



CMA(TM)No.18 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 31.07.2025

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

CMA(TM)No.18 of 2025

Royal Classic Mills Private Limited,
No. 31, Puliyamara Thottam,
Manglam Road, Tirupur 641604, Tamil Nadu.

... Appellant

-vs-

1. The Polo/ Lauren Company L. P.,
650 Madison Avenue,
New York 10022, U.S.A.

2. The Registrar of Trade Marks,
Office of the Trade Marks Registry,
Intellectual Property Rights Building,
Industrial Estate, Sidco RMD,
GST Road, Guindy,
Chennai-600 032, Tamil Nadu.

.. Respondents

Prayer: Civil Miscellaneous Appeal (Trade Mark) is filed under Section 91 of the Trade Marks Act, 1999, to allow the Appeal against the order of the 2nd Respondent dated 25.10.2024 and set aside the same and to conduct a fresh hearing to allow the Appellant to submit its side of arguments against the Opposition no. 1291723 to Application No. 5987488 in Class 18 filed on 20.06.2023.



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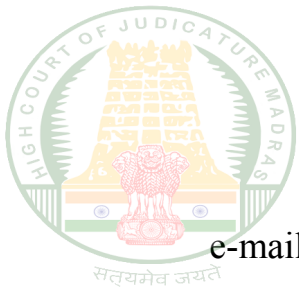
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For Appellant : Ms.Gladys Rosette C Daniel
For R1 : Mr. Arun C.Mohan
For R2 : Mr.Rajesh Vivekananthan, DSG

JUDGMENT

This appeal is directed against order dated 25.10.2024 accepting the explanation of the 1st respondent/opponent that it had not received the counter statement in response to notice of opposition on 29.04.2024, and consequently permitting the 2nd respondent/opponent to file evidence in support of the opposition.

2. Learned counsel for the appellant invited my attention to the impugned order and pointed out that it is recorded therein that the status of the e-mail sent to the opponent is shown as 'success' in the records of the Trade Marks Registry. In that factual context, by relying on Rule 14 of the Trade Marks Rules, 2017 (the TM Rules) and Rule 18 thereof, learned counsel contends that service stands proved if the e-mail is sent to the



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e-mail ID provided by the party concerned. Learned counsel further submits that the correspondence/notice history submitted by the opponent along with affidavit dated 16.08.2024 could have been tampered with by deleting the entry relating to the receipt of the counter statement. Because the impugned order was issued without considering this aspect and without providing adequate opportunity to the appellant to respond to the affidavit, she submits that interference with the order is warranted.

3. These contentions are refuted by learned counsel for the 1st respondent. He submits that the affidavit dated 16.08.2024 was filed shortly after receiving the hearing notice dated 07.08.2024. He further submits that there were two annexures thereto and upon considering the affidavit and the said annexures, in exercise of discretion, the Registrar of Trade Marks accepted the explanation of the opponent that it had not received the counter statement.

4. The consequence of not filing evidence in support of the opposition within the time limit specified in Rule 45(1) of the TM Rules is that the



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opposition would be deemed to be abandoned in terms of sub-rule (2) thereof. In other words, the consequence is drastic. In this case, upon noticing advertisement dated 25.12.2023, the opponent lodged the notice of opposition on 19.03.2024. The applicant appears to have filed the counter statement on 29.04.2024, which is just one month after the notice of opposition was lodged. The hearing notice was issued about three months after the said date. Within a few days from the date of receipt of hearing notice, the opponent has filed affidavit dated 16.08.2024 along with two annexures. One of the annexures is the correspondence/notice history from the Intellectual Property India filing portal of the opposition attorney. As submitted, this document does not disclose receipt of the counter statement. Learned counsel for the appellant, however, contended that this document could have been doctored. Upon examining the affidavit and the annexures thereto, in exercise of discretion, the 2nd respondent concluded that the explanation of the opponent is liable to be accepted, including in the interest of natural justice.

5. By taking into account the sequence of dates and events and the material placed on record, I see no reason to interfere with the exercise of



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discretion by the 2nd respondent in a procedural matter. It is however noticeable that the trade mark application was lodged on 20.06.2023 and the matter is at the stage of filing evidence in support of the opposition and application, respectively. It is in the interest of all concerned that the process be concluded expeditiously.

6. Therefore, CMA(TM)No.18 of 2025 is disposed of by directing the Registrar of Trade Marks to conclude proceedings relating to Opposition No.1291723 and Application No.5987488 within six months from the date of receipt of a copy of this order. Both the applicant and the opponent are directed to extend full co-operation to ensure that the above time line is adhered to. There shall be no order as to costs.

31.07.2025

Index : Yes / No
Internet : Yes / No
Neutral Citation: Yes / No
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SENTHILKUMAR RAMAMOORTHY,J.

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To

The Registrar of Trade Marks,
Office of the Trade Marks Registry,
Intellectual Property Rights Building,
Industrial Estate, Sidco RMD,
GST Road, Guindy,
Chennai-600 032, Tamil Nadu.

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