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(T)OP(TM)/518/2023
(ORA/SR.3/2021/TM/CHN)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2024

CORAM

MR.JUSTICE N.SESHASAYEE

(T)OP(TM)/518/2023
(ORA/SR.3/2021/TM/CHN)

PUMA SE
PUMA Way 1, 91074 Herzogenaurach
Germany

... Petitioner

Vs.

1.K.Srinivasan
Trading as K.Srinivasan Mills
No.34, Chokanathar Street
ERODE 638 001, Tamil Nadu

2.The Registrar of Trade Marks
Trade Marks Registry
Boudhik Sampada Bhavan
G.S.T Road, Guindy
Chennai 600 032

... Respondents

PRAYER: The Transfer Original Petitions (Trade Marks) filed under Sections 47 and 57 of the Trade Marks Act, 1999, praying to (a) allow the present rectification application; (b) an order directing the respondent No.2 to remove an entry pertaining to the Trade Mark registration No.2892343 in Class 24 from the Register of Trade Marks and for costs.



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WEB COPY For Petitioner

: Mr.Ramesh Ganapathy

For Respondents

: No Appearance - R1

Mr.A.R.Sakthivel, SPC GSC - R2

ORDER

This petition for rectification of register of the 2nd respondent is filed for violating the Trade Mark which the petitioner herein had obtained for its logo.

2.The petitioner is a proprietor of 16 Trade Marks which are as below:

S. No.	Trademark	App. No.	App Date	Class	Validity
1.		559635	03/10/1991	24	03/10/2028
2.	PUMA	449270	05/02/1986	24	05/02/2027
3.	PUMA	323055	15/02/1977	28	15/02/2025
4.		412852	08/11/1983	28	08/11/2034
S. No.	Trademark	App. No.	App Date	Class	Validity



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5.		532578	03/07/1990	28	03/07/2034
6.	PUMA	323054	15/02/1977	25	15/02/2025
7.		450143	25/02/1986	25	25/02/2027
8.	PUMA	323053	15/02/1977	18	15/02/2025
9.		450142	25/02/1986	18	25/02/2026
10.		2967782	20/05/2015	32	20/05/2025
11.		424934	27/07/1984	14	27/07/2025
12.		699154	22/02/1996	3	22/02/2026
13.		699153	22/02/1996	9	22/02/2026



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14.		700541	04/03/1996	16	04/03/2026
15.		1264294	03/02/2004	41	03/02/2034
16.		3419759	25/11/2016	21	25/11/2026

3.Puma is an alternate name for the cougar, which is a mountain lion and the various Trade Mark herein above shown in the table has a leaping puma. As stated earlier this leaping puma was also registered under Class 25 separately.

4.Be that as it may, the 1st respondent had registered its label mark which is as below:



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TM Application No.: 2892343

Class: 24

[shirting, suiting and textile piece goods.]

Date of Application: 30/01/2015

User Date: Proposed to be used

Valid Up To: 30/01/2025

5.The objection is now taken by the petitioner to the leaping cat over the expression SAI as its seen in the above label.

6.The 1st respondent was served with a notice, but it chose not to appear and contest the matter.

7.The learned counsel for the petitioner submitted that inasmuch as the



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petitioner had also registered its device separately, the petitioner is entitled to ensure that its proprietorship over the said logo is not infringed by any.

8.This Court finds that the leaping cat or anything that appears to belong to the cat family in the label of the 1st respondent appears to bear a strong resemblance to the leaping puma in the petitioner's mark. Inasmuch as the petitioner had also registered its logo, the leaping puma separately, it is entitled to have the benefit of protecting the said logo.

9.In the result, the present rectification petition stands allowed. The 2nd respondent is hereby directed to remove the entry pertaining to the Trade Mark registration No.2892343 in Class 24 of the 1st respondent from the Register of Trade Marks.

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Index : yes / no

Neutral Citation : Yes / No



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N.SESHASAYEE, J.

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