



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.07.2025

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P.(IPD)/32/2025

N.Parvathy
Proprietor of M/s.The Brainbay
96, 8th Street, S.S.Minmini Apartment,
Flat A, Shankar Nagar, Pammal,
Chennai - 600 075.

... Petitioner

-VS-

The Registrar of Trade Marks,
The Trade Marks Registry,
IPO Building, GST Road, Industrial Estate,
Guindy, Chennai - 600 032.

... Respondent

PRAYER: Writ Petition (IP Division) is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing the respondent to renew the trade mark "The Brainbay" under No.1598777 and 1598776 in class - 41 standing in the name of Mr.Rahul Chandak.

For Petitioner : Ms.N.Devi

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



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ORDER

The predecessor-in-interest of the petitioner had applied for registration of the word mark THE BRAINBAY on 07.09.2007. The said trade mark was registered on 23.12.2010. The petitioner had also applied for registration of a device mark containing the words THE BRAINBAY on 07.09.2007 and the registration certificate in respect thereof was also issued on 23.12.2010. Subsequently, these trade marks were assigned by the predecessor, Mr.Rahul Chandak, in favour of the petitioner. Therefore, the petitioner filed TM-P for recording the change in name, which is said to be pending before the Registrar of Trade Marks. Since the request for renewal of these marks was not entertained by the Registrar of Trade Marks, the present writ petition has been filed.

2. Mr.K.Subbu Ranga Bharathi, learned CGSC, has placed on record O-3 notice dated 17.02.2017. On perusal, it appears that the notice was purportedly sent to Mr.Rahul Chandak. He, however, submits that there is



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no proof of service of the notice on either the predecessor or his agent as per the records of the Trade Marks Registry.

3. In the above circumstances, the case is squarely covered by the ratio of *Jayasurya's Retail Ventures Pvt. Ltd. v. The Registrar of Trade Marks 2024:MHC:3109*. Consequently, the petitioner is entitled to the relief claimed.

4. For reasons aforesaid, W.P.(IPD)/32/2025 is allowed by directing the respondent to receive and process the renewal applications in respect of Trade Mark Nos.1598777 and 1598776 subject to remittance of requisite fees after processing Forms TM-P dated 20.01.2025 in respect of the above mentioned trade marks. This exercise shall be completed within **sixty days** from the date of receipt of a copy of this order. No costs.

24.07.2025

rna

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

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To
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The Registrar of Trade Marks,
The Trade Marks Registry,
IPO Building,
GST Road, Industrial Estate,
Guindy, Chennai - 600 032.



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SENTHILKUMAR RAMAMOORTHY,J

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