

**WRIT OF PROHIBITION/CERTIORARI/MANDAMUS UNDER
TRADE MARKS ACT, 1999 FOR MAINTAINING REGISTERED
TRADEMARK ON THE REGISTER ON THE GROUND OF NON
SERVICE/NON ISSUANCE OF NOTICE U/S. 25 (3) OF THE
TRADE MARKS ACT,1999 AND RULE 64 THE TRADE MARKS
RULE, 2002**

IN THE HIGH COURT OF JUDICATURE AT _____

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. _____ OF _____

District: _____

IN THE MATTER OF ARTICLE 226 OF
THE CONSTITUTION OF INDIA.

AND

IN THE MATTER OF SECTION 25
OF TRADE MARKS ACT, 1999.

AND

IN THE MATTER OF RULE 64 OF
TRADEMARK RULES, 2002.

_____))
_____))
_____)..Petitioner

Versus

1. The Registrar of Trade Marks,)
having its office at _____)
_____)
_____)
2. Union of India)
through Ministry of Commerce,)
Department of Industrial Policy)
& Promotion, _____)
_____)
and also at –)
_____)
_____)..Respondents

TO,

THE HON'BLE CHIEF JUSTICE
AND HIS COMPANION JUDGES OF THIS HON'BLE COURT

THE HUMBLE PETITION OF THE PETITIONERS ABOVENAMED

MOST RESPECTFULLY SHEWETH:

1. The Petitioner is a Private Limited Company duly incorporated under the Companies Act, 1956/2013 in India, having its registered office at the address mentioned in the cause title.
2. The Respondent No. 1 is the Registrar of Trade Marks having its head office in _____ at the address mentioned in the cause title.

The Respondent No. 1 is a statutory authority under the Trade Marks Act, 1999 for the purpose of discharging various functions as more particularly set out therein. The Respondent No. 2 is Union of India, through the Ministry of Commerce, Department of Industrial Policy and Promotion.

3. The brief facts are as under:-

- (a) The Petitioner is engaged in the business of manufacture and sale of _____ etc. The Petitioner is the owner of various trademarks including '_____' & '_____' under which its various products are sold. The said marks have been used openly, continuously and extensively by the Petitioner since last several years.
- (b) On _____, the Petitioner filed an application for registration of the mark '_____', under Application No. _____ in class _____ in respect of _____. The said trademark was accepted by the Respondent No. 1 and was duly published in the Trade Mark Journal before its registration and in due course of time the said mark came to be registered in the name of the Petitioner with effect from _____. Hereto annexed and marked as **EXHIBIT "A"** is a copy of the Certificate of Registration dated _____ issued by the

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