



Agent Code: 20695

Our Ref: 23303
KOL-1014334/ 3690572

6th July, 2020

To,
The Registrar of Trademarks,
Trademarks Registry,
No. 7th Floor, Nizam Palace,
234, A.J.C. Bose Road,
Kolkata - 700 020
Email : mumopp.tmr@nic.in

Re: Opposition No. KOL- 1014334 against Trademark Application Number. 3690572 in



class 41 for the mark

in the name of SMT. ALPA

Dear Sir/Madam,

We act for M/s. Viacom 18 Media Pvt. Ltd, having address at Zion Bizworld, Subhash Road A Next to Garware Institute Vile Parle (East) Mumbai 400057, who is Opponent in the captioned matter.

We were served with the counter statement filed by the applicant vide e-mail dated 8th May, 2020. At the outset, we deny each and every statement, contention and submissions made by the Applicant in their counter statement. (Copy of email is enclosed).

We are now serving the unsigned Evidence Affidavit under Rule 45 along with Annexures to the learned Registrar of the Trade Marks Registry and counsel for the Applicant *via e-mail* for their necessary records.) The original of the same will be dispatched once the lockdown lifted.

The supporting documents marked as Annexures can be accessed through following link: <https://we.tl/t-T6kpjhcySo> (This link will expire in 7 days).

In the above regard, please note that owing to the Government advisory on lockdown of cities until the **31st of July 2020** because of COVID-19 situation, the Opponent's office premises are currently closed and hence the authorised signatory of the Opponent is unable to execute the Evidence Affidavit in support of Opposition under Rule 45 along with Annexures at this point of time. The Opponent undertakes to file a signed and notarized

Evidence Affidavit in the captioned matter once the lockdown is lifted and once things return to normalcy.

We further refer to the subsequent Supreme Court Order dated the 17th of June 2020 and the **Public Notice issued by CGPDTM dated 19th June 2020** that has confirmed that Hon'ble Supreme Court Order dated **23rd March, 2020** shall also be applicable to the deadlines for all the matters falling before the Trademarks Office; thereby affirming that the deadlines in all these matters would not operate until any further order of the Hon'ble Supreme Court, which is also applicable to deadlines and time limits. Hence the Opponent reserves the right and also states that it has the lawful right to file the said affidavit duly executed and notarized once the lockdown is lifted.

We would thus request the Learned Registrar to proceed further with the matter.

Yours sincerely,



Pavithra.R
Anand And Anand
Enrol No.2135/2014

Enclosure:

1. Unsigned Evidence Affidavit along with Annexures
2. Supreme Court order Writ Petition no. 3/ 2020 dated 23rd March, 2020, 17th June, 2020
3. Trademark Public Notice dated 19th June, 2020

COPY TO:

1. SMT. ALPA
C/O Rakesh Kumar, D-3/254, New Colony, Behind Sanjay Talkies,
Brahampura, Muzaffarpur-842003, (Bihar)
Email: sns muz@gmail.com
2. Anand Shanker Gupta
59 IInd Floor Kundan Nagar
DELHI 110092
Email: asguptaadvocate@yahoo.com

From: noreply.ipo@gov.in [mailto:noreply.ipo@gov.in]
Sent: 08 May 2020 11:55 AM
To: Anand And Anand Chennai; Anand And Anand Chennai
Cc: mumopp.tmr@nic.in
Subject: Notice of counterstatement for Application No. 3690572 and Opposition No 1014334 for Branch KOLKATA

To,

SMT. ALPA

Subject : Service of counterstatement of Applicant for Application No. 3690572 and Opposition No 1014334

Dear Sir/Mam

In pursuance of section 21(3) of Trade Marks Act 1999, I am directed by the Registrar of Trade Marks to send herewith a copy of the counterstatement filed in the above matter.

Please [click here](#) to view/print the above said Notice

Please find the attachment to view/print the TM-6/TM-O(COUNTER STATEMENT) Copy

Please do not reply to this e-mail as it is a system generated e-mail.

