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C.M.A.(TM) No.27 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2025

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

C.M.A.(TM) No.27 of 2025

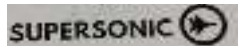
Kuil Fireworks Industries
Rep. by its Partner Mr.G.Ramamoorthy
Having address at 645,
PKSA Arumugam Road, Sivakasi 626 189

.. Appellant

Vs.

Registrar of Trade Marks
Trade Mark Registry
Intellectual Property Office Building
G.S.T. Road, Guindy
Chennai 600 032, Tamil Nadu

.. Respondent

Appeal filed under Section 91 of the Trade Marks Act, 1999 and Rule 156 of the Trade Marks Rules, 2017, to set aside the subject mark  applied *vide* application No.5937106 should be allowed to proceed to registration.

For Appellant : Mr.S.Sachin Priya Daniel

For Respondent : Mr.R.Subramanian

Central Government Standing Counsel

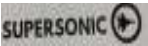


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ORDER

This appeal has been filed against the proceedings of the respondent dated 01.05.2025, rejecting the trade mark application submitted by the appellant is objectionable under Section 9(1)(a) of the Trade Marks Act, 1999, since it is devoid of any distinctive character.

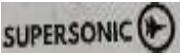
2.Heard both sides.

3.The appellant submitted a trade mark application with the mark  Class 13 for fireworks, sparklers, blasting paper, blasting caps. The application was taken on file and the examination report dated 18.09.2023 was issued by the respondent. A reply was submitted by the appellant on 11.10.2023 for the examination report. Thereafter, the appellant attended many hearings. Ultimately, the application came to be rejected by the respondent, through the impugned proceedings dated 01.05.2025 under Section 9(1)(a) of the Trade Marks Act, 1999, on the ground that the applied trade mark lacks distinctive character. Aggrieved by the same, the present appeal has been filed before this Court.

4.This Court has carefully considered the submissions made on either side and the materials available on record.



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5. In the considered view of this Court, the appellant had applied for a device mark and not word mark. If an application is submitted for a composite device mark which also contains the word, the authority is expected to consider the combination of the device and the word and the authority cannot dissect the same. In the case in hand, the respondent has dissected the word supersonic, without considering the fact that there was a device mark sought for by the applicant as . The law on this issue is now too well settled and hence, this Court finds that the reasoning for the rejection of the application is not sustainable.

6. In the light of the above discussion, the impugned proceedings of the respondent dated 01.05.2025 is hereby set aside. There shall be a direction to the respondent to proceed further to entertain the application submitted by the appellant and to advertise in the trade mark journal and proceed further in accordance with law.

In the result, this appeal is allowed with the above directions. No costs.

11.12.2025

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Index : Yes/No

Neutral Citation : Yes/No



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N. ANAND VENKATESH, J.

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