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

+ C.A.(COMM.IPD-TM) 45/2024 & I.A. Nos. 31344/2024,
31345/2024, 31346/2024 & 31347/2024

PROFESSIONAL FIGHTERS LEAGUE, LLC, A DELAWARE
LIMITED LIABILITY COMPANYAppellant

Through: Mr. Tanmaya Mehta with
Mr. Krishnagopal Abhay,
Mr. Karmanya Singh Sareen and
Ms. Pari Bhardwaj, Advocates.
(M): 8930975400

versus

THE REGISTRAR OF TRADE MARKS & ANR.....Respondents

Through: Mr. Arjun Gadhoke with Ms. N.
Parvati and Ms. Alka Bisht,
Advocates.
(M): 8193930933

Email: abisht@saikrishnaassociates.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
15.01.2025

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I.A. No. 31344/2024 (Application seeking permission to file electronically signed and notarised affidavits and vakalatnama)

1. The present application has been filed on behalf of the appellant under Section 151 of the Code of Civil Procedure, 1908 ("CPC") seeking permission to file electronically signed and notarised affidavits and vakalatnama.



2. Mr. Tanmaya Mehta, learned counsel appearing for the appellant submits that because of the certain pressing commitments of the appellant's Authorised Signatory, who resides in the United States of America, he was unable to visit the Indian embassy/consulate for apostillation of the affidavits, which is a relatively time-consuming process. He further submits that for facilitating the timely filing of the present appeal, the appellant's Authorised Signatory virtually appeared before a qualified Notary officer in Delhi and the affidavits along with the vakalatnama of the appellant's Authorised Signatory, have electronically been signed and notarized in support of the instant appeal.

3. Thus, it is submitted that the mandate of the rules and procedure, stands complied with. It is submitted that appellant has been identified by his counsel in the electronically signed and notarized affidavits as well as the vakalatnama. The signing and notarization process adopted and followed for signing and notarizing the affidavits has been elaborated in the present application. The screenshots of the video call, complete certificate issued by eMudhra and document log details, explaining the procedure adopted, have been reproduced in the application.

4. Considering the aforesaid, the Court is satisfied that the appellant's Authorised Signatory has electronically signed the notarized affidavits along with the present appeal and accompanying applications, as well as the Vakalatnama. Accordingly, the present application is hereby allowed.

5. The application is disposed of and the electronically signed and notarized affidavits are taken on record.

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6. The present appeal has been filed under Section 91 of the Trade Marks Act, 1999, read with Rule 156 of the Trade Marks Rule, 2017 challenging the order dated 28th October, 2023 passed by respondent no. 1 in opposition no. 1219891.

7. By way of the impugned order dated 28th October, 2023, the respondent no. 1, i.e., Registrar of Trademarks had held that the application no. 4497981 in Class 25, as filed by the appellant herein, is deemed abandoned. The order dated 28th October, 2023, reads as under:



THE TRADE MARKS ACT, 1999

IN THE MATTER OF an Application No.
4497981 in Class 25 in the name of:
MMAX INVESTMENT PARTNERS INC (A
DELAWARE CORPORATION)
(Proprieter)
Suite 302, 2520 St. Rose Parkway Henderson,
Nevada 89074 United States.

AND

IN THE MATTER OF an Opposition No.
1219891 there to by
Liberty Shoes Limited
(Opponent)
13th Mile Stone, Liberty Puram, Kutail,
Haryana - 132114.

ORDER

Trade Mark Application No.4497981 in Class 25 was advertised in journal no : 2091 dated 13/02/2013 . Subsequently above opposition was filed under section 21(1) of the Trade Mark Act,1999 by the above named opponent on 18/05/2023 to oppose the registration of Trade Mark PFL PROFESSIONAL FIGHTERS LEAGUE applied for the Notice of Opposition was served to the applicant 19/07/2023 and till date no Counter statement filed by the applicant.

Hence, the application no.4497981 in class 25 is deemed as ABANDONED by operation of section 21(2) of the Trade Mark Act,1999 and consequently opposition no's. 1219891 abates.
There shall be no order as to cost in respect of the above proceeding.

Signed and Sealed at Delhi dated this 28 October, 2023

For Registrar Of Trade Marks



8. Perusal of the aforesaid order shows that the only ground on which the opposition proceedings filed by the appellant were dismissed was, on the ground of the said application having been abandoned.
9. Mr. Tanmaya Mehta, learned counsel appearing for the appellant submits that no intimation had been received by the appellant herein, on account of which, no statement was filed by the appellant before the Trade Marks Registry.
10. Learned counsel appearing for respondent no. 1, i.e., Registrar of Trademarks, submits that since there was migration of email system in the respondent no. 1 office, therefore, the Registrar of Trademarks is agreeable to issue notice of opposition on the application filed by the appellant, by giving the benefit of doubt to the appellant.
11. Learned counsel appearing for respondent no. 1 submits that the requisite notice of opposition shall be issued by the Registrar of Trademarks within a period of two weeks from today.
12. The aforesaid statement is taken note of.
13. Accordingly, on the statement made by learned counsel appearing for respondent no. 1, the application no. 4497981 in Class 25, as filed by the appellant before the Registrar of Trademarks, is hereby restored.
14. It is directed that the application filed by the appellant, shall be dealt in accordance with law.
15. The impugned order dated 28th October, 2023 is hereby set aside.
16. The present appeal stands allowed in the aforesaid terms.
17. Needless to say, this Court has not expressed any opinion on the merits of the case.



18. Accordingly, the appeal along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

JANUARY 15, 2025

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