

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE
(Commercial Division)

IPDATM/7/2022

JYOTHY LABS LTD. (ORA/15/2020/TM/KOL)
VS

MR. RAJESH CHOUDHARY TRADING AS PRAGATI CHEMICALS AND ANR

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 16th February, 2023

Appearance:

Mr. Sarasij Dasgupta, Adv.

Mr. Subhasis Sengupta, Adv.

The Court:- An affidavit filed by Rajesh Choudhary dated 6th April, 2021 before the Intellectual Property Appellant Board, in ORA /15 /2020 /TM / 2020 be kept with the records.

It is submitted on behalf of the applicant that the parties have settled their disputes in terms of the consent minutes filed by the parties before the High Court at Bombay in Commercial IP suit (L) No. 9110 of 2020 which has been disposed of by an order dated 22nd January, 2021 in terms of the Consent Minutes.

The respondent no.1 undertakes to cancel the registration of his trademark bearing Registration No. 3252235 in class 03 being the subject matter of ORA/15/2020/TM/KOL. The respondent no.1 had also by an affidavit affirmed on 6th April, 2021 made a request to the Intellectual Property Appellate Board, Chennai that the registration of the trade mark "MXO" bearing Registration No. 3252235 in Class 03 be cancelled pursuant to the order dated

22nd January, 2021 in COMIP Suit (L) No. 9110 of 2020 with IA(L) No. 9116 of 2020.

In the circumstances, the registration of trade mark “MXO” bearing Registration No. 3252235 in Class 03 stands cancelled.

There shall be an order in terms of prayer (i) of this application.

In view of the aforesaid, IPDATM/7/2022 stands disposed of.

(RAVI KRISHAN KAPUR, J.)