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(T)OP(TM)/348/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM)/348/2023
(ORA/28/2020/TM/CH)

M/s. Hatsun Agro Product Limited
Domaine, Rajiv Gandhi Salai (OMR),
Karapakkam, Chennai 600097, Tamil Nadu
-vs-

... Petitioner

1.H.Omar Farook

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

... Respondents

PRAYER: Transfer Original Petition (Trademarks) filed under Sections 57 and 47 of the Trademarks Act, 1999, pleased to call for and examine the records of the said registered trademark no.2555577 in Class 25 registered in favour of the Registrant and to cancel the said Registration and to direct the Registrar of Trademarks to rectify the said Trademark No.2555577 in Class 25 in the Register by expunging all the entries relating to the said Trademark No.2555577



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and the Registrant to be ordered to pay the costs of the present proceedings.

For Petitioner : Mr.A.Swaminathan

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

ORDER

Learned counsel for the petitioner has placed on record an affidavit of undertaking affirmed by H.Omar Farook, the first respondent herein. In clause (d) of the affidavit, the first respondent has declared that Trademark No.2555577 expired on 27.06.2023 and undertook not to renew the registration. In addition, in clause (c), the first respondent undertook not to file any trademark applications for the mark IBACO or any mark deceptively similar thereto.



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2. In view of the above affidavit of undertaking, the present petition has been rendered infructuous. By taking note of the above, (T)OP(TM)/348/2023 is dismissed as infructuous without any order as to costs.

21.07.2023

rna

Index : Yes / No

Internet : Yes / No



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SENTHILKUMAR RAMAMOORTHY,J

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