



A.No.339 of 2023
in C.S.(Comm.Div.) No.219 of 2022

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SENTHILKUMAR RAMAMOORTHY,J

In a suit for infringement and passing off, the defendant has presented this application to expunge the Trade Marks of the plaintiff. In effect, the applicant / defendant seeks rectification of the Register of Trade Marks by way of an application in a pending suit. Such relief cannot be claimed by way of an application in a suit for infringement and should be requested for by filing a petition for rectification under the applicable provisions of the Trade Marks Act, 1999. The applicant / defendant has filed separate applications seeking leave to file a petition for rectification and for stay of the suit.

2. Consequently, A.No.339 of 2023 is dismissed without any order as to costs.

29.09.2023
(1/2)

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