



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.39009 OF 2015

LEEDS Skill Training Centre Pvt. Ltd.,
No.62, B1-North Phase,
SIDCO Industrial Estate,
Ambattur, Chennai - 600 080.
rep. by its Managing Director,
E.Selvakumar

... 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 Registrar of Trademarks,
Boudhika Sampada Bhavan,
S.M.D. Road, Antop Hills,
Mumbai - 400 037.

3. The Drawing and Distribution Officer,
Trademarks Registry, IPR Building,
GST Road, Guindy - 600 032.

... Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents jointly and severally to refund a sum of Rs.17500/- [Rupees Seventeen Thousand Five Hundred Only] together with interest @ 24% per annum to the petitioner under Rule 38(3) of Trademarks Rules as requested by the petitioner on 15.06.2012 in the matter of Petitioner's trademark application No.2211109 in Class-41.

For Petitioner :Mr.U.Kasipandian

For Respondents:Mr.V.Ashok Kumar
Central Government Standing Counsel



O R D E R

The relief sought for in the present writ petition is to direct the respondents jointly and severally refund a sum of Rs.17,500/- together with interest @ 24% per annum to the petitioner under Rule 38(3) of Trademarks Rules.

2.The grievance of the writ petitioner is that the amount due to the Company is yet to be disbursed under the Rules.

3.The learned counsel for the petitioner sent a letter to the Registrar of Trademarks 20.04.2012, wherein the learned counsel for the petitioner has stated that the application was filed by the petitioner on 31.10.2011 along with a declaration, thus, the Registrar ought to have issued examination report within three months from the date of such request under Rule 38 (2) of the Trademark Rules. Therefore, the Registrar ought to have issued the examination report on or before 31.01.2012.

4.In this context, the learned Central Government Standing Counsel appearing on behalf of the respondents made a submission that the examination report had already been submitted by the third respondent on 30.11.2011 through the learned counsel who sent the notice dated 20.04.2012 on behalf of the petitioner.

5.In view of the fact that the examination report had already been submitted by the third respondent through the learned counsel for the petitioner on 30.11.2011, no further consideration is required. It is for the petitioner to approach the competent authority for resolving the issues in the manner known to law.

6.With these observations, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cse



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 Registrar of Trademarks,
Boudhika Sampada Bhavan,
S.M.D. Road, Antop Hills,
Mumbai - 400 037.
3. The Drawing and Distribution Officer,
Trademarks Registry, IPR Building,
GST Road, Guindy - 600 032.

W.P.No.39009 of 2015

SMI (CO)
PM/06/01/2022