Regards,
Trade Marks Registry.

Disclaimer:

The information displayed in the e-mail is dynamically retrieved and in case of any discrepancy you may contact the appropriate Trade Marks Registry.

ITEM NO.12

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SUO MOTU WRIT PETITION (CIVIL) No(s).3/2020

IN RE : COGNIZANCE FOR EXTENSION OF LIMITATION

Date : 23-03-2020 This petition was taken up suo motu for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE SURYA KANT

By Courts Motion

COUNSEL PRESENT

Mr. Tushar Mehta, SG
Ms. Swati Ghildiyal, Adv.
Mr. Ankur Talwar, Adv.
Mr. G.S. Makkar, Adv.
Mr. Raj Bahadur, Adv.
Mr. B.V. Balaram Das, AOR

Mr. Dushyant Dave, Sr. Adv.

UPON hearing the counsel the Court made the following
O R D E R

This Court has taken *Suo Motu* cognizance of the situation arising out of the challenge faced by the country on account of Covid-19 Virus and resultant difficulties that may be faced by litigants across the country in filing their petitions/applications/suits/ appeals/all other proceedings within the period of limitation prescribed under the general law of limitation or under Special Laws (both Central and/or State).

To obviate such difficulties and to ensure that lawyers/litigants do not have to come physically to file such

proceedings in respective Courts/Tribunals across the country including this Court, it is hereby ordered that a period of limitation in all such proceedings, irrespective of the limitation prescribed under the general law or Special Laws whether condonable or not shall stand extended w.e.f. 15th March 2020 till further order/s to be passed by this Court in present proceedings.

We are exercising this power under Article 142 read with Article 141 of the Constitution of India and declare that this order is a binding order within the meaning of Article 141 on all Courts/Tribunals and authorities.

This order may be brought to the notice of all High Courts for being communicated to all subordinate Courts/Tribunals within their respective jurisdiction.

Issue notice to all the Registrars General of the High Courts, returnable in four weeks.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(MUKESH NASA)
COURT MASTER

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR

\$~A-7

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3059/2020

INTELLECTUAL PROPERTY ATTORNEYS

ASSOCIATION (IPAA) AND ANR Petitioners

Through Mr.Chander M. Lall, Sr. Adv. with
Ms.Nancy Roy, Ms.Archana
Sahadeva, Mr.Gurvinder Singh,
Mr.Rahul Vidhani and Mr.Gaurav
Miglani, Advs.

versus

**THE CONTROLLER GENERAL OF PATENTS,
DESIGNS AND TRADE MARKS & ANR.** Respondents

Through Mr.Harish Vaidyanathan Shankar,
Adv. for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **17.06.2020**

1. This hearing is conducted through video-conferencing.
2. List this matter for further proceedings on 30.07.2020.
3. The interim orders passed by this court on 21.05.2020 shall continue to operate. In case, there are any consequential steps to be taken by respondents No.1 and 2, namely, issuing of appropriate notification on its' website etc., the needful be done immediately.
4. On 21.05.2020, this court passed the following orders:
“14. Plain reading of the order dated 23.03.2020 makes it clear that the Supreme Court has extended the periods of Limitation in respective proceedings, irrespective of the Limitation period prescribed under the General Law or any Special Statute and the extension is to continue until further orders passed by the Court in the said petition. It is thus not open to any Court, Tribunal or Authority to impose timelines on the Limitation period, even if it is prescribed under a Special Statute. The order of the Supreme Court is as much binding on Respondent

No.1 as on any other Court or Tribunal. It is not understood what prompted Respondent No.1 to issue the impugned Public Notice in the backdrop of the order dated 23.03.2020 as also order dated 11.05.2020 passed by this Court suspending the operation of its earlier Notice dated 04.05.2020, issued on similar lines.

xxxxx

16. In the meantime, the operation of Public Notice dated 18.05.2020 and Public Notice dated 20.05.2020 is stayed, until further orders of this Court.”

