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(T)OP(TM)No.247 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2025

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

(T)OP(TM)No.247 of 2023
(ORA/01/2018/TM/CHN)

M/s. K.A.S.ZAINULABDIN AND CO.
No.196, Angappan Street, Chennai 600001,
Rep. by its Partner Mr.K.M.Mahmood Sulaiman.

... Petitioner

-VS-

1. K.G.Subramaniam, trading as KGS Lunghi Company,
Kanniamman Kovil Street, Ammaiyaar Kuppam Post,
Pallipattu Taluk – 631301, Thiruvallur Dist.

2. The Registrar of Trademarks
Office of the Trade Marks Registry,
Boudhik Sampada Bhawan,
GST Road, Guindy, Chennai 600032.

... Respondents

Prayer : Transferred Original Petition (Trade Marks) is filed under Section 57 of the Trade Marks Act, 1999, to remove/expunge/rectify/cancel the entry relating to trademark “399 BRAND K.G.S. SUBRAMANI AND CO” under Registration No.3311165 in Class 25.

For Petitioner : Mr.Arun C.Mohan



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For R1 : Ms.S.Harinyi

For R2 : Mr.K.Subbu Ranga Bharathi, CGSC

ORDER

By this petition, the petitioner seeks rectification of the register of trade marks by expunging the entry relating to Trade Mark No.3311165 in Class 25.

2. The contesting respondent has agreed to change its trade mark and has provided a representation of the changed trade mark to learned counsel for the petitioner. On instructions, learned counsel for the petitioner states that the petitioner has no objection to the contesting respondent using the changed mark.

3. In view of the above agreement, (T)OP(TM)No.247 of 2023 is allowed by directing the Registrar of Trade Marks to remove the entry relating to the trade mark “399 BRAND”, which was registered as Trade Mark No.3311165 in Class 25 from the register of trade marks. This action shall be completed within 30 days from the date of receipt of a copy of this



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order. It is clarified that it will be open to the contesting respondent to coin, adopt and use any other trade marks, as long as such trade marks are not deceptively similar to the petitioner's trade mark. 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
Office of the Trade Marks Registry,
Boudhik Sampada Bhawan,
GST Road, Guindy, Chennai 600032.



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