



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2025

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THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM) No. 27 of 2023

M/s.CIPLA LTD.,
Mumbai Central, Mumbai – 400008.

..Petitioner

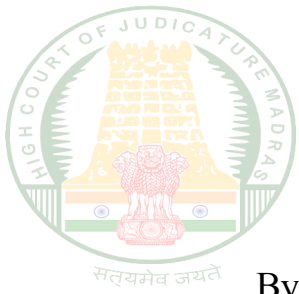
Vs

1. M/s. Embiotic Laboratories Pvt. Ltd.,
56/1, Sree Gandha Kawal, Kottigepalya,
Magadi Road, Bangalore-560091
And Now at 20C, 1st Phase, Kumbalgodu
Industrial Area, Mysore Road, Kumbalgodu,
Bangalore - 560074.
2. The Registrar of Trademarks
Trade Marks Registry,
Intellectual Property Rights Building,
Industrial Estate, SIDCO RMD Godown Area,
GST Road, Guindy, Chennai-32.

..Respondents

For Petitioner(s): Mr.Pranaav
 for Mr. Roshan Balasubramanian

For R1: Mr. R.Sathish Kumar



ORDER

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By this petition, the petitioner seeks rectification of the register of trade marks by expunging the entry relating to the impugned trade mark 'OMNICAL', which was registered under Trade Mark No.1126108 in Class 5 from the register of trade marks.

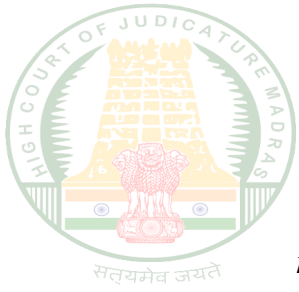
2. Upon completion of pleadings, draft issues were submitted by learned counsel for the 1st respondent. By considering the pleadings, documents and the above mentioned draft issues, the following issues are framed:

“(i) Whether the petitioner is an aggrieved person within the meaning of Section 57 of the Trade Marks Act, 1999 (the TM Act)?

(ii) Whether the mark 'OMNI' satisfies the requirement for a trade mark under the TM Act?

(iii) Whether the petitioner is the prior and continuous user of the trade mark 'OMNI' or its formative marks in respect of pharmaceutical preparations?

(iv) Whether the mark 'OMNICAL' is liable to be removed from the register as per Sections 57(1) & (2) of the TM Act?



(v) *Whether the parties are entitled to any other reliefs?”*

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3. The parties have agreed to and submitted a proposed schedule for recording evidence. By taking such schedule into account, the following schedule is fixed for recording evidence:

<i>Sl.No.</i>	<i>Activities</i>	<i>Date</i>
1.	Filing of proof affidavit and examination in chief of P.W.1	04.09.2025
2.	Cross examination of P.W.1	08.09.2025 to 12.09.2025
3.	Filing of proof affidavit and examination in chief of P.W.2	22.09.2025
4.	Cross-examination of P.W.2	23.09.2025 to 26.09.2025
5.	Filing of proof affidavit and examination in chief of R.W.1	06.10.2025 to 10.10.2025
6.	Cross-examination of R.W.1	15.10.2025 to 17.10.2025

4. List the matter before learned Additional Master No.IV on 04.09.2025 for recording evidence in accordance with the above schedule.

SENTHILKUMAR RAMAMOORTHY, J.



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5. List the matter before this Court on 04.11.2025.

14-08-2025

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To

The Registrar of Trademarks
Trade Marks Registry,
Intellectual Property Rights Building,
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GST Road, Guindy, Chennai-32.

(T)OP(TM) No. 27 of 2023