



WEB COPY



W.P.Nos.32148 and 13631 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition Nos.32148 and 13631 of 2017
and W.M.P.Nos.14815, 15224, 35313 and 35314 of 2017

M/s.Fair Beat Herbals Cosmetics
Private Ltd.,
Rep. By its Managing Director,
Mr.P.B.Jayendra Saraswathi
“Corner House:
New No.23, Old No.10,
4th Floor, Vasu Street, Kilpauk,
Chennai – 600 010.

... Petitioner in both WPs.

-Vs-

1. The Registrar of Trademarks,
Trademarks Registry,
IP Building,
GST Road, Guindy,
Chennai – 600 036.

2. Mr.R.Prakash.

... Respondents in both WPs.

Prayer in WP No.32148 of 2017 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the proceedings of the 1st respondents herein Trademark Application No.3559727 dated 30.05.2017, Trade Mark Type Device, and to quash the same.

Prayer in WP No.13631 of 2017 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the



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proceedings of the 1st respondents herein Trademark Certificate to Brand Fair Beat dated 31.10.2016 and to quash the same and consequently to direct the 1st respondents to consider my representation regarding amendment filed under TM-24 dated 15.12.2016.

For Petitioner : Mr.M.Jayakumar
in both WPs.

For Respondents : Mr.K.S.Jeya Ganeshan (for R1)
in both WPs. Sr. Panel Counsel

Mr.M.Nishanth (for R2)
for Mr.K.Rajasekaran

COMMON ORDER

WP No.32148 of 2017, has been filed by the petitioner to quash the application for registration of Trademark submitted by the 2nd respondent on 30.05.2017.

2. In WP.No.13631 of 2017, the petitioner has prayed to quash the proceedings of the 1st respondent dated 31.10.2016 and also to direct the 1st respondent to consider his representation regarding amendment filed under TM-24 dated 15.12.2016.

3. As the parties in the both the writ petitions are one and the same and the pleadings and submissions made are common, both the writ



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petitions are taken up together, heard and disposed of by this common order.

4. The image description of Trademark consists of word FAIR BEAT written in a stylized manner and a device of leaf depicted at the top of the letter 'T', has been raised by way of an objection in the application.

5. The learned Senior Panel Counsel appearing on behalf of the 1st respondent brought to the notice of this Court that the objections raised by the 2nd respondent has been taken on file and an enquiry is pending.

6. In view of the fact that the enquiry is pending before the 1st respondent, the petitioner and the other persons raising objections are at liberty to participate in the enquiry proceedings. The 1st respondent is directed to conduct an enquiry by affording opportunity to all the parties and take a decision and pass final orders on merits and in accordance with law, as expeditiously as possible.

7. With the above directions, both the Writ Petitions stand



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disposed of. No costs. Consequently, the connected Miscellaneous
Petitions are closed.

31.03.2023

Index: Yes/No
Speaking/Non-speaking order.
Neutral Citation: Yes/No.
ars

To

The Registrar of Trademarks,
Trademarks Registry,
IP Building,
GST Road, Guindy,
Chennai – 600 036.



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S.M.SUBRAMANIAM, J.

ars

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31.03.2023