



2024:DHC:5061



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

Date of Decision: 09.07.2024

+ C.O. (COMM.IPD-TM) 324/2021

MODI PAINTS AND VARNISH WORKSPetitioner

Through: Mr. Arun Kumar Jha, Advocate
Mob: 9811104452

versus

SANJAY GUPTA AND ANR.Respondents

Through: None

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL)

1. The present petition has been filed for rectification, seeking removal of Trademark 'MODI CRYL' under Registration No. 1689069 in Class 2, registered in the name of respondent no. 1.
2. Learned counsel appearing for the petitioner has handed over a copy of the Online Status Report as on 8th July, 2024, as per the which, the aforesaid Trademark of the respondent no.1 was valid/renewed upto only, 21st May, 2018.
3. The Online Status Report, as handed over by learned counsel appearing for the petitioner, is reproduced as under:

"As on Date: 08/07/2024

Status : Registered [View TM Application](#) / [View Additional Representation Sheet](#) / [View Examination Report](#)

Alert: Trade mark is likely to be removed due to non filing of Renewal



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request within prescribed time limit In case of any discrepancy contact respective TM Registry.

TM Application No.	1689069
Class	2
Date of Application	21/05/2008
Appropriate Office	DELHI
State	UTTAR PRADESH
Country	India
Filing Mode	Branch Office
TM Applied for	MODICRYL
TM Category	TRADE MARK
Trade Mark Type	WORD
User Detail	01/02/2004
Certificate Detail	Certificate No. 933892 Dated: 11/02/2011
Valid upto/Renewed upto	21/05/2018
Proprietor name	(1) SANJAY GUPTA Trading As: GUPTA PAINTS & MARBLE HOUSE Single Firm
Proprietor Address	114-B, VAKIL ROAD, OPP MEHTA CLUB NEW MANDI MUZAFFARNAGAR U.P.
Email Id	
Agent name	AALOK KANSAL, ADVOCATE.[214]
Agent Address	50, CHATANYA PURAM, NAUCHANDI GROUND, MEERUT, (U.P.).
Goods & Service Details	[CLASS: 2] PAINTS & PUTTI.
Publication Details	Published in Journal No. : 1442-0 Dated 16/06/2010

(Emphasis Supplied)

4. Learned counsel appearing for the petitioner further points out that the Registrar of Trademark, had also issued a notice to the respondent no. 1 under Section 25(3) of The Trademarks Act, 1999, for renewal of the said Trademark. However, the respondent no. 1 has not got the said Trademark



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renewed.

5. Thus, this Court notes that the prayer, which is sought by the petitioner in the present case, already stands satisfied, since the Trademark of the respondent no. 1 was valid/renewed, only upto 21st May, 2018, and is no longer subsisting.

6. Accordingly, the present petition is disposed of, noting the aforesaid.

MINI PUSHKARNA, J

JULY 9, 2024

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