



IPAB Intellectual Property Appellate Board

Guna Complex Annexe-I, 2nd Floor, 443 Anna Salai, Teynampet, Chennai-600 018.
Tele No: 24328902/03 Fax: 24328905 mail I'd: ipab.tn@nic.in Website: <http://www.ipab.gov.in>

ORA/290/2012/TM/CH
FRIDAY, THIS THE 21ST DAY OF AUGUST, 2020

HON'BLE SHRI JUSTICE MANMOHAN SINGH
HON'BLE DR. ONKAR NATH SINGH

CHAIRMAN
TECHNICAL MEMBER (PVPAT)

1. **BLOOMBERG FINANCE L.P.,**
731, LEXINGTON AVENUE, NEW YORK,
NY 10022, UNITED STATES OF AMERICA

...APPLICANT/APPELLANT

(Represented by: Mr. Manish Kumar)

Versus

1. **BLOOMBERG DEVELOPERS PVT. LTD.**
EVOMA, NO. 14 BHATTRAHALI, OLD MADRAS
ROAD, K.R PURAM, BANGALORE – 560 049

...RESPONDENT

(Represented by – Mr. P. V. BALASUBRAMANIAM)

ORDER

HON'BLE SHRI JUSTICE MANMOHAN SINGH, CHAIRMAN

1. The application for removal of trade mark from the register or rectification of the register has been filed bearing Registration No. 2263031 for the trademark BLOOMBERG (Label) in Class 43 registered in the name of BLOOMBERG DEVELOPERS PRIVATE LIMITED.
2. The same was filed by BLOOMBERG FINANCE L.P., of 731 Lexington Avenue, New York NY 10022, United States of America, to remove the entry in the Register in respect of the trademark BLOOMBERG (Label) under Registration No. 2263031 in Class 43 registered in the name of BLOOMBERG DEVELOPERS PRIVATE LIMITED At Evoma, No. 14 Bhattrahali, Old Madras Road, K. R. Puram, Bangalore-560049, "By a total expunction of the said trademark from the Register".
3. The impugned registered trademark of the Registered Proprietor is the mark BLOOMBERG (Label) in Class 43 under Registration No. 2263031 dated 9 January 2012 in respect of "services for providing food and drink; temporary accommodation." A copy of the journal advertisement published in Trademark Journal No. 1525 dated 27th February 2012, at page no. 2050, is annexed hereto and marked "X" The office of the 2nd Respondent.

4. The Applicant for Rectification herein, is a multinational financial news corporation and a trusted leader in global business and financial information, founded in 1981 by Mr. Michael R. Bloomberg, the present mayor of New York City, USA. The Applicant's predecessor adopted and first used the expression "BLOOMBERG" in 1987 as its trademark, trade name, and corporate identity. The Applicant is a subsidiary of Bloomberg L.P., the parent company of a number of other "Bloomberg"- named companies. Bloomberg L.P. currently uses the "Bloomberg" trade name under license from Applicant, (Hereinafter for convenience the expressions, "we 'our company the Applicant' etc., collectively refer to Bloomberg Finance L.P. as well as Bloomberg L.P., and all other associates, subsidiaries, licensees, agents etc.) The Applicant provides influential decision makers worldwide with data, analytics, news, and insight to give them a critical edge. The BLOOMBERG PROFESSIONAL service is now the leading choice of more than 310,000 business and financial professionals globally. The Applicant's capability in delivering data, news and analytics quickly and accurately through innovative technology has resulted in several award-winning products and solutions. The Applicant has over 15,000 employees in 192 locations, including 2,300 reporters in 140 news bureaus worldwide. The Applicant's products and services reach millions of people worldwide through a variety of international, multi-lingual media outlets, including BLOOMBERG TELEVISION and BLOOMBERG RADIO programming, BLOOMBERG NEWS and the highly popular website at www.bloomberg.com. In India, "Bloomberg UTV" was launched in 2008 as a 24-hour English language business and financial broadcast news outlet in India, by UTV Software Communications in strategic partnership with Bloomberg Television. (Hereinaftw; for the sake of convenience, all expressions including "The Applicant", "Our company", "Us", "We", "Our" and all cognate expressions thereto, shall commonly refer to BLOOMBERG FINANCE L.P., the Applicant for Rectification herein, as well as its predecessors, parent/holding company, its subsidiaries, associate companies, licensees,
5. In order to distinguish the Applicant's products and services from those of others, it adopted the expression BLOOMBERG, as its trade mark/trade name/corporate identity at least as early as 31 August, 1987. Over the years, the Applicant has adopted numerous BLOON'BERG per se or BLOOMBERG formative marks with respect to its various products and services. [For the sake of convenience, the above marks are referred to as our "BLOOMBERG trade marks " or "the Applicant's marks "]. The Applicant's BLOOMBERG trade marks are being used in over 100 countries worldwide. In India, the Applicant is using the BLOOMBERG trade mark at least since 1996, when its wholly owned Indian subsidiary Bloomberg Data Services (India) Private Ltd. was established.
6. In order to accord statutory protection to its marks, the Applicant has obtained and/ or applied for registration of its mark BLOOMBERG in various countries/jurisdictions, in addition to India and our home country, the United States, including - African Union (O.A.P.I.), Argentina, Aruba, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benelux, Bermuda, Bolivia, Botswana, Brazil, Brunei Darrussalam, Bulgaria, Canada, Cayman Islands, Chile, China, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, Estonia,

