



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM)/315/2023
(ORA/33/2019/TM/CHN)

Indoco Remedies Limited
Indoco House, 166, C.S.T.Road,
Santacruz (East),
Mumbai 400 098.

... Petitioner

-VS-

1.M/s.Micro Labs Ltd.,
303, 3rd Floor, "A" Wing,
Queens Road (Opp. Indian Express),
Bangalore - 560 001
And also at
Plot No.37, (CA), 147-151, 279-281,
Ground, Mezzanine first & 2nd Floor,
K.I.A.D.B, Jigani Bommasandra
Link Road, Bangalore - 560 106.

2.The Registrar of Trade Marks,
Office of Trade Marks Registry, Chennai
Boudhik Sampada Bhawan, GST Road,
Guindy, Chennai 600 032.

... Respondents

PRAYER: Transfer Original Petition (Trademarks) filed under
Sections 9, 11, 18, 47, 57 of the Trade Marks Act, 1999, praying to



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rectify / cancel the registration of Trade Mark "CITALIFT" under
No.1005556 in class 5 dated 25.04.2001.

For Petitioner : Mrs.Gladys Daniel
for M/s.C.Daniel

For Respondent 1 : M/s.M.Adeeb Mohammed
Ms.Shamilee Rajkumar

For Respondent 2 : Mr.K.Subbu Ranga Bharathi, CGSC

ORDER

The petitioner is the registered proprietor of the word mark CITAL and the first respondent is the registered proprietor of the word mark CITALIFT. Upon obtaining instructions, learned counsel for the first respondent submits that the first respondent is agreeable to change its mark to MICROLIFT instead of CITALIFT. On instructions, learned counsel for the petitioner submits that the petitioner has no objection to the use of the mark MICROLIFT.



Learned counsel for the first respondent seeks a reasonable lead time of about six months to exhaust the inventory bearing the mark CITALIFT.

2. In view of these developments, it is not necessary to adjudicate the dispute on merits. By taking note of the agreement between the parties, (T)OP(TM)/315/2023 is disposed of with the following directions:

(i) The first respondent is permitted to use the mark CITALIFT in respect of existing inventory for a period of *six months* from the date of receipt of a copy of this order for the purpose of liquidating such inventory.

(ii) Subject to the above, the first respondent shall stop using the mark CITALIFT in relation to goods produced by the said respondent.

(iii) The second respondent is directed to cancel the certificate of registration relating to the mark CITALIFT under Trade Mark



No.1005556 in class 5 and take necessary steps to remove the entry relating thereto from the register of trade marks.

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

(v) The petitioner shall not raise any objection if the first respondent applies for registration of the mark "MICROLIFT" in relation to its products.

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

14.09.2023

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Index : Yes / No

Internet : Yes / No



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