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DATED: 25-09-2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

OP(TM) No. 33 of 2025

1. Aculife Healthcare Private Limited
Commerce House-V, Besides Vodafone
House, Prahladnagar Corporate Road,
Ahmedabad - 380 051

Petitioner (s)

Vs

1. Auspharma Private Limited
10-3-316/A, Masab Tank, Hyderabad,
Telangana - 500 028.

2.The Registrar Of Trade Marks
Office Of The Trade Mark Registry,
IP Office Building, G.S.T.Road,
Guindy, Chennai 600 032.

Respondent(s)

PRAYER

To rectify the Trademarks Register by removing expunging, and/or cancelling the trademark of the 1st Respondent that stands registered under No.5099661 in class 5.

For Petitioner : Mr.S.Diwakar



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For Respondent(s): Mr.C.Balakrishnan for R1

Mr.G.Subramanian for R2

ORDER

Though this case is listed under the caption “For Reporting Settlement”, the learned counsel for the petitioner submit that they entered into a Memorandum of Compromise between the petitioner and the first respondent. The said Memorandum of Compromise is duly attested by the petitioner and the first respondent and identified by the learned counsel for the petitioner as well as the learned counsel for the first respondent. The scanned copy of the said Memorandum of Compromise is as follows:





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AQURIS ACUPARA 500 under no. 5099660 in class 5 and removal thereof from the Register of Trademarks maintained by the 2nd Respondent.

2. Pending dispute, both Petitioner and 1st Respondent thought it fit to settle the same in an amicable manner and in pursuance thereof have executed this Memorandum of Compromise elaborating their terms of settlement in the following manner:

- a) That the 1st Respondent agrees and acknowledges that the Petitioner holds the exclusive proprietorship and absolute monopolistic rights over the trademark **ACUPARA** both in view of statutory registration and also through long and continuous use thereof in the market.
- b) The 1st Respondent agrees to bind themselves to an order passed by this Hon'ble Court towards cancellation of registration of their trademark **AQURIS ACUPARA 500** under no. 5099660 in class 5 and for the removal of its entry from the Register of Trademarks immediately.
- c) The 1st Respondent further agrees and undertakes not to apply for registration of the mark **AQURIS ACUPARA 500** or any mark similar to the Petitioner's registered trademark **ACUPARA** in any manner whatsoever, under Trademarks Act, 1999 or ss, or as part of an artistic work under Copyright Act, 1957.
- d) The 1st Respondent agrees and undertakes that immediately upon execution of this memorandum of compromise they shall cease to use or manufacture or trade or advertise or market or sell or offer to sale any product under the mark **AQURIS ACUPARA 500** or any mark similar to the Petitioner's registered trademark **ACUPARA** in any manner whatsoever.



f. *[Signature]*



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- c) The 1st Respondent undertakes to ensure that their products under the impugned mark **AQURIS ACUPARA 500** or any mark similar to the Petitioner's registered trademark **ACUPARA** will not be made available in the market in any manner whatsoever.
3. All parties herein agree that this memo of compromise shall bind themselves, including but not limited to their assignees in business, titles, heirs, executors, administrators, successors, affiliates, associates, franchisees, distributors, manufacturers, packers, importers, exporters, licensees, permitted assigns, or anyone claiming through them.
4. Parties to this Memorandum further agree that they shall bear respective costs.
5. The Petitioner and the 1st Respondent pray that the above rectification petition may be disposed of in terms of the above compromise and the 2nd Respondent be directed to immediately remove the 1st Respondent's registration under no. **5099660** in class 5 and thereby render justice.

Dated at CHENNAI on this the 14 day of August 2023.

C.R. NAGA

Petitioner

Counsel for Petitioner



1st Respondent

16/08/2023

Counsel for 1st Respondent

2. Accordingly, this OP stands disposed of in terms of Memorandum of



Compromise. The Memorandum of Compromise shall form part of this order.

There shall be no order as to costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. Auspharma Private Limited

10-3-316/a, Masab Tank, Hyderabad,
Telangana - 500 028.

2. The Registrar Of Trade Marks

Office Of The Trade Mark Registry,
IP Office Building, G.S.T.Road,
Guindy, Chennai 600 032



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N.SENTHILKUMAR J.

kmi

OP(TM) No. 33 of 2025

25-09-2025



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OP(TM)No.33 of 2025

N.SENTHILKUMAR,J.

At the instance of the learned counsel for the petitioner, the matter is listed today under the caption “for being mentioned”.

