

OCD-9

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION
ORIGINAL SIDE

[COMMERCIAL DIVISION]

IPDATM/119/2023

AKZO NOBEL COATINGS INTERNATIONAL B. V.
(ORA/102/2026/TM/KOL)
-VS-
BERGER PAINTS INDIA LIMITED AND ANR.

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : August 13, 2024.

Appearance:

Ms. Tanmoy Roy, Adv.
... for the petitioner

Mr. Kavach Kashyap, Adv.
... for the respondent no.1

Mr. Nandalal Singhanian, Adv.
Ms. Rini Bhattacharyya, Adv.
... for the Registrar of Trademarks

The Court: Mr. Tanmoy Roy, learned counsel, is appearing for the petitioner.

Mr. Kavach Kashyap, learned counsel, is appearing for the respondent no.1.

Mr. Nandalal Singhanian, learned counsel, is appearing for the Registrar of Trademarks.

The petitioner has filed the present appeal with respect of the Trademark application no.1949642 of the word mark 'POLYDUR' trademark type Word.

Mr. Debarshi Mukherjee, son of Amit Mukherjee, who is working for gain in the petitioner company Berger Paints India Limited at Berger House, 129 Park Street, Kolkata has filed an affidavit stating as follows:

“That the subject appeal filed by the Appellant Company inter alia seeking cancellation/rectification of the trade mark POLYDUR under registration no.1949642 in Class 02 in the name of the Respondent No.1 Company. In furtherance, the Respondent No.1 Company has filed the letter of withdrawal dated August 08th 2024, request before the Respondent No.2 to treat the said trade mark POLYDUR bearing application no.1949642 in Class 02 as withdrawn. Copy of the said letter of withdrawal dated August 8, 2024 is annexed hereto, marked with the letter ‘A’.”

On the basis of the affidavit filed by the respondent no.1, counsel for the respondent no.1 submits that the respondent no.1 company has already submitted a letter for withdrawal of the Registration No.1949642 in Class 02 which is in the name of the respondent no.1 under the mark POLYDUR.

Counsel for the appellant submits that the matter be sent back to the Registrar, Trademarks, Kolkata for passing appropriate order in terms of the letter submitted by the respondent no.1 for withdrawal of the Trademark ‘POLYDUR’ being application no.1949642 in Class 02.

In view of the submission made by the counsel for the respondent no.1 and the affidavit submitted by the respondent no.1, IPDATM/119/2023 is disposed of by directing the Registrar, Trademarks, Kolkata to pass appropriate orders for withdrawal of Trademark ‘POLYDUR’

being application no. 1949642 of the respondent no.1 in terms of the affidavit submitted by the respondent no.1 within three weeks from the date of receipt of this order.

(KRISHNA RAO, J.)

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