

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.16155 of 2015

M/s.Simco Thread Mills rep. By its
Manager cum Authorised Signatory
S.Basheer Ahmed .. Petitioner

-Vs-

- 1.The Controller General of Patents,
Trademarks, Geographical Indications,
Designs, Boudhika Sampada Bhavan,
S.M.D. Road, Antop Hills, Mumbai - 400 037.
- 2.The Deputy Registrar of Trademarks,
Trademarks Registry, IPR Building,
GST Road, Guindy - 600 032.
- 3.Assistant Registrar of Trademarks,
IPR Building, GST Road,
Chennai - 32.
- 4.Rema Srinivasan,
Assistant Registrar of Trademarks,
IPR Building, GST Road,
Chennai - 32. .. Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to process the petitioner's Form TM-24, Form TM-33 and Form TM-34 dated 08.03.2013 pertaining to the petitioner's registered Trademark 393229 in class-23.

For Petitioner .. Mr.U.Kasipandian
For Respondents .. Mr.Su.Srinivasan,
Asst. Solicitor General
for R1 to R3

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would submit that the petitioner firm had been inter alia manufacturing and marketing yarns and threads under the trade mark "SIMCO (label)" and it filed an application for registration of the said trade mark under application number 393229 in class 23 and the same was registered after due deliberation and the registration certificate was issued on 15.10.1993. Subsequently, the partners of the petitioner firm had unanimously decided to change the trading style of the firm as Simco Industries during the year 2008 and subsequently, there was change of constitution in the firm during the years 2008 and 2009 respectively and one of the partners Thiru.Abdul Khadar died on 29.01.2012 and hence a decision has been taken to effect the change of constitution by deleting the name of Thiru.Abdul Khadar from the list of registered proprietors in the Register of Trademarks being maintained by the first respondent. The petitioner had also filed appropriate form to effect change of constitution of the petitioner firm on 08.03.2013 but they have not received any communication. Therefore, the petitioner came forward to file this writ petition.

3.This Court heard the submissions of the Mr.Su.Srinivasan, learned Assistant Solicitor General, who accepts notice on behalf of respondents 1 to 3.

4.This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without entering upon the claim projected by the petitioner in this writ petition, directs the third respondent to process the petitioner's Form TM-24, Form TM-33 and Form TM-34 dated 08.03.2013 pertaining to their registered Trademark 393229 in class-23 in accordance with law and pass orders as expeditiously as possible and not later than ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

mmi

To

1.The Controller General of Patents,
Trademarks, Geographical Indications,
Designs, Boudhika Sampada Bhavan,
S.M.D. Road, Antop Hills, Mumbai - 400 037.

2.The Deputy Registrar of Trademarks,
Trademarks Registry, IPR Building,
GST Road, Guindy - 600 032.

3.Assistant Registrar of Trademarks,
IPR Building, GST Road,
Chennai - 32.

1 cc to Mr.V. Kasipandian, Advocate, Sr. 27777

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KSJ(CO)
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