



**(T)OP(TM)/414/2023**  
**(ORA/274/2015/TM/CH)**

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**SENTHILKUMAR RAMAMOORTHY,J**

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

1. *Whether the petitioner can be considered as an "AGGRIEVED PERSON" within the meaning of the Trade Marks Act, 1999?*
2. *Whether the 1st respondent's mark "SAVITRI ASHIRVAAD" should have been refused registration as per Section 9(1)(a) and Section 9(2)(a) of the Trade Marks Act, 1999?*
3. *Whether the registration of the mark "SAVITRI ASHIRVAAD" is contrary to the provisions of Section 11(1) and 11(3) of the Trade Marks Act, 1999?*
4. *Whether the entry relating to the mark "SAVITRI ASHIRVAAD" under registration no.1420229 in class 30 has been made without sufficient cause?*
5. *Whether the 1st respondent has obtained the registration by fraud or misrepresentation of facts?*
6. *Whether there is use of the trademark "SAVITRI ASHIRVAAD" by the first respondent?*

**SENTHILKUMAR RAMAMOORTHY,J**



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7. *Whether the mark "SAVITRI ASHIRVAAD" is liable to be removed from the register as per Section 47(1)(a) and (b) of the Trade Marks Act, 1999?*
  8. *Whether the mark "SAVITRI ASHIRVAAD" is liable to be removed from the register as per Section 57(1) and (2) of the Trade Marks Act, 1999?*
  9. *Whether the 2<sup>nd</sup> respondent failed to impose conditions or limitations in respect of the mark "SAVITRI ASHIRVAAD" when the 1<sup>st</sup> respondent applied for registration?*

2. The contesting parties are directed to agree upon and submit a common proposed schedule for recording evidence. List the matter on 30.08.2023.

21.08.2023

rna/shl

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