

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.Nos.11172 & 11316 of 2018 and

W.M.P.Nos.13105 to 13107 &

13209 to 13211 of 2018

M/s.Sew-Eurodrive GmbH & Co. KG
(A Company organized and existing
under the Laws of Germany)
having Office at Ernst-Blickle-Strasse,
42, 76646 Bruschal, Germany
rep by Ravindran Nair
M/s.DePenning & DePenning
having office at No.120, Velachery Road,
Guindy, Chennai - 600 032. Petitioner in both W.Ps

Vs.

The Registrar,
Trademarks Registry,
Intellectual Property Building,
G.S.T. Road, Guindy,
Chennai - 600 032. Respondent in both W.Ps

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified mandamus to call for the records of the impugned orders dated 01.01.2018 & 11.01.2018 issued by the respondent treating the petitioner's Trade Mark Application Nos.2812154 & 2812156 dated 16.09.2014 in Class 37 as abandoned and quash the same and consequently direct the respondent to dispose of the petitioner's Trademark Application Nos.2812154 & 2812156 in Class 37 after considering the petitioner's reply dated 21.03.2016 and granting an opportunity of personal hearing to the petitioner Company.

For Petitioner (in both W.Ps) : Mr.Malavika T.Vikram

C O M M O N O R D E R

These Writ Petitions have been filed seeking to quash the impugned orders dated 01.01.2018 & 11.01.2018 issued by the respondent treating the petitioner's Trademark Application Nos.2812154 & 2812156 dated 16.09.2014 in Class 37 as abandoned and quash the same and consequently direct the respondent to dispose of the petitioner's Trademark Application Nos.2812154 & 2812156 in Class 37 after considering the petitioner's reply dated 21.03.2016 and granting an opportunity of personal hearing to the petitioner Company.

2.This Court is unable to entertain the Writ Petitions for the reason that the impugned orders have been passed by the Registrar of Trademarks. The remedy open to the petitioner is to approach the Intellectual Property Appellate Board. Hence, the Writ Petitions are not maintainable against the impugned orders.

3.Therefore, the Writ Petitions are dismissed giving liberty to the petitioner to approach the Appellate Board. The dismissal of the Writ Petitions cannot be construed that this Court has passed this order on merits. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

va
To
The Registrar,
Trademarks Registry,
Intellectual Property Building,
G.S.T. Road, Guindy,
Chennai - 600 032.

+1cc to M/S.Malavika, T.Vikram, Advocate Sr.32355

W.P.Nos.11172 & 11316 of 2018 and
W.M.P.Nos.13105 to 13107 &
13209 to 13211 of 2018

nrl[col]
srg 18/05/2018