

OIPD-14

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

IPDATM/261/2023

FENA PRIVATE LIMITED (ORA/07/2009/TM/KOL)
VS
BAJRANGLAL RATHI TRADING AS M/S.
MAHESHWARI SOAP INDUSTRIES AND ORS.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 16th July, 2025.

Appearance:

Mr. Manish Kr. Mishra, Adv.

Mr. Tamoghna Saha, Adv.

...for the petitioner

Mr. Dhruv Surana, Adv.

Ms. Sumita Sarkar, Adv.

...for the respondent no. 8

The Court: This is an application for cancellation of mark "FENA" registered under order no. 3 class 3 in favour of the respondent nos. 1 to 7. The matter has been heard on several dates. Pursuant to orders of Court, the respondent authorities are represented and rely on the application details from the Trademark Registry which suggest that the registration in favour of the impugned order has been cancelled.

The impugned mark has not been renewed since 1981. However, this fact was not brought to the attention of the Registry. It is submitted that immediate steps are being taken for removal of the impugned mark from the Register of Trade Marks.

In such circumstances, the instant application has become infructuous.

IPDATM/261/2023 stands disposed of in view of the submissions that the Registry are taking steps to remove the impugned mark. The exercise of removal is to be positively carried out within a period of two weeks from the date of passing of this order.

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

It is made clear that there has been no expression on the merits of the case. All issues are left open to be decided in accordance with law if the circumstances so warrant at any subsequent stage.

(RAVI KRISHAN KAPUR, J.)

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