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(T)OP(TM)/83 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM)/83 of 2023

[ORA/74/2013/TM/CH]

Chivas Holdings (IP) Limited,
111-113, Renfrew Road,
Paisley, Renfrewshire,
PA3 4DY, Scotland,
United Kingdom.

... Petitioner

-VS-

1.Mcdowell and Company Limited,
44, Park Street, 1st Floor,
Kolkata-700 016,
West Bengal.

2.United Spirits Limited,
Wallace House, 3rd Floor,
4, Bankshall Street,
Kolkata-700 001.

3.The Registrar of Trade Marks,
Trade Marks Registry,
Intellectual Property Office Building,
G.S.T.Road,
Guindy, Chennai-600 032.

... Respondents



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PRAYER: Original Petition filed for removal/rectification of Trademark Registration No.636945 (Tribute) in Class 33 from the Register of Trade Marks under Sections 47, 57 and 97 of the Trade Marks Act, 1999 read with Rule 2 of the Trade Marks (Applications and Appeals to the Intellectual Property Appellate Board) Rules, 2003 and Rule 3 of the Intellectual Property Appellate Board (Procedure) Rules, 2003, pleased to grant the following reliefs in favour of the petitioner:

- (i) An order directing the Respondent No.3 to remove or rectify the trade mark registration no.636945 (TRIBUTE) in class 33 from the Register of Trade Marks;
- (ii) pass any other orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present petition; and
- (iii) order costs of proceedings.

For Petitioner : Ms.Gladys Daniel

For Respondents : Ms.Aparajitha Vishwanath

for M/s.Remfry & Sagar



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ORDER

On instructions, learned counsel for respondents 1 and 2 agreed that an application was filed in Form TM-35 by the second respondent seeking cancellation of trademark No.636945 in Class 33 in the name of UNITED SPIRITS LIMITED.

2. In view of this development, this petition is liable to be allowed as prayed for. Hence, (T)OP(TM)/83/2023 is allowed and the third respondent is directed to rectify the register by removing the trademark registration No.636945 in class 33 from the register of trademarks.

26.06.2023

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Index : Yes / No

Neutral Citation: Yes/ No

SENTHILKUMAR RAMAMOORTHY, J

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