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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **C.O. (COMM.IPD-TM) 282/2022**
MANKIND PHARMA LIMITED Petitioner

Through: Mr. Hemant Daswani, Adv. ; Ms.
Saumya Bajpai, Adv.; Ms. Pranjal, Adv.

versus

**DR. KIND FORMULATION PVT. LTD. AND THE REGISTRAR OF
TRADEMARKS.** Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

% **ORDER**
20.05.2024

1. This rectification petition has been filed by petitioner seeking removal of the following mark registered in favour of respondent no. 1 [*'impugned mark'*]:

PARTICULARS	IMPUGNED TRADEMARK
MARK	<i>'NONIKIND'</i>
APPLICATION NO.	<i>2699558</i>
CLASS(ES)	<i>05</i>
USER	<i>05th December 2013</i>
DATE OF APPLICATION	<i>14th March 2014</i>
REGISTERED ON	<i>05th May 2019</i>



2. No one appears on behalf of respondent no.1 despite notices.
3. Respondent no.1 has been proceeded *ex-parte* by order dated 22nd March, 2023.
4. Counsel for petitioner has pointed out that, at the time when user in the impugned mark was claimed by respondent, the turnover of the petitioner, was already Rs. 1,971 crores, as evident from the certificate of the Chartered Accountant filed along with the petition.
5. Further, there is a whole list of marks which the petitioner has registered with the prefix or suffix '**KIND**', legal proceedings certificate and trademark registrations having been filed as part of the petition.
6. A list of 154 such marks has been provided by counsel for petitioner. Screenshot of the list is reproduced as under:



1.	ELECTROKIND	5	1412438	Registered
2.	DROTAKIND	5	1309918	Registered
3.	FLOKIND	5	1248997	Registered
4.	VITAKIND	5	1588776	Registered
5.	HERPIKIND	5	1262687	Registered
6.	MEFKIND	5	1580968	Registered
7.	THERMOKIND	5	1177228	Registered
8.	LOSAKIND	5	1331176	Registered
9.	PERIKIND	5	1459373	Registered
10.	TEXAKIND	5	1186848	Registered
11.	LIPIKIND	5	1091524	Registered
12.	URIKIND	5	1126977	Registered
13.	GLYKIND	5	1091518	Registered
14.	DOLOKIND	5	1248982	Registered
15.	VOMIKIND	5	1237543	Registered
16.	RABEKIND	5	1249462	Registered
17.	PANTAKIND	5	1457185	Registered
18.	CALDIKIND	5	1578946	Registered
19.	CEFAKIND	5	1192873	Registered
20.	ASTHAKIND	5	1315947	Registered
21.	AMLOKIND	5	1091520	Registered
22.	MOXIKIND	5	1297735	Registered
23.	TELMIKIND	5	1446143	Registered
24.	NUROKIND	5	1179121	Registered
25.	NUROKIND- D3	5	2584896	Registered
26.	VETKIND	5	1453571	Registered
27.	ATEKIND	5	1091526	Registered

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28.	VALDEKIND	5	1248994	Registered
29.	RABIKIND	5	1191860	Registered
30.	HUMANKIND	5	1414061	Registered
31.	HEPAKIND	5	780841	Registered
32.	SORRIKIND	5	1091521	Registered
33.	GATIKIND	5	1126978	Registered
34.	DENTAKIND	5	1132395	Registered
35.	CLOPIKIND	5	1179122	Registered
36.	MOSAKIND	5	1192872	Registered
37.	METROKIND	5	1204934	Registered
38.	AMIKIND	5	1210925	Registered
39.	ONDIKIND	5	1225855	Registered
40.	BETAKIND	5	1232453	Registered
41.	MAXIKIND	5	1248976	Registered
42.	RALOXIKIND	5	1248978	Registered
43.	VERMIKIND	5	1248979	Registered
44.	CIPROKIND	5	1248980	Registered
45.	CETRIKIND	5	1248981	Registered
46.	DOXYKIND	5	1248983	Registered
47.	WOMANKIND	5	1414060	Registered
48.	NIMEKIND	5	1248985	Registered
49.	COXKIND	5	1248986	Registered
50.	PENTOKIND	5	1248987	Registered
51.	DESLOKIND	5	1248988	Registered
52.	FUNGIKIND	5	1248989	Registered
53.	OMIKIND	5	1248990	Registered
54.	OTEKIND	5	1248991	Registered
55.	ROFIKIND	5	1248992	Registered
56.	PYRJIND	5	1248993	Registered

