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(T)OP(TM)/388/2023
(ORA/102/2020/TM/CHN)
and W.P.No.27500 of 2021
and W.M.P.No.29025 of 2021

SENTHILKUMAR RAMAMOORTHY,J

The petition was filed to rectify the register and remove the entry relating to the device mark ZINDA TEL, which was registered as Trade Mark No.1633656 in Class 5, from the Register of Trade Marks. Upon completion of pleadings, the contesting parties filed 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 person within the meaning of the Trade Marks Act, 1999?*
2. *Whether the petitioner has proved use of the Trade Mark ZINDA from 1920?*
3. *Whether the adoption of the impugned device mark, including all elements thereof by the first respondent was dishonest and mala fide?*



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4. *Whether the registration of the impugned device mark was contrary to applicable provisions of the Trade Marks Act, 1999?*
5. *Whether the impugned mark is liable to be removed from the Register of Trade Marks?*
6. *Whether the parties are entitled to any other relief?*

3. The contesting parties are directed to agree upon and submit a common proposed schedule for recording evidence. List the matter on 24.11.2023.

09.11.2023

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