

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2018

CORAM

THE HON'BLE Mr. JUSTICE R.SUBBIAH
and
THE HON'BLE Mr. JUSTICE R.PONGIAPPAN

W.P.No.708 of 2012
and
M.P.No.1 of 2012

M/s.Geege Paints,
No.126-A, New Colony,
Thoothukudi - 628 003.

Petitioner

Vs.

1.M/s.Agsar Match Industries,
No.510A, George Road,
Thoothukudi.

2.The Registrar of Trademarks,
IP Building, GST Road,
Chennai - 32.

3.The Intellectual Property Appellate
Board, Annexe I, 2nd Floor,
Guna Complex, No.443, Anna Salai,
Teynampet, Chennai - 18.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the Order No.62 of 2011 dated 14.07.2011 passed by the Intellectual Property Appellate Board, Chennai, the third respondent herein allowing the first respondent's rectification application ORA/113/2008/TM/CH by directing petitioner's trade mark STAG registered under No.721189 in Class 2 to be rectified, quash the said order and uphold/confirm the validity of the petitioner's trademark STAG registered under No.721189 in Class 2.

For Petitioner .. No appearance

For Respondents .. Mr.M.S.Bharath for R1
Mr.M.Arvindkumar,
SCGPC for R2 and R3

ORDER
(Order of the Court was made by R.SUBBIAH, J.)

Challenging the order of the third respondent dated 14.07.2011 and to uphold/confirm the validity of the petitioner's trademark STAG registered under No.721189, the present writ petition has been filed.

2.When the matter came up on 27.06.2018, learned counsel for the petitioner reported no instructions from the client and it was informed to the Court that notice was issued to the petitioner by Registered Post with Acknowledgement Due on 23.01.2018. Though the said notice was duly served on the petitioner and the petitioner's name has also been printed in the cause list, there was no representation for the petitioner on 20.08.2018. Hence this Court directed the Registry to verify whether any counsel has entered appearance for the petitioner and make appropriate entry in the cause list.

3.Today, the matter is listed by printing the name of the petitioner under the caption 'For Dismissal'. However, there is no representation for the petitioner. Therefore, the writ petition is dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Registrar of Trademarks,
IP Building, GST Road,
Chennai - 32.

2.The Intellectual Property Appellate
Board, Annexe I, 2nd Floor,
Guna Complex, No.443, Anna Salai,
Teynampet, Chennai - 18.

+1cc to Mr.M.S.Bharath, Advocate, S.R.No.57440

+1cc to Mr.M.Arvindkumar, Advocate, S.R.No.57054

W.P.No.708 of 2012

CP(CO)
GSP(10/009/2018)