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OP(TM)No.3 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10.07.2025**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

OP(TM)No.3 of 2025

Qingdao Thunderobot Technology Co. Ltd.,
Represented by Mr.Raghuveer Singh Rathore,
Power of Attorney Holder of the Petitioner,
No.1, Haier Road, Laoshan District, Qingdao City,
Shandong Province, China 266101.

... Petitioner

-VS-

1.Vivekananda Chintapalli
Flat 501, Sunrise Apartments, Kothapet, Hyderabad,
Telangana 500035.

2. The Registrar of Trademarks,
The Office of Trademarks Registry,
The Intellectual Property Office Building,
GST Road, Guindy, Chennai-600 032.

... Respondents

PRAYER: Original Petition (Trademarks) filed under Sections 47 & 57 of the Trade Marks Act, 1999, to remove/cancel the trade mark registration of the 1st respondent, which is trade mark Registration No.4015976 dated



22.05.2019 in Class 9 for the trade mark

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and award cost of the proceedings in favour of the petitioner.

For Petitioner : Mr.Manu Thomas George
for Mr.M.S.Bharath

R1 : Set *ex parte* vide order dated 26.06.2025

For R2 : Mr.J.Madhanagopal Rao, SPC

ORDER

By this petition, the petitioner seeks rectification of the register of trade marks by expunging the entry relating to the following device mark



, which was registered under Trade Mark No. 4015976 in Class 9.

2. Private notice was served on the 1st respondent on 01.02.2025.



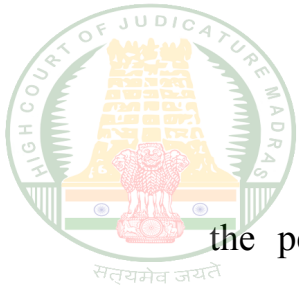
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Thereafter, Dr.S.Diraviam Dinesh, learned counsel, entered appearance on behalf of the 1st respondent. He, subsequently, stated that he has no instructions to act on behalf of the 1st respondent. Therefore, the Registry was directed to print the name of the 1st respondent in the cause list. The 1st respondent continued to remain unrepresented thereafter and was set *ex parte* by order dated 26.06.2025. In those circumstances, the matter is proceeded with in the absence of the 1st respondent.

3. Learned counsel for the petitioner submits that the petitioner invented, adopted and applied the inherently distinct device mark



in the year 2014. The petitioner's mark is applied in relation to computer hardware, especially computer hardware relating to e-gaming. Learned counsel submits that products bearing the petitioner's trade mark are being sold in India, as evidenced by the display of such products on websites accessible in India with the price mentioned in INR. He further submits that

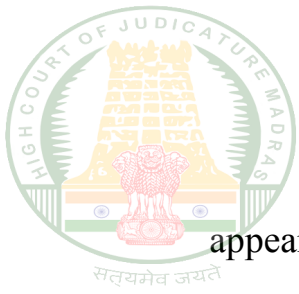


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the petitioner has obtained registrations of its trade mark in multiple jurisdictions outside India. By referring to paragraph 21 of the petition, learned counsel submits that the turnover of the petitioner in Chinese Yuan was 852 million in calendar year 2023. He also points out that about 15 million Chinese Yuan was expended towards promotional and advertising expenses in the year 2023.

4. By referring to the 1st respondent's application for registration, learned counsel points out that the 1st respondent applied by asserting use since 24.10.2018. He further submits that the affidavit in support of use referred to the registration of the domain name 'machenike.in' on 28.11.2018. In this connection, by referring to the WHOIS report, learned counsel submits that the domain name 'machenike.in' is currently registered in the name of the petitioner.

5. On comparing the petitioner's trade mark with that of the 1st respondent, it is clear that they are strikingly similar and virtually identical. The petitioner's trade mark appears to be inherently distinctive and does not



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appear to bear any connection to the goods to which it is applied. The sales

turnover of the petitioner and its advertising expenditure are substantial.

The evidence on record indicates that products bearing the petitioner's trade mark are being commercially sold in India. As noticed at the outset, the petitioner's mark is being applied in relation to computer hardware. On examining the application filed by the 1st respondent, the said application covers the full range of products in Class 9, including computers. Therefore, the 1st respondent has obtained registration for use in relation to similar goods.

6. In those circumstances, the continuation of the entry relating to the 1st respondent's mark on the register and the continued use of the mark in relation to products is likely to cause confusion or deception among the relevant section of the public. Therefore, the impugned entry was made without sufficient cause and is liable to be expunged from the register.

7. For reasons aforesaid, OP(TM) No.3 of 2025 is allowed by directing the Registrar of Trade Marks to remove the entry relating to Trade



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Mark No.4015976 in Class 9 from the register of trade marks. This action

shall be completed within thirty days from the date of receipt of a copy of this order. There shall be no order as to costs.

10.07.2025

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes/No

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To

The Registrar of Trademarks,
The Office of Trademarks Registry,
The Intellectual Property Office Building,
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