

OIPD-6

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE
(Intellectual Property Rights Division)

IPDATM/62/2023

M/S ARAVIND LABORATORIES
(ORA/24/2021/TM/KOL)
VS
PAYAL NOVELTY PRIVATE LIMITED AND ANR

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 19th March, 2025.

Appearance:
Ms. Gladys Deniel, Adv.
Mr. Shantanu Guchaawait, Adv.
...for the applicant

Mr. Subhasish Sengupta, Adv.
Mr. Avirup Chatterjee, Adv.
Mr. Rishov Das, Adv.
...for the respondent no. 1

Mr. Indrajeet Dasgupta, Adv.
...for the Registrar Trade marks

The Court: By an order dated 7th February, 2025, the respondents were directed to take instructions insofar as changing the getup and trade dress of the impugned product “Pearl Eyeflax Kum Kum Bindi”.

It is submitted on behalf of the appellant that pursuant to the above directions, the respondents are ready and willing to change the design and trade dress of the impugned product. A copy of the same is kept with the records. For convenience, the proposed change of trade dress and design and getup is depicted below:-



In view of the above, nothing survives in this application.

IPDATM/62/2023 is disposed of.

The respondents undertake to use the proposed trade dress from 1 May, 2025. In the meantime, the respondents also undertake to dispose of all available stocks of the impugned mark.

The respondent Controller is represented.

(RAVI KRISHAN KAPUR, J.)

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