European Union, Fiji, Finland, France, Germany, Ghana, Gibraltar, Greece, Guernsey, Hong Kong, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jersey, Jordan, Kenya, Kuwait, Latvia, Lebanon, Liechtenstein, Lithuania, Macao, Malaysia, Malta, Mexico, Monaco, Morocco, Namibia, Netherlands Antilles, New Zealand, Norway, Oman, Pakistan, Panama, Peru, Poland, Portugal, Puerto Rico, Romania, Russia, Saint Kitts and Nevis, St. Vincent and the Grenadines, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, South Korea, Spain, Sri Lanka, Sweden, Switzerland, Taiwan, Tangier Zone, Thailand, Trinidad and Tobago, Turkey, Ukraine, the United Arab Emirates, the United Kingdom, Uruguay, Venezuela, Vietnam, etc. The Applicant obtained the first registration for the BLOOMBERG trademark in the USA in 1990.

7. In India, the Applicant is the proprietor of numerous BLOOMBERG/ BLOOMBERG formative marks that are either registered or pending in various classes, the earliest of which is registered since 1994. Some of the Applicant's BLOOMBERG/BLOOMBERG formative registered trademarks in India are tabled below:

<i>Application/ Registration No.</i>	<i>Application Date</i>	<i>Mark</i>	<i>Class</i>
1260565	12/01/2004	BLOOMBERG ANYWHERE	9,36,38,42
1419711	06/02/2006	BLOOMBERG I-TRADE	9, 28, 41
643150	17/10/1994	THE BLOOMBERG	16
724377	26/07/1996	BLOOMBERG	09
724378	26/07/1996	BLOOMBERG	16
773159	16/10/1997	BLOOMBERG NEWS	16
855451	10/05/1999	BLOOMBERG BONDTRADER	16
921557	28/04/2000	BLOOMBERG PROFESSIONAL	09
972910	24/11/2000	BLOOMBERG MARKETS	16
1191985	16/04/2003	BLOOMBERG PROFESSIONAL	16
1238365	17/09/2003	INSTANT BLOOMBERG	38
1323819	03/12/2004	BLOOMBERG LAW	9,16,35,36,38,41,42
1280857	26/04/2004	BLOOMBERG PROFESSIONAL	35
1280861	26/04/2004	BLOOMBERG PROFESSIONAL	36
1280862	26/04/2004	BLOOMBERG PROFESSIONAL	38
1285574	21/05/2004	BLOOMBERG	42
1285575	21/05/2004	BLOOMBERG	41
1285576	21/05/2004	BLOOMBERG	38
1285577	21/05/2004	BLOOMBERG	36
1285578	21/05/2004	BLOOMBERG NEWS	38
1285579	21/05/2004	BLOOMBERG NEWS	36
1285580	21/05/2004	BLOOMBERG NEWS	41
1285581	21/05/2004	BLOOMBERG NEWS	42
1282724	07/05/2004	BLOOMBERG MARKETS	42
1282725	07/05/2004	BLOOMBERG	35
1282727	07/05/2004	BLOOMBERG UNIVERSITY	41
1301822	10/08/2004	BLOOMBERG TERMINAL	9,35,36,38

8. It is stated on behalf of applicant that the Registered Proprietor has obtained registration of the impugned mark BLOOMBERG by making false claims of proprietorship and misleading statements. The impugned mark is identical to the Applicant's prior adopted, registered and well-known trade mark BLOOMBERG, and deceptively similar to the Applicant's other BLOOMBERG formative trade marks. The Registered Proprietor is wrongly and unlawfully claiming proprietorship of the mark which actually belongs to the Applicant. There cannot be any dispute that the impugned registered trade mark is already causing and will continue to cause deception among the public, including the likelihood of blind association with the Applicant's products and services bearing its prior registered and well known trade mark BLOOMBERG, unless the subject trade mark is expunged from the trade mark register forthwith. The impugned registered trademark being identical to the Applicant's stated well-known marks, stands in utter violation of Sections 11(2) and 11(3) of the Act.
9. The applicant has also filed the suit infringement before the High Court. The application has got the decree for permanent injunction against the respondent no.1 from using the mark Blookberg in any manner. We have been informed by the earlier counsel appearing on behalf of the respondent no.1 that the said mark/name has been deleted from the Register of Trade Marks.

10. In the light of the above, the prayer made in the petition is allowed. The Trade Mark No. 2263031 is removed from the Register.
11. Copy of the order be sent to respondent no.2 for removing the entry from the Register.
12. No costs.

-Sd/-

(Dr. Onkar Nath Singh)
Technical Member (PVPAT)

-Sd/-

(Justice Manmohan Singh)
Chairman

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