



W.P.No.27011 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.27011 of 2022

Deepalaxmi B. Petitioner

-Vs-

The Registrar of Trade Mark
The Office of Trade Mark Registry
Intellectual Property Building
GST Road, Guindy, Chennai 600 032. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to consider the representation dated 03.09.2022 within a stipulated time.

For Petitioner : Mr.G.M.Gokul Raj

For Respondents : Mr.K.Srinivasamurthy
Central Government Standing Counsel

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 2nd respondent to consider the representation dated 03.09.2022 within a stipulated time.



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2. That the petitioner has made an application to register the Trade Mark "SETTYL" bearing Application No.5365631 on 10.03.2022 for the service covered under Class 42. The said application having been processed by the respondents under the Trade Marks Act, 1999 and Trade Marks Rules, 2017, the respondent has raised an objection under Section 11(1) of the Trade Marks Act, 1999, pursuant to which the petitioner has submitted a detailed counter on 15.07.2022 which is otherwise called as reply.

3. Now the next step to be taken is to examine the reply given by the petitioner and whether the reply is to be accepted or not has to be considered by the concerned wing of the respondent office for which at least minimum one month time would be taken. Thereafter only, depending upon the decision to be taken by the concerned wing of the respondent's office, further course of action would be decided. Therefore, at this juncture, though the petitioner has made this plea by filing the present writ petition to consider the representation dated 03.09.2022 and pass orders after giving personal hearing to the petitioner, in the considered opinion of this Court, cannot be granted. At the same time, the next step of considering the reply dated 15.07.2022 whether to be accepted or not can be decided within one month from the date of receipt of a copy of this order and thereafter depending upon the outcome of the same, further course of action can be decided and communicated to the petitioner.



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4. With the above directions, this writ petition is disposed of. No costs.

11.10.2022

Index : Yes/No
Internet : Yes/No
KST
To

The Registrar of Trade Mark
The Office of Trade Mark Registry
Intellectual Property Building
GST Road, Guindy, Chennai 600 032.



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R. SURESH KUMAR, J.

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