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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **C.A.(COMM.IPD-TM) 25/2022**

SUN PHARMACEUTICAL INDUSTRIES LTD. Appellant

Through: **Mr. Rohit Pradhan and Mr. Sachin Gupta, Advocates.**

versus

TAIYO KAGAKU CO. LTD.

.....Respondent

Through: **Mr. Virender Goswami, Mr. Kshitij Saxena, Ms. Soni Singh, Ms. Swati Goswami and Ms. Parkhi Singh, Ms. Rachna Bishnoi and Mr. Daksh Oberoi Advocates for respondent No. 1.**

Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra and Mr. Alexander Mathai Paikaday, Mr. Sumit Nagpal and Ms. Aastha Sood Advocates for respondent No. 2.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

14.11.2024

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1. The present appeal challenges the order dated 28th December, 2019 (“Impugned decision”), passed by the Registrar of Trademarks rejecting appellant’s opposition no.20687 to the respondent no.1’s application bearing no.1136449 for the trademark mark ‘SUNFIBER’.
2. Consequently, the respondent no.1’s application was allowed, and the impugned mark proceeded towards registration. However, on the filing of the present appeal, the operation of the Impugned decision was stayed *vide* order dated 21st August, 2020.
3. In the proceedings before this Court on 23rd April, 2024, counsel for the



respondent no.1 had drawn attention of the Court to the consent terms executed between the appellant and the respondent no.1 in relation to trade mark application no.2199192 in Class 5 for the trademark “SUNPHENON”.

4. On the aforesaid date, the submissions on behalf of the respondent no.1 were to the effect that the appellant has voluntarily given a no objection to the use and registration of the mark “SUNPHENON” with respect to the abovementioned goods.

5. In light of the above, counsel for the appellant was asked to take instructions with regard to the trade mark “SUNFIBER”, which is the subject matter of the present appeal.

6. Counsel for the appellant has returned with the instructions. He submits that the respondent no.1 had filed an application in Form TM-P with the Trade Marks Registry on 14th December, 2020 in which the respondent no.1 has restricted its registration with respect to “Dietary Fiber” and has deleted other goods, namely, pharmaceutical, veterinary and sanitary substances, dietic substances adapted for medical use, infants and invalid goods, plasters, material for bandaging, material for stopping teeth, dental wax, disinfectants, preparations for killing weeds and destroying vermin, fungicides, herbicides, used for medicinal purposes (page 798 of the appeal paper book).

7. Counsel for the appellant submits that this is acceptable to the appellant and in view of the above, he does not wish to press the present appeal.

8. Accordingly, the appeal is disposed of as not pressed.

AMIT BANSAL, J

NOVEMBER 14, 2024/kd