

INTELLECTUAL PROPERTY APPELLATE BOARD

Guna Complex Annexe-I, 2nd Floor, 443 Anna Salai,
Teynampet, Chennai-600018

(CIRCUIT BENCH SITTING AT AHMEDABAD)

**M.P.No.2/2016 in
OA/48/2012/TM/AMD**

THURSDAY THIS THE 17th DAY OF DECEMBER, 2015

HON'BLE SHRI JUSTICE K.N.BASHA ... CHAIRMAN
HON'BLE SHRI SANJEEV KUMAR CHASWAL ... TECHNICAL MEMBER
(TRADE MARKS)

M/s Parag Perfumes,
Sihor (Dist. Bhavnagar,)
Gujarat.

... Appellants
(org. opponents)

(Represented by Y.J. Jasani)

Vs

1 Ajanta India Ltd.
Morbi(Gujarat)

... Respondent No.1
(org. applicant for registration)

2. The Asst. Registrar of Trade Marks,
The Trade Marks Registry,
Ahmedabad

... Respondent No. 2

(Represented by None)

ORDER (No.223/2015)

HON'BLE SHRI JUSTICE K.N.BASHA, CHAIRMAN:

This appeal is preferred challenging the order dated 14.06.2012 dismissing the oppositions filed by the appellant against application No. 1129110 in Class 3 by the Assistant Registrar of Trade Marks, Ahmedabad.

2. Mr. Y.J. Jasani, the learned counsel for the appellant would submit that the appeal was preferred within the time limit of 3 months and even before the expiry of three months period of limitation the Assistant Registrar hurriedly issued certificate of registration soon after the dismissal of the opposition. Learned counsel for the appellant would contend in view of the same it is a fit case for granting stay of the operation of the registration of the impugned trade mark more particularly in view of the above opposition was further agitated by

way of preferring the appeal and pending appeals in respect of the connected mark of the same respondent on the file of this bench.

3. It is seen from the records that earlier notice was sent to the first respondent and it was served on them on 21.03.15. Therefore, the first respondent filed extension of time of one month as per their letter dated 14.02.2013 from 19.02.2013 to 19.03.2013 for filing the Counter Statement. But the fact remains that even after the lapse of extended period which expired as early as on 19.03.2013, the respondent No.1 has not raised his little finger for further Extension of time for filing counter statement or to appear before us either in person or through their advocate.

4. In view of the above said circumstances, we are of the considered view that this is a fit case to grant relief of stay of the operation of registration certificate issued to the first respondent herein under form O-2 issued by the Trade Mark Registry, Ahmedabad on 7.08.2012 in respect of the mark DENTOVEDIC under application No.1129110 in Class-3 in the name of the first respondent.

5. Learned Counsel though already made a prayer for stay in the grounds of appeal and also filed a stay application today mentioning the above said grounds. The stay application is directed to be numbered by the Registry. It is made clear that the stay order granted till the next date of hearing.

(SANJEEV KUMAR CHASWAL)
TECHNICALEMEMBER

(JUSTICE K.N.BASHA)
CHAIRMAN

Reportable: Yes / No

srk