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OP(TM)/46/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.08.2024**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

OP(TM)No.46 of 2024

Wipro Chandrika Private Limited,
Through its Authorised Representative
Wipro House, 6th Floor, No.8, 7th Main,
80 Feet Road, Koramangala, 1st Block,
Bengaluru, Karnataka – 560 034.

... Petitioner

-VS-

1. Soji Thomas
Proprietor of Mariyas Soaps and Chemicals,
Through the Authorised Representative
Alumoottil, Fathimapuram,
Changanacherry, Kottayam District – 686 102.

2. The Registrar of Trademarks,
Intellectual Property Building,
GST Road, Guindy,
Chennai – 600 032.

... Respondents

PRAYER: Original Petition (Trademarks) filed under Sections 47 & 57 of the Trade Marks Act, 1999, to rectify the Trademarks register by removing,



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expunging and/or cancelling the Respondent No. 1's trade mark
“CHANDRA” registered under application number 4628777 in class 3.

For Petitioner : Mr.Thriyambak J.Kannan

For R1 : Mr.Abhijit Roy

For R2 : Mr.M.Karthikeyan, SPC

ORDER

By this petition, the petitioner seeks rectification of the Register of Trade Marks by removing the trade mark “CHANDRA” of the 1st respondent, which was registered as Trade Mark No.4628777 in class 3. The parties entered into negotiations and reached a settlement by settlement agreement dated 15.05.2024. As regards this proceeding, it was agreed as under in clause 9 of the settlement agreement:

“9. The respondents undertake that they will appear before the Madras High Court (virtually) and give their no objection in the trade mark rectification proceedings filed by the petitioners against the respondent's trade mark registration no.4628777 in class 3 for the trade mark “CHANDRA” . ”



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2. At the hearing today, learned counsel for the petitioner and the 1st respondent, Soji Thomas, proprietor of Mariyas Soaps and Chemicals, are present. The 1st respondent is being assisted by Mr. Abhijit Roy, learned counsel. It is submitted that the petition may be disposed of in terms of clause 9 of the settlement agreement dated 15.05.2024.

3. In view of the aforesaid, OP(TM)No.46 of 2024 is allowed by directing the 2nd respondent to rectify the register by removing the 1st respondent's trade mark "CHANDRA", which was registered under Trade Mark No.4628777 in class 3, from the Register of Trade Marks and by cancelling the certificate of registration in relation thereto. These actions shall be completed within a period of four weeks from the date of receipt of a copy of this order. There will be no order as to costs.

22.08.2024

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes/No

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