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57.	TRAMAKIND	5	1248995	Registered
58.	ZENKIND	5	1248996	Registered
59.	D-KIND	5	1561329	Registered
60.	AZIKIND	5	1248998	Registered
61.	NUTRIKIND	5	1248999	Registered
62.	FERRIKIND	5	1249000	Registered
63.	HAEMOKIND	5	1249001	Registered
64.	PILOKIND	5	1262686	Registered
65.	PIOKIND	5	1273072	Registered
66.	VERTIKIND	5	1274494	Registered
67.	TORIKIND	5	1314442	Registered
68.	PRESTAKIND	5	1319384	Registered
69.	PRESTAKIND	5	1320255	Registered
70.	NADIKIND	5	1329977	Registered
71.	FUSIKIND	5	1329978	Registered
72.	ZOXAKIND	5	1339281	Registered
73.	EYEKIND	5	1377599	Registered
74.	EMIKIND	5	1453572	Registered
75.	SAFEKIND	5	1454406	Registered
76.	GESTAKIND	5	1457183	Registered
77.	SEPTIKIND	5	1457184	Registered
78.	GRANIKIND	5	1459369	Registered
79.	ROXIKIND	5	1459374	Registered
80.	SILVERKIND	5	1465077	Registered
81.	LIBROKIND	5	1480409	Registered
82.	GEMIKIND	5	1499914	Registered
83.	TORSIKIND	5	1528579	Registered
84.	BRUNKIND	5	1554048	Registered
85.	PARAKIND	5	1554049	Registered

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86.	SERAKIND	5	1554050	Registered
87.	PAINKIND	5	1554051	Registered
88.	GENTAKIND	5	1559866	Registered
89.	DEXAKIND	5	1559867	Registered
90.	KOFKIND	5	1559881	Registered
91.	G-KIND	5	1561328	Registered
92.	D-KIND	5	1561329	Registered
93.	COLDKIND	5	1561330	Registered
94.	IVERKIND	5	1588773	Registered
95.	BANDYKIND	5	1588774	Registered
96.	TONAKIND	5	1588775	Registered
97.	EVAKIND	5	1599153	Registered
98.	DIMIKIND	5	1610105	Registered
99.	VETKIND BATISA	5	1610106	Registered
100.	NOSIKIND	5	1621832	Registered
101.	FENDIKIND	5	1628831	Registered
102.	SAMLOKIND	5	1668336	Registered
103.	CARBAKIND	5	1690775	Registered
104.	VALPROKIND	5	1690776	Registered
105.	BABYKIND	5	1914929	Registered
106.	KINDCAPS	5	1914932	Registered
107.	BABYKIND	5	2067856	Registered
108.	SITAKIND	5	2088743	Registered
109.	CEFKSKIND	5	4421285	Registered
110.	HQKIND	5	4341161	Registered
111.	PUBLICKIND	5	3711991	Registered
112.	JANTAKIND	5	3711990	Registered
113.	SERTAKIND	5	3587015	Registered
114.	BUFFKIND	5	3218200	Registered

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115.	FATAKIND	5	2977953	Registered
116.	TELMKIND -CT 40	5	258	Registered
117.	SIDAKIND	5	2311232	Registered
118.	ATORVAKIND	5	3032480	Registered
119.	I-KIND	5	2366780	Registered
120.	METAKIND	5	2311231	Registered
121.	PICKIND	5	1273072	Registered
122.	BEVAKIND	5	5079059	Registered
123.	OPHTHOKIND	5	1562564	Registered
124.	MIDAKIND	5	5203253	Registered
125.	DERMAKIND	5	1708806	Registered
126.	HC KIND	5	4575844	Registered
127.	TOFAKIND	5	5082958	Registered
128.	IBUKIND	5	1319384	Registered
129.	URXOKIND	5	4660318	Registered
130.	EMPAKIND	5	4501439	Registered
131.	GENERIKIND	5	3726256	Registered
132.	POSAKIND	5	5082957	Registered
133.	RISPERKIND	5	5082959	Registered

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134	KINDSPRA	5	5079060	Registered
135	DG KIND	5	5080408	Registered
136	KINDERGARTE N	5	5265809	Registered
137	INSUKIND	5	4484704	Registered
138	ENOXAKIND	5	5082966	Registered
139	ZELNKIND	5	5092728	Registered
140	MOLUKIND	5	5105819	Registered
141	HCKIND	5	4539633	Registered
142	VETKIND LABS	5	5203224	Registered
143	ALBUKIND	5	5157447	Registered
144	BARBKIND	5	4967808	Registered
145	PIZOKIND	5	4603721	Registered
146	ZADYKIND	5	4888924	Registered
147	KOLDKIND	5	5157639	Registered
148	PRIME MANKIND	5	4695367	Registered
149	COVIKIND	5	4760724	Registered
150	INTERKIND	5	4955601	Registered
151	BABYKIND	5	2129646	Registered

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152	SUDAKIND	5	4976109	Registered
153	AGRIKIND	5	4888928	Registered
154	SALIKIND	5	5084304	Registered

7. These marks have been utilised since as early as 2000.
8. In view of these documents as well as pleadings which have been filed, and there is no rebuttal by respondent no.1, present rectification petition is allowed.
9. The impugned mark be removed from the Trade Marks Register, Register may accordingly be rectified, and website of the Trade Marks Registry be updated. The same may be done within four weeks from today.
10. Registry to supply a copy of the present order to Trade Marks Registry at llc-ipo@gov.in for information and compliance.
11. Present petition is disposed of. Pending applications, if any, are rendered infructuous.
12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 20, 2024/RK/sc

Click here to check corrigendum, if any