



W.P.(IPD)No.8 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(IPD)No.8 of 2025
& W.M.P.(IPD)No.6 of 2025

M/s. Dr.J.R.K's Research and Pharmaceuticals Private Limited,
Represented by its Authorised Signatory Mr. Rajagopal,
No.13, Perumal Koil Street,
Kundrathur, Chennai 600 069.

Also having its Corporate Address at 4B,
GS Towers, Old No.116, New No.24,
Abhiramapuram 4th Street, Chennai 600 018.

... Petitioner

vs.

The Registrar of Trademarks
Trademark Registry, Anna Salai,
Guindy Industrial Estate,
Sidco Industrial Estate,
Guindy, Chennai, Tamil Nadu-600 032.

.. Respondent

Prayer: Writ Petition (IPD) filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records of letter bearing No. TMR/CASH /2024/54 dated 30.10.2024 issued by the respondent, and quash the same and consequently direct the respondent to accept the renewal request dated 28.10.2024 filed by



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the petitioner for the renewal term for the period between 2021- 2031 for

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the mark “NATURE'S WEALTH RESTORES HEALTH”



registered in class 05 bearing registration number 1061417 and renew the same pending on the files of the respondent and direct the respondent to treat the subject mark active, valid and subsisting on the e-portals and records of the register.

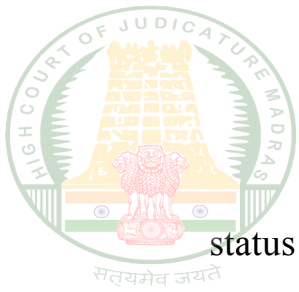
For Petitioner :Ms.Reshma Rajagopal
Ms.T.S.Jayabharathi
for Mr.M.S.Bharath

For Respondent : Mr.J.Madanagopal Rao, SPC

ORDER

The petitioner had applied for renewal of Trade Mark No.1061417 in respect of the device mark “NATURE'S WEALTH RESTORES HEALTH” . The said application was rejected by communication dated 30.10.2024. The said order is challenged in this writ petition and the petitioner seeks a consequential direction to the respondent to accept the renewal request and renew the trade mark for the period between 2021-2031.

2. Learned counsel for the petitioner invited my attention to the

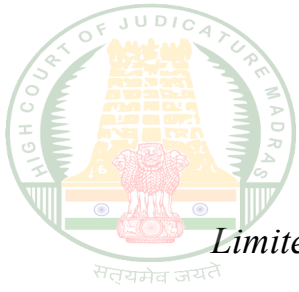


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status of the trade mark, as reflected in the Trademark Registry. She points out that the application for registration was lodged on 20.11.2001, but the certificate of registration was issued on 09.01.2023. When the first application for renewal was lodged, she submits that the registration was renewed up to 20.11.2021. As regards the second application for renewal, she states that the petitioner was unable to access the portal to lodge the same. Therefore, an RTI application was filed and reply dated 30.09.2024 was received. Pursuant thereto, she states that the impugned communication was received.

3. Learned counsel for the respondent refers to the reply dated 30.09.2024 and points out that the request for second renewal was not accepted because such renewal request should have been made concurrently along with the requisite renewal fees.

4. The agreed position is that the trade mark has not been removed from the Register of Trademarks. In fact, there is nothing on record to indicate that the Registrar of Trademarks took any steps for the removal of the trade mark in the manner prescribed in the Trade Marks Act, 1999 and Rules framed thereunder. In *Jaisuryas Retail Ventures Private*



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Limited v. The Registrar of Trade Marks 2024:MHC:3109; 2024(100)

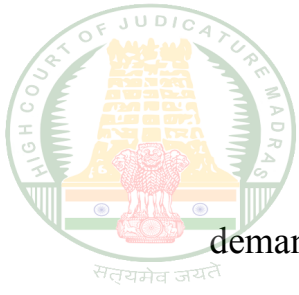
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PTC 25 (Mad), the issue that has arisen in this writ petition was considered and it was held that the proprietor of the trade mark is entitled to seek and obtain renewal thereof unless the trade mark has been removed from the register. This case is squarely covered by the ratio of the said judgment.

5. Therefore, impugned communication dated 30.10.2024 is set aside and the respondent is directed to receive and process the renewal application of the petitioner for renewal of Trade Mark No.1061417 for the period 2021-2031 subject to the petitioner remitting requisite fees in such regard. To enable the above, the respondent is further directed to either provide access to the portal or, in the alternative, act on a physical copy of the renewal application. The renewal application shall be received and disposed of as indicated above within a maximum period of thirty days from the date of receipt of a copy of this order.

6. The writ petition is disposed of on the above terms without any order as to costs. Consequently, connected miscellaneous petition is closed.

7. The Registry of this Court is directed to return the original



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demand draft filed along with the writ petition so as to enable the petitioner to take further action.

12.06.2025

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

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To

The Registrar of Trademarks
Trademark Registry, Anna Salai,
Guindy Industrial Estate,
Sidco Industrial Estate,
Guindy, Chennai, Tamil Nadu-600 032.



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SENTHILKUMAR RAMAMOORTHY,J.

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