



WEB COPY



W.P.(IPD) No.1 of 2025

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 09.01.2025

CORAM

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.(IPD) No.1 of 2025

Sujatha Rajkumar

...Petitioner

-VS-

The Registrar of Trade Marks,
Guindy, Chennai.

...Respondent

Prayer:- This writ petition is filed under Article 226 of the Constitution of India seeking for issuance of writ of mandamus to direct the respondent to consider an application in Form TM-P bearing reference No.10790571, dated 07.06.2024 filed under Section 45 of the Trade Marks Act, 1999, and take on record the subsequent proprietor of the registered trademark 'Velvette' bearing application No.395218 in Class 3 as per Assignment Deed dated 29.05.2024.

For Petitioner : Ms.Chandini Pradeep Kumar

For Respondent : Mr.Madana Gopal Rao, SPC



W.P.(IPD) No.1 of 2025

WEB COPY

ORDER

Mr.Madana Gopal Roa, learned standing counsel, accepts notice for the respondent. By consent of both the counsels, the writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking for a direction to the respondent to pass final orders on the petitioner's application in Form TM-P bearing reference No.10790571, dated 07.06.2024 filed under Section 45 of the Trade Marks Act, 1999, pertaining to the registered trademark 'Velvette' bearing application No.395218 in Class 3, within a time frame to be fixed by this Court.

3. The petitioner has applied for transfer of title in her favour pursuant to the Assignment Deed dated 29.05.2024, under which, the petitioner claims that the registered trademark 'Velvette' was assigned in her favour. The said application was filed on 07.06.2024. According to the petitioner, as per Rule 76(2) of the Trade Marks Rules, 2017, the said application ought to have been considered within a period of three months. According to the petitioner, despite expiry of the said period,



W.P.(IPD) No.1 of 2025

till date, the said application of the petitioner has not been considered. In such circumstances, this writ petition has been filed.

4. Rule 76(2) of the Trade Marks Rules, 2017, extracted hereunder, stipulates that the Registrar shall dispose of an application within a period of three months.

“76(2) The Registrar shall dispose of an application made under rule 75 ordinarily within three month from the date of application and intimate the same to the applicant.”

5. Admittedly, in the case on hand, the application submitted by the petitioner has not been considered within the period stipulated under the statute. Therefore, this Court is of the view that necessarily, the respondent will have to pass final orders on the petitioner's application at the earliest after providing an opportunity of personal hearing to the petitioner. Accordingly, this Court directs the respondent to pass final orders on the petitioner's application filed under Section 45 of the Trade Marks Act, 1999, in Form TM-P bearing reference No.10790571, dated 07.06.2024, on merits and in accordance with law, within a period of six



W.P.(IPD) No.1 of 2025

weeks from the date of receipt of a copy of this order. With this direction, the writ petition is disposed of. No Costs.

09.01.2025

rkm

Index:yes/no

Neutral Citation: yes/no

To

The Registrar of Trade Marks,
Guindy, Chennai.



WEB COPY



W.P.(IPD) No.1 of 2025

ABDUL QUDDHOSE,J.

rkm

W.P.(IPD) No.1 of 2025

09.01.2025