



(T)OP(TM)/528/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM)/528/2023
(ORA/SR.136/2019/TM/CHN)

FINANCIERE BATTEUR SAS
Avenue du General de Gaulle
14200 Herouville Saint Clair
France.

... Petitioner

-vs-

1. KALAI ARASU trading as : SPOT LIGHT
No.5, 3rd main janet building
Vivek Nagar, Bangalore-560 047
Karnataka.

2.Registrar of Trade Marks
Office of the Trade Marks Registry
Intellectual Property Building
G.S.T.Road, Guindy
Chennai-600 032.

... Respondents

PRAYER: Transfer Original Petition (Trade Marks) filed under Sections 47 and 57 of the Trade Marks Act, 1999 and Rule 2 of the Trade Marks (applications and appeals to the intellectual property appellate board) Rules, 2003, praying to the Hon'ble Court that the application of the applicant for cancellation/removal be allowed and 2nd respondent be directed that the entry relating to the impugned



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registered trade mark No.2897583 in class 5 for the trade mark "physiolac" in the name of 1st respondent be expunged, removed and/or cancelled and the costs of these proceedings be also awarded to the applicant.

For Petitioner : Ms.Rachana Bishnoi
for M/s.Sharad Vadehra
For R1 : Mr.R.Suresh Kumar
For R2 : Mr.A.R.Sakthivel, SPC

ORDER

By this petition, the removal of Trade Mark No.2897583 in Class 5 from the Register of Trademarks is prayed for. The subject of (T)OP(TM)/481/2023 is identical and is also between the same parties. Since this is a case of duplication, (T)OP(TM)/528/2023 is closed without any order as to costs.

08.11.2023

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Index : Yes / No
Internet : Yes / No
Neutral Citation: Yes / No



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SENTHILKUMAR RAMAMOORTHY,J.

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