



Application Nos.2314 & 2315 of 2021
in C.S. (Comm. Div.) No.411 of 2020

N.ANAND VENKATESH,J.,

These applications have been filed under section 124 of the Trademarks Act by the applicant/defendant. These applications were filed at the time when the IPAB was in existence and the applicant had sought for the invalidity of the registration of the respondent's trademark by filing a rectification petition under the Trademarks Act before IPAB. Pending the rectification petition before IPAB, the applicant had also sought for staying further proceedings in this suit.

2.The respondent has filed a counter affidavit in both the applications opposing the claim made by the applicant.

3.Heard the learned counsel for the applicant/defendant and the learned counsel appearing on behalf of the respondent/plaintiff.

4.Subsequent to the filing of the above applications, the IPAB itself came to be done away with and if at all any such rectification petition is filed, it has to be filed before the same Court where the suit is pending.



N.ANAND VENKATESH,J.,

ssr

5.In view of the above, both these applications are disposed of by granting leave to the applicant to file a fresh application before this court on the same grounds seeking for rectification and the said issue will be considered by this court on its own merits and in accordance with law.

01.12.2021

ssr

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