

(2023) 05 DEL CK 0318

In the Delhi High Court

Case No : C.O. (COMM.IPD-TM) 89, 90, 91 Of 2023, I.A. No. 3881, 3885, 3889 Of 2023

Mirza Ahmed Baig Alias Asad

APPELLANT

Vs

Mirza Afser Baig & Anr.

RESPONDENT

Date of Decision : 04-05-2023

Acts Referred:

Trade Marks Act, 1999 — Section 57

Citation : (2023) 05 DEL CK 0318

Hon'ble Judges : C.Hari Shankar, J

Bench : Single Bench

Advocate : Abhilasha Nautiyal, Shuvam Bhattacharya, Samrat Nigam, Kashif Raza, Harish Vaidyanathan Shankar, Srish Kumar Mishra, Sagar Mehlawat, Alexander Mathai Paikaday

Final Decision : Disposed Of

Judgement

C.Hari Shankar, J

1. These are petitions under Section 57 of the Trade Marks Act, seeking rectification of the register of Trade Marks by removal, therefrom, of the marks (device mark), (device mark) and MIDLAND (word mark), which stand registered in favour of Respondent 1 in the register of Trade Marks in classes 41, 16 and 16 respectively.

2. Given the fact that this is a dispute between brothers and that the objection to the continuance of the registration of aforesaid marks on the register in favour of Respondent 1 has been raised by his brother, Mr. Samrat Nigam, learned Counsel appearing for Respondent 1, submits, on instructions, that in order to maintain peace in the family, his client does not desire to continue to contest this litigation or to assert registration of the aforesaid marks. He, therefore, is agreeable to these petitions being disposed of with a direction to the Registry of Trade Marks to rectify the register of Trade Marks by removing, therefrom, the aforesaid three marks.

3. In view thereof, without pronouncing on the merits of the matter and in view of the submissions made by Mr. Nigam on instructions, this Court disposes of all these three cancellation/rectification petitions with a direction to the Registry of Trade Marks to rectify the register by removal, therefrom, of the marks device mark, registered in favour of Respondent 1 in classes 41 and 16, and the MIDLAND word mark, registered in favour of Respondent 1 in class 16, within a period of three weeks from today.
4. These petitions stand disposed of in the aforesaid terms.
5. Miscellaneous pending applications, if any, also stand disposed of.