5. Learned counsel for respondents No.1 and 2 states that the above order of this court dated 21.05.2020 is being complied with.

JAYANT NATH, J.

JUNE 17, 2020/v

Office of CGPDTM, Mumbai
Govt. of India

PUBLIC NOTICE

Dated 19th June, 2020

Whereas, by order dated 21.05.2020 in the matter of W.P.(C) 3059/2020, the Hon'ble High Court of Delhi has stayed the effect and operation of Public Notice dated 18.05.2020 and Public Notice dated 20.05.2020 with respect to due dates for completion of various acts/proceedings, filing of reply/document, payment of fees, etc. On 17.06.2020, the Hon'ble Court has ordered that the said interim order shall continue to operate and consequential steps shall be taken by the respondents by issuing appropriate notification on its website.

Therefore, it is hereby notified to all the stakeholders that the Public Notice dated 18.05.2020 stand withdrawn and timelines/periods for the completion of various acts/proceedings, filing of any reply/document, payment of fees, etc. falling due after 15.03.2020, shall be the date as decided/ordered by the Hon'ble Court.

Sd/-
Controller General of Patents, Designs & Trademarks

**BEFORE THE REGISTRAR OF TRADEMARKS,
TRADEMARKS REGISTRY,
KOLKATA**

In the matter of Application no. 3690572 in Class 41 for registration of the trademark



in the name of SMT. ALPA, C/O Rakesh Kumar, D-3/254, New Colony, Behind Sanjay Talkies, Brahampura, Muzaffarpur-842003, (Bihar)

AND

In the matter of opposition filed thereto by M/s. Viacom 18 Media Private Limited, Zion Bizworld, Subhash Road, Vile Parle (East), Mumbai 400 057, Maharashtra, India.

AND

In the matter of Evidence in support of Opposition under Rule 45 of Trademark Rules, 2017

AFFIDAVIT

EVIDENCE IN SUPPORT OF OPPOSITION UNDER RULE 45

I, Hiral Vimadalal, authorized signatory of the Opponent, major by age Indian National, do hereby solemnly affirm and state as under:

1. I am the authorized signatory of Viacom 18 Media Pvt. Ltd, Zion Bizworld 461/ 462 5th Floor, Subhash Road 'A', Next to Garware Institute Vile Parle (East) Mumbai 400057 (hereinafter referred to as 'my Company'), who is the Opponent in the present proceeding and I state that I have been associated with this Company for several years.
2. By virtue of my position, I have full and free access to all the relevant records of the Opponent and the facts and figures appearing herein below have been taken from such records and books of the Opponent, and whatever is stated herein is true to the best of my knowledge, information and belief.
3. I have read the notice of opposition filed by me on behalf of the Opponent in the present proceedings and reiterate and adopt the same as part and parcel of this affidavit. I have

also read the contents of the counter statement filed by the Applicant and deny each and every statement contained therein except for what has been specifically admitted hereinafter in this affidavit. I submit that the present Affidavit has been filed as evidence in support of opposition under Rule 45 of Trademark Rules 2017. I am well aware about the present case and I am competent to depose the present affidavit in support of our case.

PART I

BACKGROUND OF THE OPPONENT:

