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(TM)A.No.43 of 2023
in
(T)OP(TM)/137 of 2023
(ORA/121/2014/TM/CHN)

SENTHILKUMAR RAMAMOORTHY,J.

This application is filed for permission to file and rely upon the legal use certificate pertaining to Application No.1355890 in Class 41. In the affidavit in support of this application, it is stated that the rectification petition was filed in the year 2014 before the Intellectual Property Appellate Board and that the legal use certificate in respect of the renewal of the trade mark registration was obtained in 2015.

2. The respondent herein/rectification petitioner opposed the application on the ground of delay and laches. Since the renewal certificate was obtained in 2015, the allegation of delay is not devoid of merit. However, by taking into account the fact that this is an original proceeding and in view of the nature of document, this



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application is allowed subject to the right of the respondent herein to file an affidavit of admission/denial in respect thereof and, if appropriate, to raise objections in course of trial *inter alia* on grounds of admissibility, relevance and proof.

21.12.2023

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