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(T)CMA(TM)/23/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2023

CORAM:
**THE HONOURABLE MR.JUSTICE SENTHILKUMAR
RAMAMOORTHY**

(T)CMA(TM)/23/2023
(OA/26/2012/TM/CHN)

Nitinkumar Rasiklal Shah,
Sole Proprietor of
Unison Pharmaceuticals,
5222, GIDC, Estate,
Phase IV, Vatva,
Ahmedabad - 382 445.

...Appellant

-VS-

1.M/s.Sol Health Pharmacy Ltd.,
Amrutha Mall, Block 15,
3rd Floor, Begumpet,
Hyderabad - 500 016.

2.The Registrar of Trade Marks,
Having its office at
Trade Marks Registry Branch,
Intellectual Property Building,
G.S.T. Road, Guindy,
Chennai – 600 032.

...Respondents



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PRAYER: Transfer Civil Miscellaneous Appeal (Trademarks) filed under Section 91 of the Trade Marks Act, 1999, praying to (i)allow this appeal (ii)quash and set aside the order dated 28th May, 2012 dismissing the Opposition No.MAS-61275 and allowing the Application No.801643 in Class 5 for registration.

For Appellant : Mr.Ramesh Ganapathy
for M/s.R.R.Shah and Co.

For R1 : No appearance

For R2 : Mr.M.Karthikeyan,
Senior Panel Counsel

JUDGMENT

Learned counsel for the appellant has placed on record the status of registration of Trade Mark No.801643. The document indicates that the last registration was valid up to 12.05.2008. Learned counsel has also placed on record a document generated from the Ministry of Corporate Affairs website, which indicates that no match was found for the name Sol Health Pharmacy Limited.

2. Since the last registration was valid up to 12.05.2008, this petition has been rendered infructuous. By taking note of these developments,



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(T)CMA(TM) No.23 of 2023 is dismissed as infructuous by leaving it open

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to the appellant to take necessary steps to remove the impugned mark from the Register of Trade Marks.

26.09.2023

Index: Yes
Speaking Order
Neutral Citation: No
hvk

To

The Registrar of Trade Marks,
Having its office at
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SENTHILKUMAR RAMAMOORTHY,J.

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