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(T)OP(TM)224/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

D A T E D : 15.06.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

(T)OP(TM)224/2023
ORA/80/2016/TM/CH

Hyundai Motor India Limited,
Plot No.H-1, SIPCOT Industrial Park, Irrungattukottai,
Sriperumbudur Taluk, Kancheepuram District,
Tamil Nadu-602 117.

... Petitioner

vs.

1. Varna Homes Pvt. Ltd.
No.8/1, Sarojini Street, T.Nagar,
Chennai-600 017.

2. The Registrar of Trade Marks,
Trade Marks Registry,
Chennai.

... Respondents

PRAYER: Petitions for removal of Trade Mark from the Register or Rectification of the Register under Sections 47, 57 & 125 of the Trade Marks Act, 1999 prays (i) Cancel / Removal the mark under registration No.2008799 from the Register; (ii) Declare the trademark “VERNA” of the Petitioner as “well-known”; and (iii) pass such further or other order as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render justice.



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For Petitioner : Ms.Pavithra, R for
M/s.Anand and Anand

For Respondents : Mr.A.Swaminathan for
for M/s.L.R.Swami Associates for R1

ORDER

Learned counsel for the petitioner submits that the parties have drawn up a settlement agreement. Clause 6 thereof is set out below:

“Upon execution of this Agreement, HMIL shall withdraw ORA/80/2016/TM/CH against registration 2008799 subject to the order of the Intellectual Property Appellate Board rectifying the specification of services to include the exclusions listed in Clause 5.”

2. In terms of Clause 5, the following services are required to be excluded from the list of services covered by the relevant trademarks. Clause 5 is set out below:

“5. VHPL shall record the amendment in both its trademarks as follows:



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Application	Mark	Specific exclusion to be included in goods description
2008799		<u>excluding any services related to the automobile and automotive industry.</u>
2008800		<u>excluding any services related to the repair maintenance, installation and servicing of vehicles and automobiles.</u>

3. In view of the agreement recorded by the parties with regard to the above mentioned exclusion, upon receipt of an appropriate application, the registrar of trademarks is directed to carry out the amendments requested for by the parties. This exercise shall be completed within a period of four weeks from the date of receipt of an appropriate application.

4. In view of the settlement, (T)OP(TM) No.224 of 2023 is dismissed as withdrawn without any order as to costs.

15.06.2023

Index : Yes/No

Neutral Citation : Yes/No

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SENTHILKUMAR RAMAMOORTHY, J

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