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C.M.A. (TM) No.28 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2026

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

C.M.A. (TM) No.28 of 2025

Mohamed Yusuf
S/o.Beer Mohammed

.... Appellant

Vs.

The Registrar of Trade Marks,
Trade Marks Registry,
Intellectual Property Building,
G.S.T. Road, Guindy,
Chennai – 600 032.

.... Respondent

Civil Miscellaneous Appeal filed under Section 91 of the Trademarks Act, 1999, praying to set the order dated 12.12.2024 passed by the respondent refusing registration of the device mark ('MISS MANGO'),



bearing Trademark Application No.5780916 in the

name of the appellant Mohamed Yusuf and direct the respondent to accept the Trademark Application No.5780916 for the device mark ('MISS MANGO') and to proceed in accordance with law.

For Appellant : Mr.I.Kowser Sulthana

For Respondent : Mr.K.Balaji
Central Government Counsel



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JUDGMENT

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This civil miscellaneous appeal has been filed challenging the order passed by the respondent dated 12.12.2024 refusing to process the device mark 'MISS MANGO' pursuant to the Trademark Application No.5780916 submitted by appellant and for a consequential direction to respondent to accept the Trademark Application of the appellant for the device mark 'MISS MANGO'.

2. Heard Mr.I.Kowser Sulthana, learned counsel for appellant and Mr.K.Balaji, learned Central Government Counsel appearing for respondent.

3. The case of appellant is that he is using the brand name 'MISS MANGO' since December'2021 for clothing and women wear and has been marketing and selling textiles within the State and also across India. The appellant filed an application *vide* Application No.5780916 on 26.01.2023 seeking registration of the device mark 'MISS MANGO' under class 25 in relation to clothing, footwear and headgear. Through an examination report dated 08.08.2023, the respondent raised objections under Section 11(1) of the Trade Mark Act, 1999 [for brevity 'the Act'] by citing a word mark 'MANGO'. The same was responded by the





Advocate appearing for appellant on 02.09.2023 explaining that the device mark 'MISS MANGO' as a whole has a distinctive prefix and visual presentation and it is strikingly different and distinguishable from the word mark 'MANGO'. The same is neither similar nor identical to the cited mark and that therefore, there is no likelihood of confusion or possibility of offending the cited mark.

4. After conducting hearing, the impugned order dated 12.12.2024 came to be passed by respondent stating that the mark is identical with the earlier trademark on record and as such, it is objectionable under Section 11(1) of the Act. Aggrieved by the same, the present appeal has been filed before this Court under Section 91 of the Act.

5. In the considered view of this Court, the cited mark is admittedly a word mark 'MANGO', of course dealing with similar products. In the first place, it is not known as to why such a generic word 'MANGO' was registered as a word mark. In any case, the appellant is seeking a device mark 'MISS MANGO' , which is clearly distinguishable and not identical to the cited mark. Section 11(1) of the Act will come into play only where there is an identity with the earlier trademark and this similarity will give rise to confusion on the part of the end users. Both



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C.M.A. (TM) No.28 of 2025

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N.ANAND VENKATESH, J.

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ingredients are not satisfied in this case and hence, the impugned order passed by the respondent as if the device mark sought by appellant is objectionable under Section 11(1) of the Act is unsustainable.

6. In the light of the above discussion, the impugned order passed by the respondent dated 12.12.2024 is hereby set aside. There shall be a direction to respondent to proceed further with the application submitted by the appellant in accordance with law.

This Civil Miscellaneous Appeal is allowed in the above terms. No costs.

08.01.2026

NCC : Yes/No

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To
The Registrar of Trade Marks,
Trade Marks Registry,
Intellectual Property Building,
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