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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **C.A.(COMM.IPD-TM) 11/2023**

KENT FANS AND ELECTRICALS PVT LTD Appellant

Through: Mr. Darpan Wadhwa, Senior Advocate with Mr. Naveen Nagarjuna and Mr. Rishabh Agarwal, Advocates.

versus

REGISTRAR OF TRADE MARKS & ANR. Respondents

Through: Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Alexander Mathai Paikaday, Mr. Lakshay Gunawat and Mr. Krishnan V., Advocates for R-1.
Ms. Nidhi Pathak, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

15.03.2024

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1. Mr. Darpan Wadhwa, Senior Counsel for Appellant, has relied upon recent decision of the Division Bench dated 13th March, 2024 in **SAP SE v. Swiss Auto Products and Anr.** and connected matter,¹ answering the reference of this Court on the questions framed therein. Referring to paragraphs No. 64 to 74 of the said judgment, Mr. Wadhwa states that the issue relating to the maximum permissible time period to file evidence in support of opposition has been decided by the Division Bench, holding that the time limit of two months prescribed under the Trademark Rules, 2017 is



absolute and the Registrar of Trademarks does not have any power to extend the same. In view thereof, the impugned order dated 28th December, 2022, is liable to be set aside.

2. Ms. Nidhi Pathak, counsel representing Respondent No. 2, requests for a short accommodation on the ground of ill-health of arguing counsel, Mr. Ankur Sangal.

3. Re-notify on 01st April, 2024.

SANJEEV NARULA, J

MARCH 15, 2024

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¹ C.A.(COMM.IPD-TM) 130/2021.