



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM)/253/2023
(ORA/7/2018/TM/CH)

M/s.Janak Sons Knitwear Pvt. Ltd.,
749, Chowk Saidan,
Ludhiana - 141 008.

... Petitioner

-VS-

1.Royal Classic Mills Pvt. Ltd.,
No.31, Puliyamara Thottam,
Manglam Road,
Tirupur - 641 604.

2.The Registrar of Trade Marks,
Intellectual Property Rights Building,
Industrial Estate SIDCO RMD,
Godown Area, GST Road, Guindy,
Chennai - 600 032.

... Respondents

PRAYER: Transfer Original Petition (Trade Marks) filed under Sections 47, 57 and 125 of the Trade Marks Act, 1999, praying that the entry relating to the impugned Trade Mark: "C & C" Registered under No.906310 for Class 25 be cancelled / removed altogether



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from the Register of Trade Mark or such further order may be passed against the Respondent No.1 and in favour of the Applicant.

For Petitioner : M/s.T.Saikrishnan

For Respondent 1 : Ms.T.Hemalatha
for M/s.C.Daniel

For Respondent 2 : Mr.M.Karthikeyan, SPC

ORDER

Learned counsel for the petitioner has placed on record documents relating to the consent decree in C.S.(Comm.) No.451 of 2019 before the Patiala House Courts, New Delhi. As per paragraph 4(e) of the joint application filed by the petitioner and first respondent herein, the first respondent herein agreed to cancel Trade Mark No.906310 in class 25 and to file the necessary application for the removal of the entry relating thereto from the Register of Trade Marks. Clause 4(e) of the joint application is as under:



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"4(e). As the defendants have admitted agreed not to use the letters "C&C", thus the Defendants agree to voluntarily agree for cancellation of Trade Mark label "C & C" registered under No.906310 in class 25 (as is already subject matter of ORA/7/2018/TM/CHN, originally filed before the Intellectual Property Appellate Board and now transferred before the Hon'ble Madras High Court numbered as (T)OP(TM)/253/2023, by filing appropriate request before the Registrar of Trade Marks, Chennai and / or giving their no-objection for the rectification / removal of the same in the aforementioned cancellation proceedings. The Defendants further agree to surrender / withdraw any other trade mark / copyright application as may be pending or as may be registered in respect of the mark "C & C" represented in any manner whatsoever."

2. Trade Mark No.906310 in class 25 forms the subject of the present petition. Consequently, no adjudication is necessary and this



rectification petition is liable to be disposed of in terms of the consent decree.

3. Consequently, (T)OP(TM)/253/2023 is disposed of with the following directions:

(i) The Registrar of Trade Marks is directed to cancel the certificate of registration pertaining to Trade Mark No.906310 in class 25 and remove the entry relating thereto from the Register of Trade Marks.

(ii) The above action shall be completed within a period of *four weeks* from the date of receipt of a copy of this order.

(iii) The parties are directed to comply with the terms agreed upon in clause 4(e) of the joint application.



(iv) There shall be no order as to costs.

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Index : Yes / No

Internet : Yes / No



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SENTHILKUMAR RAMAMOORTHY,J

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