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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM)/252/2023
(ORA/6/2018/TM/CHN)

Laser Shaving (India) Private Limited
Malhotra House, 6-3-1186, Begumpet,
Hyderabad 500 016 and
Kolkata office at "Malhotra House" P-12,
New C.I.T Road, Kolkata 700 073.

... Petitioner

-vs-

1.Carborundum Universal Ltd.,
an existing company within the meaning of the Companies Act,
1956 of Tiam House, 28, Rajaji Road, Madras 600 001, and
having its registered office at Parry House, 43 Moore Street,
Chennai 600 001, India .

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

... Respondents

PRAYER: Transfer Original Petition (Trademarks) filed under
Sections 47, 57, 125 of the Trade Marks Act, 1999, praying that the
entry made in respect of Registered trade mark number 721447 of



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November 4,1996 for the mark LASER in class 03 in the name of Carborundum Universal Ltd advertised in Trade Mark Journal No.1319-0 dated May 16, 2004 be removed from the Register.

For Petitioner : Mr.Hemant Daswani
for M/s.Daswani and Daswani

For Respondent 1 : Mr.Arun C.Mohan

For Respondent 2 : Mr.M.Karthikeyan, SPC

ORDER

This petition was filed for rectification of the register by removing Trade Mark No.721447 in respect of the mark "LASER" in Class 3 from the Register of Trade Marks.

2. The petitioner asserts that it adopted the mark "LASER" in relation to shaving products in the year 1983 and that the said mark has been used extensively, continuously and openly since then. The petitioner further asserts that the said trade mark has become a well-



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known trade mark within the meaning of Section 2(1)(zg) of the Trade Marks Act, 1999 (the Trade Marks Act). The first respondent herein opposed the petitioner's application for registration of the trade mark "LASER ULTRA". During the course of such opposition proceeding, upon becoming aware of the first respondent's registered trade mark, the present rectification petition was filed.

3. Upon obtaining instructions, learned counsel for the first respondent states that the first respondent is not using the impugned trade mark.

4. In view of the submission of the first respondent that it is not using the impugned trade mark, the said mark is liable to be removed from the Register of Trade Marks without undertaking an adjudication on the merits of the petition.

5. For reasons set out above, (T)OP(TM)/252/2023 is allowed by directing the Registrar of Trade Marks to cancel the certificate of



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registration relating to Trade Mark No.721447 in Class 3 and to remove the entry relating thereto from the Register of Trade Marks.

These actions shall be completed within a period of *four weeks* from the date of receipt of a copy of this order. There shall be no order as to costs.

07.12.2023

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

SENTHILKUMAR RAMAMOORTHY,J

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