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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **C.A.(COMM.IPD-TM) 5/2025**
MANASH LIFESTYLE PRIVATE LIMITEDAppellant
Through: Mr. Nageshwar Kumhar and Mr.
Ayush Dey, Advocates.
versus

THE REGISTRAR OF TRADE MARKSRespondent
Through: Ms. Nidhi Raman, CGSC with Mr.
Zubin Singh, Advocate.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

% **ORDER**
11.02.2025

1. The present appeal has been filed under Section 91 of the Trade Marks Act, 1999 impugning the order dated 18th October 2024 passed by the Examiner of Trade Marks, whereby the Trade Mark Application No.5218623 in Class 3 for the trade mark “ULTIME PRO SECOND SKIN” has been refused.
2. Mr. Nageshwar Kumhar, counsel for the appellant submits that the ground for refusal was the existence of a similar trade mark, namely, “ULTIME PRO” registered *via* application no. 2443552. He submits that the cited mark now belongs to the appellant as the appellant has acquired the rights in the said mark through a Share Purchase Agreement dated 14th December 2021. He further submits that the appellant has filed a Form TM-P seeking assignment of the aforesaid mark in the appellant’s name.
3. Ms. Nidhi Raman, counsel appearing on behalf of the respondent submits that no request has been made by the appellant to change the



registered proprietor in respect of application no.2443552. The registered proprietor continues to be Faces Cosmetics Group Inc., Canada.

4. In these circumstances, it is directed that the appellant shall place the aforesaid Form TM-P before the Trade Marks Registry in the record/file of application no. 2443552. In the event the aforesaid Form TM-P is not accepted, liberty is given to file a fresh Form TM-P.

5. The Registry shall take a decision on the aforesaid application for assignment (Form TM-P) in an expeditious manner.

6. Once the Registry has decided the said application, the Registry shall take a fresh decision with regard to the registration application filed on behalf of the appellant for registration of the mark “ULTIME PRO SECOND SKIN *via* application no. 5218623.

7. In view of the order passed above, the impugned order dated 18th October, 2024 is set aside, and the matter is remanded back to the Trade Marks Registry.

8. The Registry is directed to send a copy of this order to the Trade Marks Registry through email: llc-ipo@gov.in, for compliance.

9. The appeal stands disposed of.

AMIT BANSAL, J

FEBRUARY 11, 2025

Vivek/-