the main petitions. Thus at this stage operation of the stay of registration of Trade Marks Nos 936165 and 1833170 in Class 3 is not called for unless detailed arguments are addressed on merit after completion of pleadings. Accordingly the Rectification Petition shall be heard in an expedited manner.
5. Therefore by this order, both the interim applications are disposed off with liberty granted to the Petitioner to revive the interim applications in case the Respondent No. 1 tries to delay the proceedings and hearing of the Main petitions.

-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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