

# INTELLECTUAL PROPERTY APPELLATE BOARD

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

## CIRCUIT SITTING AT DELHI

MONDAY, THIS THE 24<sup>TH</sup> DAY OF AUGUST, 2015

**ORA/13/2006/TM/DEL  
AND  
ORA/141/2015/TM/DEL**

**Hon'ble Shri. Justice K.N. Basha** ... Chairman  
**Hon'ble Shri. Sanjeev Kumar Chaswal** ... Technical Member

### 1. **ORA/13/2006/TM/DEL**

Hari Rubber Pvt. Ltd.,  
168, Focal Point,  
Mehta Road,  
Amritsar (Punjab) ... Applicant

(Represented by – Mr. Manchanda)

**Vs.**

Hindustan Cycle & Tubes Pvt. Ltd.,  
(Hindustan Tyre Company)  
G-3, Textile Colony,  
Industrial ARea – A,  
Ludhiana (Punjab). ... Respondent

(Represented by – Ms. Shilpi Mehta Nanda)

### 2. **ORA/141/2015/TM/DEL**

Hindustan Cycle & Tubes Pvt. Ltd.,  
(Hindustan Tyre Company)  
G-3, Textile Colony,  
Industrial ARea – A,  
Ludhiana (Punjab). ... Applicant

(Represented by – Ms. Shilpi Mehta Nanda)

**Vs.**

1. Hari Rubber Pvt. Ltd.,  
168, Focal Point,  
Mehta Road,  
Amritsar (Punjab)
2. The Registrar of Trade Marks  
Trade Marks Registry  
Delhi ... Respondents

(Represented by – Mr. Manchanda)

## **ORDER (No.190 of 2015)**

**Hon'ble Shri. Justice K. N. Basha, Chairman:**

These two applications are filed for the removal of trade mark

**HINDUSTAN (LABEL)** under registration No.**358132-B** in Class **12** in

ORA/13/2006/TM/DEL and trade mark **H.R.P.L. HINDUSTAN** under registration No. **1389207** in Class **12** in ORA/141/2015/TM/DEL registered in the name of respondent.

2. Mr. N.K. Manchanda, the learned counsel for the applicant and Ms. Shilpi Mehta Nanda, the learned counsel for the respondent are present today. It is submitted by both the counsel that the matter has been amicably settled between the parties and they are going to file the compromise memo signed by both the parties before the Hon'ble Delhi High Court. The learned counsel for the respondent also sent a communication dated 19/08/2015 to the Registry of IPAB stating the above said factor of signing the compromise memo by both the parties.

The said communication discloses as hereunder:-

"a. The Defendants agree that the Rectification proceedings pending before the Hon'ble Intellectual Property Appellate Board (IPAB) under No.ORA/13/2006/TM/DEL against the Plaintiff's trade mark No.358132-B in class 12 shall be treated as withdrawn without any cost. It further agrees not to oppose or challenge any trademark application filed in the name of the Plaintiff including the word HINDUSTAN on the ground of use of the word HINDUSTAN.

b. The Defendants agree that the trademark HRPL HINDUSTAN which is registered under No.1389207 in class 12 shall be either amended by deleting the word HINDUSTAN or withdrawn from the records maintained by the Trade Marks Registry within one month of decreeing / disposal of the present suit with advance copy to the Plaintiff.

c. The plaintiff agree that the Rectification Petition filed by them before the Hon'ble Intellectual Property Appellate Board (IPAB) for rectification / cancellation of registered trademark under No.1389207 in class 12 shall be withdrawn without any cost, within one month from the decreeing / disposal of present suit to enable the Defendant to amend their registration before the Registrar of Trade Marks."

3. Further Ms. Shilpi Mehta Nanda, learned counsel brought to the notice of this Board that ORA/141/2015/TM/DEL which was not listed today may also be dismissed as withdrawn on the basis of the above said compromise memo signed by both the parties.

4. In view of the above said terms of compromise, both the application Nos. ORA/13/2006/TM/DEL and ORA/141/2015/TM/DEL are hereby dismissed withdrawn as not pressed in respect of trade mark of the respondent herein Nos.358132-B and 1389207 in Class 12 respectively.

**(Sanjeev Kumar Chaswal)**  
Technical Member

**(Justice K.N. Basha)**  
Chairman