



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.5412 of 2022

Malabar Cements Limitd
Walayar Post
palakkad - 678 624
Kerala
represented by its Managing Director
Mr.M.Mohamed Ali

...Petitioner

Vs.

1. Drawing and Disbursing Officer,
The Office of the Trademarks Registry,
Intellectual Property Office Building,
GST Road, Guindy, Chennai - 600 032.
2. The Registrar of Trademarks,
Intellectual Property Office Building,
GST Road, Guindy, Chennai - 600 032.

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 08.12.2021 passed by the 1st respondent herein and quash the same, and consequentially direct the 2nd respondent to accept and take on record the Notice of Opposition dated 30.11.2021 to Trademark Application No427808 filed M/s.CNS Cements Private Limited.

For Petitioner : Mr.R.Pushkar

For Respondents : Mr.Pragadish

Standing Counsel



O R D E R

Read this order in conjunction with order dated 09.03.2022. The office of the Controller General of Patents, Designs & Trademarks has issued Public Notice dated 28.03.2022 reading as follows:

In compliance to the direction of the Hon'ble High Court, Delhi vide Order dated 21/03/2022 in the matter of W.P.(C)-IPD 4/2022 & CM 27/2022 & others, any person who wish to file an opposition against any trademark published from Journal No.1928 dated 18/11/2019 to Journal No.2036 dated 24/01/2022 (both inclusive, irrespective of status of the application whether it be registered/opposed/accepted & advertised/advertised before acceptance) may submit the same in the respective jurisdictional office of the Trade Marks Registry either through hand or post so as to reach to Registry Office on or before 30/05/2022.'

In light of the same, Mr.Pragadish, who appears for the respondents would have no objection to the impugned order being set aside.

2. Notice of Opposition dated 30.11.2021 in relation to Trade Mark Journal No.1968 dated 05.10.2020, falls within the range of Journals/dates as mentioned in the Public Notice, and is hence, liable to be accepted by the respondents upon re-submission thereof. Let such re-submission be effected within a period of three (3) weeks from today.

3. The impugned order dated 08.12.2021 is set aside and this Writ Petition allowed in the aforesaid terms. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

s1



To

1. Drawing and Disbursing Officer,
The Office of the Trademarks Registry,
Intellectual Property Office Building,
GST Road, Guindy, Chennai - 600 032.
2. The Registrar of Trademarks,
Intellectual Property Office Building,
GST Road, Guindy, Chennai - 600 032.

W.P.No.5412 of 2022

MT (CO)
PM/18/04/2022