



CMA(TM) No.17 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CMA(TM) No.17 of 2025

M/s.Flora Garments,
A Partnership firm,
Represented by its Partner
Mr.A.Sivakumar,
Knit and Knits Compound, 20/187-B,
Thilakar Nagar,
15, Velampalayam (post),
Tirupur – 641 652.

.... Petitioner

Vs.

1. The Registrar of Trademarks,
The Trademark Registry, Chennai
Intellectual Property Office Building,
GST Road, Guindy, Chennai – 600 032.

2. Hyundai Motor India Ltd.,
Plot No. H-1, Sipcot Indl Park Irrungattukottai,
Sriperumbudur Taluk,
Kancheepuram District,
Tamil Nadu – 602 117.

.... Respondents

Civil Miscellaneous Appeal filed under Section 91 of the Trade Mark Act, 1999, praying to quash and set aside the order dated 29.05.2025 passed by first respondent made in Opp.No.960999 to App.No.3020184 in Class 25 for Registration of Trade Mark “SANTRO” and allow the impugned application to proceed for Registration in accordance with the Trade Mark Rules.



CMA(TM) No.17 of 2025

For Petitioner : Mr.Ashok Kumar J Daga

For Respondents : Mr.A.R.Sakthivel, SPC-CGSC [R1]
Mr.Premchander [R2]

ORDER

This appeal was filed against the order passed by first respondent dated 29.05.2025 and for a consequential direction to allow the application and to proceed for registration in accordance with the Trade Mark Rules.

2. When this appeal came up for final hearing on 08.01.2026, this Court, after hearing both sides, passed the following order:

“Heard the learned senior counsel appearing for the appellant and the learned counsel appearing on behalf of the second respondent.

2. This Court at the time of hearing, gave certain suggestions to the learned senior counsel appearing for the appellant and the learned senior counsel sought for some time to take instructions.

3. The alternative mark, which the appellant is willing to adopt shall be served on the learned counsel appearing for the second respondent in advance, in order to enable the second respondent to take instructions.

Post this appeal under the caption “For orders” on 29.01.2026.”



3. The appeal was again listed for hearing on 29.01.2026 and on that day, learned counsel for appellant filed a memo along with the proposed alternative marks. This Court directed learned counsel for second respondent to take instructions from his client on the alternative marks suggested by the appellant.

4. The matter was again listed for hearing on 12.02.2026. After some deliberations, this Court suggested that the third option given by the appellant in the Memo dated 13.01.2026 can be considered. Accordingly, learned counsel for second respondent sought some time to take instructions from his client.

5. When the matter was taken up for hearing today, a Memo dated 19.02.2026 was filed by second respondent and the relevant portions are scanned and reproduced hereunder:

During the course of hearing of the present Appeal, the Appellant sought time to explore alternative trademarks. Pursuant thereto, the Appellant has submitted a memo containing five alternative trademarks for consideration of Respondent No.2.

The Respondent No. 2 had conveyed to the Appellant vide their memo dated 12th February 2026, that they are agreeable to considering settlement in



respect of the proposed label mark option no.4 i.e. subject to certain terms and conditions.

Subsequently pursuant to Order dated 12.02.2026, it was observed that

SANTRO+VE

option no.3 i.e. could be considered by Respondent No.2. in the interest of amicably resolving the issues.

Further to the same, the Respondent is agreeable to considering settlement

SANTRO+VE

in respect of proposed label mark option no.3 i.e. , subject to the following conditions:

- That the word SANTRO+VE will be always used as one word without any space between.
- That the Appellant shall undertake not to use the trademark SANTRO per se nor any other mark comprising "SANTRO" / SANTRO-formative marks, including the **SANTRO** mark, which is the subject matter of the present Appeal;
- That the above arrangement is confined to class 25.



6. The second respondent is agreeable for the suggestion made by this Court with respect to the third option given by appellant in the Memo dated 13.01.2026. However, the second respondent wanted this Court to record certain conditions incorporated in the Memo. The conditions incorporated in the Memo are very reasonable and the second respondent only wants to ensure that the third option is adopted as such and the appellant should not, in future, use the trade mark “SANTRO” and that this arrangement must be confined to class 25.

6. Learned counsel for appellant submitted that the Memo can be recorded and the appellant can be permitted to approach the first respondent seeking change of device mark and learned counsel also requested this Court to direct the first respondent to accept the amendment application for change of mark without once again undergoing the entire process.

7. In the considered view of this Court, there will be no difficulty in issuing such direction to first respondent since the only person, who can have objection will be second respondent and the second respondent has already filed a memo, which can be acted upon and necessary directions can be given to the first respondent.



WEB COPY



CMA(TM) No.17 of 2025

N.ANAND VENKATESH, J.

gm

In the light of the above discussion, this appeal is disposed of with a direction to the appellant to submit an amended application before the first respondent by incorporating  and seek for approval of the amended device mark and on receipt of the same, the first respondent shall register the mark subject to the appellant satisfying the other procedural requirements. This process shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order.

No costs.

19.02.2026

Index:yes/no
Speaking Order/Non-speaking Order
NCC:Yes/No
gm

CMA(TM) No.17 of 2025