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C.M.A.(TM) No.26 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.26 of 2025

Stove Kraft Limited

Rep. by Authorised Signatory Mr.Rajendra J.Gandhi

Having its regd. office at No.81/1, Medamaranhalli

Harohalli, Kanakapura Taluk

Ramnagara District 562 112

.. Appellant

Vs.

The Registry of Trade Marks

The Trade Mark Registry

Intellectual Property Rights Building

Industrial Estate, SIDCO RMD

Godown Area, G.S.T. Road, Guindy

Chennai 600 032

.. Respondent

Appeal filed under Section 91 of the Trade Marks Act, 1999, r/w Rule 11 of Madras High Court Intellectual Property Rights Division Rules, 2022, to set aside the refusal order dated 27.06.2025 passed by the respondent and accept and advertise the appellant's trademark application having number 5801212 in class 20 for the mark "Pigeon"

For Appellant : Mr.M.S.Bharath

For Respondent : Mr.A.R.Sakthivel
Senior Counsel



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ORDER

This appeal has been against the order passed by the respondent dated 27.06.2025, rejecting the trade mark application filed by the appellant in application No.5801212 in Class 20.

2.Heard both sides.

3.The appellant filed an application in Class 20 for the mark “Pigeon”. After the submission of the application, the respondent examined the same and on 21.09.2023, the examination report was issued and the respondent raised objections under Section 11(1) of the Trade Marks Act, 1999 (in short “the Act”).

4.The appellant submitted a response on 10.10.2023, substantiating the grounds on which such an application is to be accepted and to be advertised in the trade marks journal.

5.After the receipt of the response from the appellant, the respondent fixed various hearing dates and all those hearings were attended by the counsel for the appellant and necessary documents were also filed.



6.The respondent, through the impugned order dated 27.06.2025, has refused the application and aggrieved by the same, the present appeal has been filed before this Court.

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

8.The main ground that has been put against the appellant is that there is a similarity of mark as well as similarity of goods to an earlier trade mark. Therefore, the order has been passed under Section 11(1) of the Act. The specific case of the appellant is that they have already entered into consent terms dated 20.12.2007 and 16.12.2008 with Pigeon Corporation, by which, the appellant is entitled to use and register the trade mark “Pigeon”, in any manner, as per the terms of the agreement.

9.Learned counsel for the appellant submitted that the appellant’s trade mark in the subject application is distinct and associated only with the appellant. That apart, it is in line with the consent terms entered into between the appellant and the Pigeon Corporation. Apart from that, the description of goods between the



subject application and the one that was put against the appellant are completely different. In view of the same, the learned counsel appearing for the appellant submitted that the respondent can proceed further to make the advertisement in the journal and if at all, any objection is raised by the Pigeon Corporation, it can always be handled at that point of time, since, already the appellant has a clear understanding with the Pigeon Corporation, in view of the consent terms dated 20.12.2007 and 16.12.2008.

10. In the considered view of this Court, the appellant has placed *prima facie* material to show that the appellant has entered into consent terms with the Pigeon Corporation and the relevant materials are also placed before the respondent. Hence, the respondent could have proceeded further to accept the application and advertised the appellant's trade mark. At that point of time, if there is any objection from the Pigeon Corporation, that can always be taken into consideration, considering the fact that the appellant and the Pigeon Corporation already have some understanding with respect to the usage of the mark "Pigeon". Rejecting the application submitted by the appellant at the threshold, will not serve any purpose.



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11. In the light of the above discussion, this Court is inclined to interfere with the impugned proceedings of the respondent dated 27.06.2025 and the same is hereby set aside. There shall be a direction to the respondent to accept the application and to advertise the appellant's trade mark in the journal. Thereafter, if there is any objection, the same will be dealt with on its own merits and in accordance with law.

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

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Index : Yes/No

Neutral Citation : Yes/No



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