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(T)CMA(TM)/26/2023
(OA/11/2013/TM/CHN)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2024

CORAM

MR.JUSTICE N.SESHASAYEE

(T)CMA(TM)/26/2023
(OA/11/2013/TM/CHN)

T.T.INDUSTRIES

Proprietor Dr.Rikhab Chand Jain

879, Master Prithvi Nath Marg

Karol Bagh

New Delhi 110 005

and also at

10, Pollock Street

Kolkata 700 001

... Appellant

Vs.

1.Tanzanite Foundation Limited

Rep. by Mohan Associates

Ceebros Building, D-4, III Floor

No.11, Cenetoph Road

Teynampet, Chennai 600 018

Tamil Nadu

2.The Deputy Registrar of Trade Marks

The Office of the Trade Marks Registry

Intellectual Property Building

G.S.T Road, Guindy

Chennai 600 032



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3. The Registrar of Trade Marks
Trade Marks Registry at Mumbai
S.M.Road, Near Antop Hill
Head Post Office
Mumbai 400 037

... Respondents

PRAYER: Transfer Civil Miscellaneous Appeal (Trade Marks) filed under Section 91 of the Trade Marks Act, 1999,

(a) an order be made admitting the instant appeal against the orders dated 27.07.2012 and the supplementary order dated 07.11.2012 passed by the respondent No.2 in respect of registered Trade Mark No.1381029 in Classes 14 and 35, in the name of the respondent No.1, sought to be rectified under rectification No.MAS-259352 and 259573 filed by the appellant;

(b) the orders dated 27.07.2012 and the supplementary order dated 07.11.2012 passed by the respondent No.2 in respect of Registered Trade Mark No.1381029 in classes 14 and 35, in the name of the respondent No.1, sought to be rectified under rectification Nos.MAS-259352 and MAS-259573 filed by the appellant in the same be set aside;

(c) an order be made directing the respondent Nos.2 and 3 to transmit and certify to this Board the entire records of the proceedings in respect of the registered Trade Mark No.1381029 in classes 14 and 35 in the name of the respondent No.1 and the all relevant documents relating to the rectification

proceeding being rectification Nos.MAS-259352 and MAS-259573, initiated



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by the present appellant.

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(d) the instant appeal arising out of the common order dated 27.07.2012 passed by the respondent No.2 in rectification No.MAS-259352 and MAS-259573 to set aside and / or permanently stayed;

(e) an order directing the respondent Nos.2 and 3 for rectification and / or removal of the entries made in respect of the registrations subsisting in the name of the respondent No.1 under Trade Mark No.1381029 in classes 14 and 35;

(f) an order directing the respondent Nos.2 and 3 not to give any effect of the order dated 27.07.2012 and 07.11.2012 in respect of registered Trade Mark No.1381029 in classes 14 and 35;

(g) an order upon the respondent No.1 directing them not to take any advantage and / or benefit from the impugned order dated 27.07.2012 and 07.11.2012 passed by the Deputy Registrar of Trade Marks, Chennai, till the disposal of the Appeal;

(h)Ad-interim order / orders in terms of the prayers above and for costs.

For Appellant : Mr.Ashok Kumar Daga
Assisted by Mr.Vijayakrishnan RP

N.SESHASAYEE, J.

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For Respondents : No Appearance - R1

Mr.M.Karthikeyan
CGSC - R2 & R3

JUDGMENT

The learned counsel for the appellant makes a statement on instructions that he is withdrawing the appeal. Endorsement to that effect has been made in the bundle.

2.In view of the above, this appeal stands dismissed accordingly as withdrawn. There is no order as to costs.

14.03.2024

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Index : Yes / No
Neutral Citation

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