



सत्यमेव जयते

भारत सरकार / Government of India
व्यापार चिन्ह रजिस्ट्री / Trade Marks Registry
15/27, National Chambers,
Ashram Road,
Ahmedabad – 380 009
Tel.No. 26587193, 26580567
E-mail: tmrabad@yahoo.co.in

1613/1614
18/05/2010

FROM: THE DEPUTY REGISTRAR OF TRADE MARKS

To,

1. M/s. Dandi Salt Pvt. Ltd.,
3051, Ambaji Market,
Kaamela Darwaja,
Ring Road, Surat
(Gujarat)
2. M/s. Jasani & Company,
216-V.V. Comm. Complex,
2nd Floor, Dhebarbhai Road,
Rajkot-360 002 (Gujarat)

Sub: - Opposition No. AMD-742161 to application No. 1641653 in class 30

Gentlemen,

With reference to the above matter, I am directed by the Registrar of Trade Marks to forward herewith an order/decision passed in this matter...

Yours faithfully,

For Registrar of Trade Marks

THE TRADE MARKS ACT, 1999

(Before the Deputy Registrar of Trade Marks)

In the matter of application No. 1641653 in Class 30 in the name of **M/s. Indo Brine Industries Ltd.**, Agrawal's House, Gokul Park, Plot No. 356, Ward 12-B, Tagore Road, Gandhidham, Gujarat.

: Applicants.

AND

In the matter of Opposition No. AMD-742161 thereto by M/s. Dandi Salt Pvt. Ltd. 3051, Ambaji Market, Kaamela Darwaja, Ring Road, Surat, Gujarat

: Opponents.

AND

In the matter of Interlocutory Petition dated 18.03.2010 filed by the applicants.

Present: (1) Shri Y.J. Jasani, Advocate for the applicants.

(2) Shri Satvanarayan Agrawal, Group Chairman & Managing Director of the applicants Company, and

(3) Shri Muralidhar M. Jeswani, Manager of the applicants company.

(1) Shri Pathik M. Acharya, Advocate of opponents

(2) Shri Ramniwas Gupta, Director of the opponents company Dandi Salt Pvt. Ltd., Surat.

ORDER

This order will dispose off and interlocutory petition dated 18.03.2010 filed by M/s. Indo Brine Industries Ltd., Agrawal's House, Gokul Park, Plot No. 356, Ward 12-B, Tagore Road, Gandhidham, Gujarat with a request that to reject/dismiss the notice of the opposition lodged by Mr. Ram Niwas against the Registration of Trade Mark DANDI NAMA (LABEL) and to recall/withdraw the direction issued under section 21 to the opponents on the ground as contained in the said petition.



The applicants mainly stated following grounds in the interlocutory petition:

1. The opponent Shri Ram Niwas Gupta is not the Director of M/s. Dandi Salt Pvt. Ltd.,
2. The said company has not authorised to Ram Niwas Gupta to loge the impugned opposition,
3. The records filed by M/s. Dandi Salt Pvt. Ltd. with Registrar of Companies, Ahmedabad has not performed any business activities since the year 2000 to 2007, and therefore the question as to use of the mark DANDI by the opponent is baseless and false,
4. Even as per the letter dated 27.03.2009 of the Registrar of Companies, Ahmedabad, Shri Ram Niwas Hukamchand Gupta is not the director of M/s Dandi Salt Pvt. Ltd. and hence he is having no locus standie to loge the aforesaid opposition.

I have heard both the parties at length on the issues at time of hearing on 03.05.2010. Since the order under Rule 50(2) of The Trade Marks Rules, 2002 is passed in this matter, I need not go into the merit of this petition and accordingly the interlocutory petition dated 18.03.2010 filed by M/s. Indo Brine Industries Ltd. is disposed off with no order as to cost.

Signed and Sealed at Ahmedabad this 14th day of May, 2010.



(D. S. BANSOD)

DY. REGISTRAR OF TRADE MARKS

