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(T)OP(TM)/243/2023
(ORA/13/2017/TM/CHN)

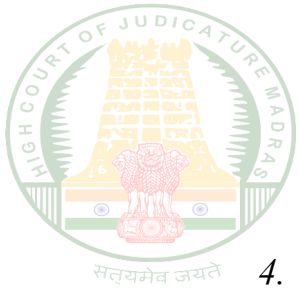
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N.SESHASAYEE, J.

The petition was filed to rectify the Register of Trade Marks with regard to the trade mark "GOLDY" registered under Trade Mark No.1415976 in Class 5. Upon completion of pleadings, the contesting parties submitted draft issues.

2. By taking into account the pleadings, documents and draft issues, the following issues are framed:

- 1. Whether the petitioner is an aggrieved party within the meaning contained in the Trademarks Act?*
- 2. Whether the petitioner is the first adopters and first users of the mark GOLDY in relation to the goods falling in various classes?*
- 3. Whether the petitioner is entitled to any relief when the goods of the petitioner and the 1st respondent are different and their marks are also registered in different class?*



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4. *Is not the petitioner's mark laudatory terms and not an invented mark?*
5. *Whether the petitioner is the first of the author and user of the mark GOLDY?*
6. *Whether the impugned trademark GOLDY is contrary to the Provisions of Trade Marks Act, 1999?*
7. *Whether the impugned trademark GOLDY is liable to be rectified as per the petition and documents of the petitioner?*
8. *Whether the impugned mark is liable to be rectified from the register of Trademarks by expunging the Respondent No.1's Trademark Registration under No.1415976 in Class 5?*
9. *To what other reliefs is the petitioner entitled?*



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3. Issues framed. Both sides are required to file the schedule for trial.

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4. The learned counsel for the 1st respondent makes a statement that he does not propose to go for trial, whereas the learned counsel for the petitioner seeks some time to get instructions in the matter.

5. Post the matter on 23.02.2024.

07.02.2024

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