
(2015) 01 IPAB CK 0004

In the Intellectual Property Appellate Board

Case No : ORA/199/2014/TM/DEL

Trivet Pharmaceuticals Private Limited

APPELLANT

Vs

Rajesh Kumar And Ors

RESPONDENT

Date of Decision : 22-01-2015

Acts Referred:

Citation : (2015) 01 IPAB CK 0004

Hon'ble Judges : K.N. Basha, J; Sanjeev Kumar Chaswal, Technical Member

Bench : Division Bench

Advocate : Rakesh Tiwari

Final Decision : Allowed

Judgement

K.N. Basha, J

1. This rectification application is filed for rectification/removal of trade mark TRIVET registered under No. 2292108 in class 35.

2 . The applicants are not present and they are also not represented by any counsel today. Mr. Rakesh Tiwari the learned counsel for the respondents is present before us today.

3 . In this matter, the respondent has filed a statement dated 30/09/2014 before us stating that they have no intention to use the trade mark TRIVET. It is further stated that in view of the same, they have not interested in contesting the rectification proceedings in this case. It is also stated that this rectification application may be allowed with no order as to costs. We are constrained to record the above said statement submitted before us as here under:--

"I, Rajesh Kumar, Trading as M/s. Trivet Pharma, B-XI-1818-A, Street No. 5, Gobind Colony, Barnala-148 101 (Punjab) being the Respondent No. 1 in the above matter, respectfully submit that:--

) That I have no intention to use the Trade Mark 'TRIVET'

-) As such, I am not interested to contest the Rectification Proceedings.
-) I have also taken steps for the cancellation of the Registered Trade Mark 'TRIVET' (Registration No. 2292108 in class 35)
-) I, therefore, respectfully pray that the Trade Mark in question may kindly be removed from the Register of Trade Marks.
-) I have, simultaneously, filed request on TM-35 with the Registrar of Trade Marks, Trade Marks Registry, New Delhi for cancellation of the Registered Trade Mark 'TRIVET' vide Registration No. 2292108 in class 35.
-) Sir, in view of above humble submissions, we sincerely feel there is no need to send detailed parawise reply and the same may kindly be dispensed with.

Hence we most respectfully pray that Rectification Petition may kindly be allowed with no orders as to costs."

4 . In view of the above said specific and categorical statement, we are allowing this ORA/199/2014/TM/DEL filed by the applicant and accordingly direct the Registrar of Trade Marks, New Delhi to remove the impugned trade mark "TRIVET" under registration No. 2292108 in class 35 within a period of two weeks from the date of receipt of this order. Accordingly the ORA/199/2014/TM/DEL is allowed.