



# IPAB Intellectual Property Appellate Board

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ORA/39/2019/TM/AMD

WEDNESDAY, THIS THE 16<sup>TH</sup> DAY OF SEPTEMBER, 2020

HON'BLE SHRI JUSTICE MANMOHAN SINGH : CHAIRMAN  
HON'BLE MS. LAKSHMIDEVI SOMANATHI : TECHNICAL MEMBER (TM)  
HON'BLE MR. MAKYAM VIJAY KUMAR : TECHNICAL MEMBER (TM)

1) GALA HERBS, INC ... APPLICANT  
101, GALA HERBS DRIVE, BREVARD, NORTH  
CAROLINA-28712, USA

(Represented by: Mr. Omesh Puri)

Versus

1) PHILIPPE MARADAN & FRANCK PEIFFER ... RESPONDENTS  
151B ROUTE D'OYONNAX, VEYRIAT-0110,  
OYONNAX(FRANCE)  
2) THE REGISTRAR OF TRADE MARKS  
BOUDHIK SAMPADA BELWAN, NEAR  
CHANKYAPURI OVERBRIDGE, BESIDES AMC CITY  
CIVIC CENTRE, CHATLODIA,  
AHMEDABAD-380 061

(Represented by: Mr. Deeraj Kapoor)

## ORDER

HON'BLE SHRI JUSTICE MANMOHAN SINGH, CHAIRMAN

1. The petitioner in the above said matter has filed the petition under Section 47 / 57 of the Trade Marks Act, 1999 for removal of the Trademark No.1847075 in Class 03. The main contention of the petitioner was that there is a non user of the trademark in question by the respondent No.1.

2. The learned counsel for the petitioner has confirmed that the impugned trademark has not been renewed and even restoration period has also been expired, but no such application has been filed for renewal.

3. Under these circumstances, the present petition is disposed of. In case the mark in question is renewed under any circumstances, the liberty is granted to the petitioner to revive the petition.

For the time being, the petition is disposed of. No order as to costs.

-Sd/-

Ms. Lakshmidevi Somnaath  
Technical Member (Trademarks)

-Sd/-

Shri Makyam Vijay Kumar  
Technical Member (Trademarks)

-Sd/-

Hon'ble Shri Justice Manmohan Singh  
Chairman

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