2. Learned counsel for the petitioner brought to the notice of this Court that there is a typographical error in the registered trade mark number mentioned in the Memorandum of Compromise entered into between the parties. The registered trade mark number should be read as 5099661 instead of 5099660 in clauses 1, 2(b) & 5 in the Memorandum of Compromise. Now it is rectified by the learned counsel for the petitioner and the scanned copy of the said Memorandum of Compromise dated 29.08.2025 is as follows:



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Form: 32
Filed To: Court of
20250206
For: 33/2025 (TM)
JUSPHARMA PVT LTD

Presenting
JUSPHARMA
PVT LTD
Dated:
20250206

33
Duswpa



₹ 0000500/-
20250206 00:00:00

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Ordinary Original Civil Jurisdiction)
(IP Division)

O.P. (TM) No. ³³ of 2025

In the matter of Trademarks Act, 1999
and

In the matter of Registered Trademark
no. 5099661 in class 5 registered in the
name of Auspharma Private Limited,
carrying on business at
10-3-316/A, Masab Tank, Hyderabad,
Telangana - 500 028

ACULIFE HEALTHCARE PRIVATE LIMITED,
Commerce House-V, Besides Vodafone House,
Prabhadnagar Corporate Road,
Ahmedabad - 380 051

... Petitioner

-Versus-

- AUSPHARMA PRIVATE LIMITED,**
10-3-316/A, Masab Tank,
Hyderabad, Telangana - 500 028
- THE REGISTRAR OF TRADE MARKS,**
Office of the Trade Mark Registry,
IP Office Building, G.S.T Road,
Guindy, Chennai - 600 032.
Email - tmr@chennai.nic.in

... Respondents

MEMORANDUM OF COMPROMISE ENTERED INTO
BETWEEN THE PETITIONER AND THE 1ST RESPONDENT

The Petitioner and the 1st Respondent jointly beg to state and submit as follows:





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1. The above-mentioned rectification petition was filed by the Petitioner seeking cancellation of registration of 1st Respondent's trademark **AQURIS ACUPARA 650** under no. **5099661** in class 5 and removal thereof from the Register of Trademarks maintained by the 2nd Respondent.
2. Pending dispute, both Petitioner and 1st Respondent thought it fit to settle the same in an amicable manner and in pursuance thereof have executed this Memorandum of Compromise elaborating their terms of settlement in the following manner:
 - a) That the 1st Respondent agrees and acknowledges that the Petitioner holds the exclusive proprietorship and absolute monopolistic rights over the trademark **ACUPARA** both in view of statutory registration and also through long and continuous use thereof in the market.
 - b) The 1st Respondent agrees to bind themselves to an order passed by this Hon'ble Court towards cancellation of registration of their trademark **AQURIS ACUPARA 650** under no. **5099661** in class 5 and for the removal of its entry from the Register of Trademarks immediately.
 - c) The 1st Respondent further agrees and undertakes not to apply for registration of the mark **AQURIS ACUPARA 650** or any mark similar to the Petitioner's registered trademark **ACUPARA** in any manner whatsoever, under Trademarks Act, 1999 or as, or as part of, an artistic work under Copyright Act, 1957.
 - d) The 1st Respondent agrees and undertakes that immediately upon execution of this memorandum of compromise, but subject to clause 2(c) hereunder, they shall cease to use or manufacture or trade or advertise or market or sell or offer to sale any product under the mark





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AQURIS ACUPARA 650 or any mark similar to the Petitioner's registered trademark **ACUPARA** in any manner whatsoever.

- c) The 1st Respondent confirms that only the following batches of products under the impugned mark **AQURIS ACUPARA 650** are currently in the market, the details of which are as follows, and the Petitioner agrees for the 1st Respondent to exhaust only the following batches of stocks within a period of **3 months** from the date of execution of this memorandum of compromise.:-

Sl. No.	Batch No.	Batch / Existing quantity (Strips)	Mfg. date	Exp. Date	Total Value (in Rs.)
1.	B2412587G	5	12/24	11/26	32.50/-
2.	B2412588G	160	12/24	11/26	1046.00/-
3.	B2412589G	700	12/24	11/26	1550.00/-
4.	B2506154G	720	06/25	05/27	4,680.00/-
5.	B2506155G	25680	06/25	05/27	1,91,880.00/-
6.	B2506156G	29760	06/25	05/27	1,93,440.00/-
7.	B2506157G	29760	06/25	05/27	2,08,320.00/-
8.	B2506158G	29500	06/25	05/27	2,06,500.00/-

- d) The 1st Respondent undertakes to ensure that their products under the impugned mark **AQURIS ACUPARA 650** or any mark similar to the Petitioner's registered trademark **ACUPARA**, will not be made

C.R. Nasa



J. S. S.



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available in the market in any manner whatsoever, after the period of **3 months** as agreed in this memo of compromise.

3. All parties herein agree that this memo of compromise shall bind themselves, including but not limited to their assignees in business, titles, heirs, executors, administrators, successors, affiliates, associates, franchisees, distributors, manufacturers, packers, importers, exporters, licensees, permitted assigns, or anyone claiming through them.
4. Parties to this Memorandum further agree that they shall bear respective costs.
5. The Petitioner and the 1st Respondent pray that the above rectification petition may be disposed of in terms of the above compromise and the 2nd Respondent be directed to immediately remove the 1st Respondent's registration under no. **5099661** in class 5 and thereby render justice.

Dated at **CHENNAI**

on this the 29 day of Aug 2025.

 C. R. Vasa

Petitioner





Counsel for Petitioner





1st Respondent



Counsel for 1st Respondent



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N.SENTHILKUMAR,J.

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3. The Registry is directed to carry out necessary correction in the order dated 25.09.2025 in OP(TM)No.33 of 2025. The rest of the order remains unaltered.

14.11.2025

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To

The Registrar of Trade Marks,
Office of the Trade Marks Registry,
IP Office Building, GST Road,
Guindy, Chennai-600 032.



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OP(TM)No.33 of 2025