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

+ **W.P.(C)-IPD 36/2024 with CM 119/2024**

**MS GOOD BUY SOAPS AND
COSMETICS PVT LTD**

.....Petitioner

Through: Mr. Iram Naaz, Mr. Bobby Augustive,
Mr. Abraham Cherian P. and Mr.
Nitin Sharma, Advocates.

versus

TRADEMARK REGISTRY & ORS.

.....Respondents

Through: Ms. Nidhi Raman, CGSC with Mr.
Zubin Singh and Ms. Rashmi Kapoor,
Advocates for respondents No. 1 and
2.

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER
22.11.2024**

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1. The present writ petition has been filed under Article 226 of the Constitution of India seeking direction to the respondents no.1 and 2 to consider and decide the review petition filed on behalf of the petitioner on 22nd December, 2023 and pass appropriate orders.
2. It is stated in the petition that the opposition No. 1063209 filed on behalf of the petitioner against the trademark application No. 4063304 in Class 3 was dismissed by the Trade Mark Registry on 6th December, 2023 as the petitioner failed to appear on the said date.
3. Immediately thereafter, a review petition was filed on 22nd December,



2023, which has not been considered till date by the respondents no.1 and 2.

4. Issue notice.

5. Notice is accepted by counsel appearing on behalf of the respondents no. 1 and 2.

6. In view of the limited relief sought in the present petition, need is not felt to issue notice to the respondent no.3, who is a private respondent, as also to direct the respondents no.1 and 2 to file a reply.

7. Counsel for the petitioner has drawn attention of the Court to Section 127(c) of the Trade Marks Act, 1999 read with Rule 119 of the Trade Marks Rules, 2017 to show that the power of review has been vested in the Registrar of Trade Marks. Therefore, once the petitioner has filed a review petition the Registrar of Trade Marks is bound to consider the same.

8. In view of the above, directions are issued to the respondent no.2 to take up the review petition filed on behalf of the petitioner within six (6) weeks from today and decide the same on merits after giving notice to the respondent no.3.

9. The writ petition along with all the pending applications stand disposed of.

AMIT BANSAL, J

NOVEMBER 22, 2024

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