

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.35191 of 2015

Veekesy Rubber Industries Pvt.
Ltd. Rep by its Director V.Mohammed VKC
Tower N.H.17 P.O.Kolathara Kozhikode 673 655 ...Petitioner

-Vs-

The Registrar of Trademarks
Trademark Registry Intellectual property
Building GST Road Guindy Chennai 32. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to dispose the TM-24 and TM-12 application dt 25.7.2002 and 25.9.2006 filed by the petitioner within a reasonable time frame to be fixed by this Honourable Court.

For Petitioner : Mr.V.Suresh for
M/s.Shivakumar and Suresh

O R D E R

The petitioner has filed this writ petition to direct the third respondent, the Registrar of Trademarks to dispose of his applications in TM-24 and TM-12 application dt 25.7.2002 and 25.9.2006 respectively within a reasonable time.

2. The fact that these applications are pending before the Registrar of Trade Marks is not in dispute as is clear from the information furnished to the petitioner under the Right to Information Act vide communication dated 28.10.2014. The petitioner sent a representation dated 14.9.2015 to the Registrar of Trade marks which has been acknowledged by the Registrar on 16.9.2015. All that the petitioner requested was for an early disposal of the matter. The status of the petitioner's application could be ascertained from the official website of the Registry which shows that both the applications are pending.

3. It is note worthy to point out at this juncture that in recent proceeding before the First Bench of this Court, it was stated that several applications are pending scrutiny before the Registrar of Trademarks. Therefore, notice was issued to Registrar of Trademarks to produce necessary records to show the pendency status as to how things are being dealt with so that there is no unreasonable delay in considering the application. Pursuant to such notice, the Registrar of Trademarks promptly deputed his officials along with necessary records to show that expeditious action is being taken to dispose of all applications pending at all stages and information being uploaded in their official website promptly upon perusal of the information furnished. This Court recorded its satisfaction and the writ petition disposed of.

4. However, in the case on hand, it appears that the petitioner's application TM-24 and TM-12 application are pending from 2002/ 2006 and this appears to have escaped the attention of Registrar. Since the applications are pending for all these years, this is a fit case where the Registrar of Trademarks should consider the same as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order, if there is no other legal impediment.

4. Writ Petition stands disposed of accordingly. No costs.

sd/
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

kua

To

The Registrar of Trademarks
Trademark Registry Intellectual property
Building GST Road Guindy Chennai 32.

+1 CC to M/s.Shivakumar and Suresh Advocate. SR.NO. 60283

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AR-II
JD 18/11/2015