

(2023) 09 DEL CK 0017

In the Delhi High Court

Case No : C.O. (COMM.IPD-TM) No. 184 Of 2023

Harsh Vardhan

APPELLANT

Vs

Alna Biotech Pvt Limited & Anr.

RESPONDENT

Date of Decision : 04-09-2023

Acts Referred:

Trade Marks Act, 1999 — Section 57

Citation : (2023) 09 DEL CK 0017

Hon'ble Judges : C. Hari Shankar, J

Bench : Single Bench

Advocate : Aparna Jain, Abhishek Sharma, Harish Vaidyanathan Shankar, Srish Kumar Mishra, Sagar Mehlawat, Alexander Mathai Paikaday, M Sriram, Krishnan V, S.K. Gambhir, Sunil Kr. Tiwari

Final Decision : Allowed

Judgement

C. Hari Shankar, J

1. This is a petition under Section 57 of the Trade Marks Act, whereby the petitioner seeks rectification of register of trademarks by removal, therefrom, of the GLAMROOT mark of Respondent 1. Respondent 1 has, since, applied to the Registrar of Trademarks for cancellation of the impugned mark on 12 July 2023.

2. In view thereof, Ms. Aparna Jain, learned Counsel for the petitioner prays that the Registrar of Trademarks may be directed to cancel the impugned GLAMROOT mark.

3. Mr. Sunil Tiwari, learned Counsel for Respondent 1 also joins in the request.

4. Accordingly, the Registrar of Trademarks is directed to forthwith cancel Registration No. 5451809 dated 17 May 2022 whereby the impugned GLAMROOT mark stands registered in favour of Respondent 1.

5. This petition stands allowed in the aforesaid terms.