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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM)/122 and 125/2023
(ORA/10, 13/2014/TM/CHN)

M/s.Pioneer Bakeries (P) Ltd.,
Poondurai Road,
Moolapalayam P.O.
Erode 638 002.

... Petitioner in both OP's

-VS-

1.Milka Nutriments Pvt. Ltd.,
Chinna Sadayam Palayam,
Moolapalayalam Post,
Erode 638 002, Periyar District.

2.The Registrar of Trade Marks,
Office of the Registrar of Trade Marks,
Guindy, Chennai 600 032.

... Respondents in both OP's

PRAYER in (T)OP(TM)/122/2023: Transfer Original Petition

(Trademarks) filed under Sections 47, 57, 125 of the Trade Marks Act,

1999, praying to cancel the registered Trade Mark No.821974 in Class



30, allow this application, award costs of this proceedings be awarded to the petitioner and thus render justice.

PRAYER in (T)OP(TM)/125/2023: Transfer Original Petition (Trademarks) filed under Sections 47, 57, 125 of the Trade Marks Act, 1999, praying to cancel the registered Trade Mark No.691534 in Class 30, allow this application, award costs of this proceedings be awarded to the petitioner and thus render justice.

For Petitioner : Mr.Harishankar Mani
in both OP's

For Respondent 1 : Mr.Arun C.Mohan
in both OP's

For Respondent 2 : Mr.K.Subbu Ranga Bharathi, CGSC
in both OP's

ORDER

At the hearing on 04.10.2023, learned counsel for the petitioner submitted that the last registration of Trade Mark No.821974 [(T)OP(TM)/122/2023] was valid up to 06.10.2018 and that the last registration of Trade Mark No.691534 [(T)OP(TM)/125/2023] was



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valid up to 21.12.2015. After obtaining instructions, learned counsel for the first respondent in these petitions concurs with the submissions of learned counsel for the petitioner. Consequently, the long stop date for renewal has long expired and these marks are liable to be removed from the Register of Trade Marks.

2. Accordingly, (T)OP(TM)/122 and 125/2023 are disposed of by directing the Registrar of Trade Marks to remove the entries relating to Trade Mark Nos.821974 and 691534 in Class 30 from the Register of Trade Marks. The said action shall be completed within a period of *four weeks* from the date of receipt of a copy of this order.

11.10.2023

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



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SENTHILKUMAR RAMAMOORTHY,J

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(T)OP(TM)/122, 125/2023
(ORA/10, 13/2014/TM/CHN)

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