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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ C.A.(COMM.IPD-TM) 36/2024

MANKIND PHARMA LIMITED

.....Appellant

Through: Mr. Hemant Daswani, Ms. Pranjal,
Advocates.
Mob No. 9871824303
(Delhi@daswanianddaswani.com)

versus

REGISTRAR OF TRADE MARKS

.....Respondent

Through: Ms. Saumya Tandon, CGSC.
Mob No. 9810907029
Adv.tandonsaumya@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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13.02.2025

1. The present appeal has been filed under Section 91 of the Trade Marks Act, 1999 assailing the order dated 6th February, 2024 passed by the respondent, whereby, the trademark application bearing no. 5370688 filed by the appellant seeking registration of mark "FURRYKIND" in Class 30, on "*proposed to used*" basis, has been refused on the ground that the said mark is identical with or similar to the prior trade marks on record.
2. Learned counsel appearing on behalf of the appellant submits that the mark cited in the examination report that is "FURRY" applied under application no. 2502265 in Class 30, has already expired, and has not been renewed despite expiry of one year statutory period.
3. Today, learned counsel appearing on behalf of the respondent



confirms the fact that the cited mark, already stands removed.

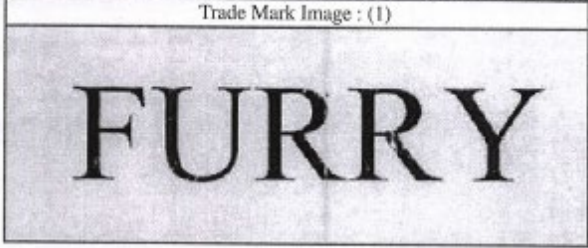
4. The document with respect to removal of the cited mark from the Register of Trade Marks, has been handed over before this Court, and is reproduced as under:

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As on Date : 13/02/2025
Status : Removed [View TM Application](#) | [View Examination Report](#)

TM Application No.	2502265
Class	30
Date of Application	25/03/2013
Appropriate Office	MUMBAI
State	MAHARASHTRA
Country	India
Filing Mode	Branch Office
TM Applied For	FURRY
TM Category	TRADE MARK
Trade Mark Type	DEVICE
User Detail	24/02/2013
Certificate Detail	Certificate No. 1869159 Dated : 24/05/2018 Notified in Journal No : 1852
Valid upto/ Renewed upto	25/03/2023
Proprietor name	(1) BANSAL BROTHERS AGRO FOODS PVT. LTD. Body Incorporate
Proprietor Address	M2B, NEW RANI BAGH, KHANDWA ROAD, GRAM LIMBODI, INDORE-452001
Email Id	
Goods & Service Details	[CLASS : 30] FLOUR AND PREPARATIONS MADE FROM CEREALS, SNACK FOODS BASED ON FLOUR, CORN, CEREAL, RICE; PROCESSED CEREAL SEEDS IN CLASS 30
Publication Details	Published in Journal No. : 1831-0 Dated : 08/01/2018

Trade Mark Image : (1)



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5. Accordingly, it is manifest that the cited mark, on the basis of which,



the application of the appellant was rejected by the respondent, is no longer in existence.

6. Accordingly, the appeal stands allowed. The order dated 06th February, 2024, passed by the Registrar of Trade Marks, is set aside.

7. The application of the appellant filed before the Trade Marks Registry *vide* application no. 5370688, is revived. The Trade Marks Registry is directed to deal with the application of the appellant, in accordance with law.

8. The Registry is directed to supply a copy of the present order to the Office of the Controller General of Patents, Designs and Trade Marks of India, on E-mail Id: llc-ipo@gov.in, for compliance.

9. With the aforesaid directions the present appeal is disposed of.

MINI PUSHKARNA, J

FEBRUARY 13, 2025/KG