



IN THE HIGH COURT AT CALCUTTA
INTELLECTUAL PROPERTY RIGHTS DIVISION

ORIGINAL SIDE

IPDATM/11/2023

GIBSON BRANDS INC. (ORA/8/2018/TM/KOL)

VS

SAMIR BISWAS AND HEMANGSHU BISWAS t/a BISWAS MUSICAL INDUSTRY
& ANR.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 10th March, 2026.

APPEARANCE:

Mr. Rudraman Bhattacharya, Sr. Adv.

Mr. Sourajit Dasgupta, Adv.

Mr. Avirup Chatterjee, Adv.

Mr. Shantanu Guchhait, Adv.

Applicant

Mr. K. Kashyap, Adv.

For respondent no.1

THE COURT: This is an application for rectification of the registered trade mark under Section 57 of the Trade Marks Act, 1999. The respondent no.1 is the registered proprietor of the mark. The respondent no.2 is the registrar of trade mark.

The respondent no.2 remains unrepresented.

On behalf of the applicant, a serious allegation of fraud has been raised in granting registration to the respondent No. 1 which involves the respondent no.2. In such circumstances, it will be for the interest of justice that the respondent no.2 should be given a further opportunity to represent.



Let this matter appear in the list on 23rd March, 2026.

The learned advocate for the applicant shall serve a notice upon the respondent no.2.

It is made clear that in the event the respondent no.2 remains unrepresented despite service on the next date, the matter shall be taken up in his absence and appropriate orders may be passed.

(ARINDAM MUKHERJEE, J.)

Sb/