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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**Judgment reserved on : 02-11-2026**

**Judgment pronounced on : 05-11-2026**

CORAM

**THE HON'BLE MR.JUSTICE P.B. BALAJI**

**CMA(TM) No. 11 of 2026**

Case QR

*CNR: {HCMA010697152026}*

V. Ramakrishnan

..Petitioner(s)

Vs

The Registrar of Trade Marks
Office of the Trade Marks Registry,
Intellecutal Property Rights Buildings,
GST Road, Guindy,
Chennai 032.

..Respondent(s)

**Prayer:** This appeal is filed under Section 91 of the Trademarks Act, 1999 as amended by the Tribunals Reforms Act, 2021, to set aside the order passed by the respondent in Trade Mark Application No.6867481 and direct the respondent to Publish the said application for advertisement in the Trade Marks Journal.

For Petitioner(s): N.Sukumar

For Respondent(s): M/s. Sushma
Senior Panel Counsel

## JUDGMENT

The present appeal has been filed challenging the order of the respondent in Trademark Application No. 6867481 and to consequently direct the



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respondent to publish the petitioner's trademark application for advertisement in the trademark journal, within a prescribed time.

2. I have heard Mr.N.Sukumar, counsel for the appellant and Mrs.Sushma, learned Senior Panel Counsel for the respondent.

3.The learned counsel for the appellant would contend that the appellant had filed a trademark application for the label mark "**Tamilnadu Tobacco TT Madras with a device of ROOSTER** in a crowing posture" in class 34 for goods Tobacco and Tobacco substitutes. He would further invite my attention to the examination report dated 27.06.2025, where the respondent objected to the appellant's application on the ground that it was hit by Section 11(1) of the Trademarks Act, 1999. The appellant was called upon to show-cause to the said examination report dated 27.06.2025.

4. It is the contention Mr.N.Sukumar, that despite the appellant giving a satisfactory reply, overcoming the objection raised in the examination report dated 27.06.2025, by communication dated 07.07.2025 and also following it up with written submissions dated 08.10.2025, the respondent has proceeded to refuse the application of the appellant in and by the impugned proceedings dated 23.12.2025. The learned counsel for the petitioner would further contend that though certain cited marks were put against the appellant, the respondent



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has failed to see that on an earlier occasion, when the appellant had applied for registration of the mark "**TT SEVAL with a device of ROOSTER** in a crowing posture", identical objections had been raised in an examination report and on being called upon to show-cause as to why the appellant's application should not be refused, citing the very same marks, the appellant had given his response, which was accepted by the registry and thereafter the application was not only advertised in the journal, but subsequently the registration itself was granted on 20.02.2025 in trademark no. 6867481.

**Mark of the appellant** –

- Application No.: 6867481; Mark: 


**Mark of the respondent** –

- Application No.: 666103; Mark: T.T.

- Application No.: 4548800 ; Mark: 


5. The learned counsel for the appellant would therefore state that once the respondent has already accepted the explanation in respect of another mark where also the word "TT" has been used along with a rooster in a crowing



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posture, the respondent would not have refused this registration subsequently, in favour of the appellant.

6. Per contra, Mrs. Sushma, learned counsel for the respondent, would state that the respondent has applied his mind and finding that two cited marks have already been registered and are valid till 18.05.2035 and relying on the two cited marks which have already been registered, the appellant was not entitled to register the mark as applied for, since it was very likely to cause confusion amongst the general public. She would contend that the refusal to process the petitioner's application under Section 11(1) of the Trade Mark Act does not call for any interference. The learned counsel therefore prays for a dismissal of the appeal.

7. I have carefully considered the submissions advanced on both sides. The respondent relies on two cited marks and the provisions of the Section 11(1) of the Trade Mark Act, 1999, for refusing the petitioner's application, contending that there is no bonafide adoption and that if permitted, the appellant's mark is likely to cause confusion on the part of customers especially by associating it with conflicting cited marks.

8. As rightly contended by Mr. N. Sukumar, counsel for the appellant, when the appellant had earlier applied for registration of its mark "**TT**



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**SEVAL"**, the very same objection was taken by the respondents. However, the explanation offered by the appellant in that case was accepted as satisfactory and the appellant's application for the registration of the mark "**TT SEVAL"**, was proceeded with by ordering publication in the trademark journal. The cited marks, in the said case, are the same marks which are now put against the appellant. Having already accepted the explanation to the show-cause notice in the case of "**TT SEVAL"**, which was also concerning the appellant himself, I see no reason why the respondent can now adopt a different approach and fall back on the stand taken in the examination report, citing Section 11(1) of the Trade Mark Act. In any event, the mark that is applied for registration has to be viewed holistically, as a whole. Further, at the initial stages, Section 11(1) cannot be put against the appellant. Mere processing the application of the appellant and directing publication in the trademark journal will not cause any serious prejudice to any registered owner.

9. In fact, even after such advertisement in the trademarks journal, objections in the trademark journal can be raised by any person interested. In fact, in ***Ramesh Bishnoi vs The Registrar of Trade Marks*** in *CMA (TM) No. 13 of 2026*, in order dated 30.10.2026, I had an occasion to deal with the very same issue, and had allowed the appeal. In the light of the above, I am inclined to allow the appeal and set aside the order of the respondent.



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10.In fine, CMA(TM).No.11 of 2026 is allowed and the order passed by the respondent in Trade Mark Application No.6867481 is set aside. The respondent is directed to proceed to advertise the petitioner's application in the trademark journal, within a period of four weeks, from the date of receipt of a copy of this judgment and dispose of the same thereafter, in accordance with law. No costs.

**05-11-2026**

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ATA

To

The Registrar of Trade Marks
Office of the Trade Marks Registry,
Intellecutal Property Rights Buildings,
GST Road, Guindy,
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**P.B.BALAJI, J.**

**ATA**

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