

06-12-2024
Item No.1 CD
Court No.41
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
INTELLECTUAL PROPERTY RIGHTS DIVISION
Appellate Side

CR-IPD No.1 of 2024
(Old No. CO No.3931 of 2024)
Reckitt Benckiser (India) Private Limited
-vs-
The Registrar of Trade Marks, Kolkata & Anr.

Mr. S.N. Mookerjee, senior advocate
Mr. Debnath Ghosh, senior. advocate
Mr. Soumava Mukherjee, advocate
Mr. M. Jawahar, advocate
Mr. Nikhil Sharma, advocate
Ms. Yamini Mookerjee, advocate ...for the petitioner

Mr. Ranjan Bachawat, senior advocate
Mr. Sayan Roy Chowdhury, advocate
Mr. Naveen K. Arora, advocate
Mr. Mahan K. Arora, advocate
Ms. Sumitra Chowdhury, advocate
Mr. Abhijit Sarkar, advocate ...for the opposite party

This instant revisional application pertains to a rectification proceeding being Rectification Petition No.278879 of 2023 in respect of Registration No.850638 [*Sauss Home Products Private Limited v. Reckitt Benckiser (India) Private Limited*] pending before the Registrar of Trade Marks, Kolkata being the respondent no.1 herein.

By an interim order dated November 14, 2024, this court had granted an ad interim order of stay of all proceedings in the above rectification petition.

The principal grievance of the petitioner is directed against a particular Hearing Officer, Mr N. Babu, at the Trade Marks Registry, Kolkata.

Without going into the merits or demerits of the challenge and with the object of expeditious disposal of the above proceeding, the private respondent consents to the proceedings being transferred for hearing to any other officer in accordance with law.

The respondent no.1 being the Registrar of Trade Marks, Kolkata is represented and submits that they have no objection in taking steps for transfer of the above proceeding to any other designated officer.

Significantly, the petitioner has also addressed a letter dated November 12, 2024 to the Controller General of Trade Marks, *inter alia*, seeking reliefs under section 125(2) of the Trade Marks Act, 1999 for transfer of the above proceeding to this court. There has been no response to the said letter till date.

In view of the submissions made on behalf of the parties, the instant revisional application stands allowed to the extent that the particular Hearing Officer, N. Babu, the Trade Marks Registry, Kolkata shall not hear this matter any further.

The Controller General of Trade Marks is directed to assign this matter to any designated or authorized officer under section 3(c) of the Trade Marks Act, 1999 for expeditious disposal of the same. The above nomination should be given effect to as soon as possible and preferably within seven days from the date of communication of this order.

The concerned designated officer shall also deal with the letter dated November 12, 2024 issued by the petitioner and take a decision on the same in accordance with law.

It is made clear that there has been no adjudication on the merits of the dispute and no observations made herein shall influence the final hearing on merits.

With the above directions, CR-IPD No.1 of 2024 (Old No. CO No.3931 of 2024) stands disposed of.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Ravi Krishan Kapur, J]

