



(T)OP(TM)/286/2023



(T)OP(TM)/286/2023
(ORA/43/2018/TM/CHN)
and C.S.No.489 of 2017

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K.KUMARESH BABU, J.

Pursuant to the order dated 06.08.2024, the learned counsel appearing for the petitioner had placed before this Court the draft issues as suggested by him and also the Case Management Schedule.

2. The learned counsel for the respondent would submit that the modifications to the draft issues, the similar issues could be framed and he would also have no objection to the Case Management Schedule filed.

3. I have perused the pleading and the draft issues that had been placed before this Court and I am inclined to frame the following issues:-

(i) Whether the registration of the impugned trademark is in violation of Sections 11(1), (2), (3)(a) and (3)(b) of the Trade Marks Act, 1999 and Rule 25 of the Trade Marks Rules 2017?

(ii) Whether the registration of the impugned trademark is liable to be removed/ rectified under Section 57 of the Trade Marks Act, 1999?

(iii) Whether the petitioners trademark "Suguna" and "SI" monogram is a well known trademark entitled to protection as such under the Trade Marks Act, 1999 in relation to motors and pumps in Class 7?



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K.KUMARESH BABU, J.

gba

(iv) Whether the assignment dated 27.01.2018 by the first respondent in favour of the 6th respondent had been recorded in the records of the Trade Marks registered by the suppression and fraud holding them liable for dishonoured adoptive and using of trade mark liable to be canceled/rectified?

(v) Whether the petitioners are entitled to cost and if so to what extent?

(vi) To what other reliefs the petitioners are entitled to?

4. The Case Management Schedule as filed by the petitioner shall be strictly adhered to by the respective parties. Post the matter before the learned Additional Master – III for recording of evidence.

Gba

03.10.2024



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