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(T)OP(TM)229/2023
(ORA/104/2016/TM/CHN)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2024

CORAM

MR.JUSTICE N.SESHASAYEE

(T)OP(TM)/229/2023
(ORA/104/2016/TM/CHN)

1.M/s.Eris Therapeutics Pvt. Ltd.
AF-10, Kanchan Pharma House
National Highway No.8
Aslali, Ahmedabad 382 427

2.M/s.Eris Life Sciences Limited
8th Floor, Commerce House IV
Besides Shell Petrol Pump
100 Feet Road, Prahladnagar
Ahmedabad 380015

(Amendment made as per Order dated
25.08. 2023 in A/2/2023 by SKRJ)

... Petitioners

Vs.

1.M/s.Micro Labs Ltd.
No.27, Race Course Road
Bangalore 560 001

2.Registrar of Trade Marks
Trade Marks Registry
Intellectual Property Office Building

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G.S.T Road, Guindy
Chennai 600 032

... Respondents

PRAYER: The Transfer Original Petitions (Trade Marks) filed under Sections 47 / 57 / 125 of the Trade Marks Act, 1999, praying to (1) The Trade Mark "OLAMIN" vide Application No.451348 in Class-5 for the goods "Pharmaceutical, medicinal and veterinary preparations" registered in the name of M/s.Micro Labs Ltd., shall be removed from the register; (2) The registration Certificate of the Trade Mark "OLAMIN" vide Application No.451348 in Class-5 shall be cancelled to maintain the purity of the register and for costs.

For Petitioner : Mr.SP.Chockalingam

For Respondents : Mr.T.Saikrishnan - R1

Mr.R.Rajesh Vivekandanthan, DSG- R2

ORDER

Both sides have filed a joint Memorandum of Compromise and it is disposed of in terms thereof, which reads as below:

1.The 1st respondent shall use the Trade Mark "OLAMIN" in respect of its products namely Ciclopirox Olamine and the petitioners shall use the Trade Mark "OLMIN" for the product



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namely Olmesartan Medoxomil for which the 1st respondent has no objection and therefore the 1st respondent does not press for the relief as sought for in the suit in C.S.No.426 of 2013 as against the petitioner and in view of the same, the petitioners hereby withdraw the above rectification application filed by them in the above (T)OP(TM)No.229 of 2023.

2.The 1st respondent hereby agrees to withdraw its opposition lodged with the Trade Marks Registry in Opposition No.782209 for registration of the petitioner's mark in Trade Mark Application No.1897542.

3.The 2nd respondent is hereby given up.

4.The parties therefore pray that this Memorandum of Compromise be recorded in the above (T)OP(TM)No.229/2023 and the petition be disposed of in terms of this compromise.



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N.SESHASAYEE, J.

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2.In view of the same, nothing survives in this petition for consideration.

This petition stands disposed of as per the above terms of the joint
Memorandum of Compromise.

25.03.2024
(1/2)

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Index : yes / no

Neutral Citation : Yes / No

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