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(T)OP(TM)/82/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2024

CORAM

MR.JUSTICE N.SESHASAYEE

(T)OP(TM)/82/2023
(ORA/52/2013/TM/CHN)

Titan Paints and Chemicals Private Limited,
Adwaitham, 114-A, Senthottam,
Sowripalayam Post,
Coimbatore – 641 028,
Tamil Nadu.

... Petitioner

(Amendment carried out on
22/08/23 by SKRJ in (TM)A No.18 of 23
in (T)OP(TM) 82 of 2023

Vs.

1.M/s.Titan Company Limited Integrity No.193,
Veerasandra, Electronics City P.O.,
Off Hosur Main Road, Bangalore – 560 100.
(Amendment carried out on 22/08/23 in Order
dated 09/08/23 by SKRJ(TM)A No.19/23
in (T)OP(TM)82/23)

2.Registrar of Trademarks,
office of the Trade Marks Registry,
Intellectual Property Building,
GST Road, Guindy,
Chennai – 600 032.

... Respondents



(T)OP(TM)/82/2023

PRAYER: Transfer Original Petition (Trademarks) filed under Sections 9, 11, 12, 18(1), 47 and 57 of the Trade Marks Act, 1999, to exercise its discretion in favour of the applicant and against the first respondent and pass an order to remove/expunge/rectify the entry of trademark TITAL relating to the registration no.631451 in class 2.

For Petitioner	: Mr.Arul Gnana Prakash
For Respondent 1	: Mr.K.Muthuselvam
For Respondent 2	: Mr.A.R.Sakthivel, Special Panel Counsel

ORDER

This petition is filed for rectification and it is being opposed by the first respondent. In deed, before the Registrar, the first respondent herein has entered appearance to oppose the application of the petitioner for registering its mark on the ground that the proposed mark of the petitioner is both deceptively similar to the mark of the first respondent and it also involves infringement of the latter's well known mark. Whereas, the petitioner has registered his mark under clause 2, the first respondent has registered his mark under multiple clauses.



(T)OP(TM)/82/2023

WEB COPY

2. Today, the learned counsel for the first respondent informs the Court that the first respondent is no longer interested to retain its mark under clause 2. The learned counsel also informs the Court that it withdraws its objection in this petition vis-a-vis the use of the mark under clause 2 by the petitioner.

3. The said statement is recorded.

4. In view of the same, this Court only directs the second respondent to consider the application of the petitioner *de novo*, ignoring the opposition entered by the first respondent herein to the registration of the mark.

4. The petition is accordingly disposed of. There shall be no order as to costs.

11.01.2024

Tsg

Index : Yes / No

Neutral Citation: Yes / No

N.SESHASAYEE, J.,

3/4



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(T)OP(TM)/82/2023

Tsg

(T)OP(TM)/82/2023
(ORA/52/2013/TM/CHN)

11.01.2024