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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ C.A.(COMM.IPD-TM) 14/2021

M/S RALSON (INDIA) LIMITED

..... Appellant

Through: Mr. Amit Jain and Mr. Ashutosh
Pandey, Advocates.

versus

RPL INDUSTRIES TRADING AND ANR.

..... Respondents

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Mr. Alexander Mathai Paikaday and
Mr. Krishnan V., Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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24.01.2024

1. The present petition arises from the order dated 04th May, 2018 passed by the Deputy Registrar of Trademarks, whereby Appellant's opposition to the trademark application No. 2461616 filed by Respondent No. 1 – RPL



Industries, for the trademark “**TYRES**”, was deemed to be abandoned under Rule 45(2) of the Trade Mark Rules, 2017.

2. The afore-noted trademark application has now been granted registration by the Trademarks Registry. Mr. Amit Jain, counsel for Appellant, on instructions, states that he would like to withdraw the present



appeal with liberty to file a petition for cancellation/ rectification of the impugned mark.

3. In light of the above, the present petition is disposed of as withdrawn with liberty as aforesaid.

4. It is however clarified that if and when a rectification petition is filed, the same shall be considered and adjudicated on its own merits.

5. All rights and contentions of parties are left open. The Court has not expressed any opinion with respect to any of the averments made in the present appeal.

SANJEEV NARULA, J

JANUARY 24, 2024

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