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(T) OP (TM) No.507 & 541 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2024

CORAM:

THE HON'BLE MR.JUSTICE P.B.BALAJI

(T) OP (TM) Nos.507 & 541 of 2023

MAKEMYTRIP (INDIA) PRIVATE LIMITED,
B-36, First Floor,
Pusa Road, New Delhi – 110 005.

Also at:

19th Floor, Tower A-C, Building No.5,
DLF Phase 2, Cybercity, Gurgaon – 122 002

.. Petitioner in both OPs

..Vs.

1.Tickmytrip Services Private Limited,
No.117, (New No.21), 4th Cross, 19th Main,
1st N Block, Rajaji Nagar, Bangalore 560 010.
(amended as per order dated 23.02.2024)

2.The Trade Marks Registrar,
Trade Marks Registry, Chennai,
Boudhik Sampada Bhawan,
G.S.T.Road, Guindy, Chennai 500 032.

.. Respondents in both OPs

COMMON PRAYER: This Petition came to be numbered by transfer of SR.Nos.23 & 25/2020/TM/CH from the file of the Intellectual Property Appellate Board, Chennai and praying that the impugned Trade Mark Nos.2801898 & 2801899 in Class-35 & Class-39 in favour of the first respondent are removed from the Register of Trademarks.

For Petitioner : M/s.Sim and San Attorneys



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For Respondents : Mr.R.Anishkumar for R1
Mr.A.R.Sakthivel,
Central Government Standing
Counsel for R2

COMMON ORDER

The above Original Petitions are filed seeking rectification by way of cancellation of the registered impugned Trade Mark Nos.2801898 & 2801899 in Class-35 & Class-39 in favour of the first respondent.

2. The first respondent has filed counter affidavit in both OPs. The learned counsel for the first respondent also filed a copy of the email dated 19.07.2024 sent by the first respondent to the petitioner, wherein they have stated that the term of their Trademarks expires on 02.09.2024, in about a month's time and it is also stated by the first respondent that they do not intend to renew the Trademark, once the current term expires on 02.09.2024. The learned counsel for the first respondent would therefore pray for the said stand of the first respondent being recorded and suitable orders being passed.

3. The e.mail dated 19.07.2024 sent by the learned counsel for the first respondent to the learned counsel for the petitioner is as follows:

“As discussed, we do not intend renewing the trademark registration once its current term expires on September 02, 2024. As such, please let us know if there is anything further to be done by us in



this matter.”

4. The learned counsel for the petitioner was also heard and he has no objection, if the stand of the first respondent is recorded and forms part of the order.

5. Taking into account the fact that the first respondent has expressed his intention not to renew its Trademarks beyond 02.09.2024 in writing, I have no hesitation in recording the same and disposing of the OPs.

6. In fine, the written undertaking of the first respondent that the first respondent does not intend to renew the registration of its Trademarks beyond 02.09.2024 (expiry date of the current term of Registration), there is no necessity for passing any further orders in the matters. Accordingly, the above Original Petitions are closed recording the above undertaking of the first respondent. No costs.

19.07.2024

Index : Yes/No
Speaking/Non-speaking order
rkp

P.B.BALAJI,J.



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rkp

To
The Trade Marks Registrar,
Trade Marks Registry, Chennai,
Boudhik Sampada Bhawan,
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