4. I state that the Opponent is a private limited company incorporated in November 2007, is a joint venture operation in India between Viacom Group and Network 18 Group. The Opponent is India's fastest growing entertainment network of iconic brands offering multi-platform, multi-generational and multicultural brand experiences across television, film, digital media and live events. The Opponent defines entertainment in India by touching people on air, online, on ground, in shop and through its cinema. I further state that the Opponent owns and operates several general entertainment channels such as Colors, Rishtey, Colors Infinity, Colors Marathi, Colors Gujarati, Colors Bangla, Colors Kannada, Colors Odia, Colors Super and operates channels such as MTV, MTV Beats, Comedy Central and Vh1 in India and the sub-continent. The Opponent also operates a film division which has produced iconic films such as Bhaag Milkha Bhaag, Mary Kom, Gabbar is Back, Drishyam, Margarita with a Straw, Rangoon and the recently released Toilet – Ek Prem Katha. The Opponent's live events division hosts the iconic EDM festival 'Supersonic' every year, has introduced the genre of Bollywood EDM through 'Bollyland' and is responsible for bringing some of the most popular international artists to India. The Opponent's consumer products division offers a wide array of products under popular brands such as 'Motu Patlu', 'Shiva', 'Dora the Explorer', 'Spongebob Square pants', 'Teenage Mutant Ninja Turtles', 'MTV', 'Roadies', 'Supersonic' and 'Colors' amongst several others. In a short time, I humbly submit that the Opponent has, through path breaking, entertaining and unique format shows gained its position amongst the top 3 television broadcasters in the Hindi speaking markets in India. Copy of the incorporation certificate of the Opponent is being filed herewith as **Annexure A**.
5. I state that the services of Opponent are scientifically marketed and promoted through their website and various social, mobile platforms all over India, including Television, Newspaper, Pamphlets, etc.

6. I further humbly submit that the Opponent has 29 television channels, which are broadcasted in about 80 countries and reaches out to around 150 million viewers across all age groups. Further, the Opponent, through its digital, social and mobile platforms, reaches out to more than 100 million people every day in innovative and delightful ways. The Opponent also produces, acquires and distributes films to reach out to a mass audience and owns and uses large number of trademarks in the course of their business. The trademarks and brand names form the essential identity of the products/services marketed by the Opponent. The Opponent therefore has a well-structured and refined process of conceptualizing and coining trademarks following the norms of the industry and branding practices. That apart Opponent expends enormous effort in the conceptualization and adoption of trademarks so as to communicate to and identity with the end consumers. During the course of business since 2007, the Opponent has acquired various brands based on their suitability as a part of Opponent's services. The Annual Sales turnover and Advertisement expenses of the Opponent runs up to several crores.

TRADEMARKS OF THE OPPONENT:

7. I state that in the ordinary course of business and with a view to distinguish and differentiate the Opponent's products from those of their competitors, the Opponent has an established system and process for coining, searching, verifying and then adopting and using brand names. The Opponent is the proprietor of numerous registered and pending trademarks and the Opponent is always diligent in ensuring that their trademarks do not conflict with any existing trademarks.
8. I submit that the Opponent herein, bonafidely adopted the mark **COLORS** (hereinafter referred to as the Opponent's trademark) in the year 2008 in relation to one of its General Entertainment Channel (GEC) and has been using it honestly, extensively and continuously without any interruption since then. The channel "COLORS" which was launched by the Opponent on 21st July 2008 offers a wide range of shows based on a host of subjects to its viewers. The said Channel is distributed to over approximately 60 million households in India. The viewers have the option of selecting from an extensive assortment of entertainment shows ranging from Fiction to Format shows to reality shows to Blockbuster Movies among others. The said channel is dedicated to promoting cohesive viewing, through programmes like 'Balika Vadhu', 'Madhubala- Ek Ishq Ek Junoon',

'Naagin', 'Udaan', 'Shakti', 'Khatron Ke Khiladi', 'India's Got Talent' and 'Bigg Boss' amongst others. The Opponent's trademark COLORS therefore has a very definite and bona fide conceptual basis and with the legitimate intention of distinguishing the Opponent's services. Copies of promotional materials pertaining to the mark COLORS are being filed herewith as **Annexure B**.

9. I humbly submit that the channel "COLORS" is currently one of the Opponent's leading television channels in the sphere of Hindi language GEC. Since 2008, the Opponent has expended tremendous amount of monies and time for the production, advertisement, marketing and publicity of the said Channel under the said trade mark to create an image, goodwill and reputation for the same and the Company as its broadcaster. The Opponent is well-known for its path breaking shows, unrivaled concepts and revolutionary programming style. The Opponent's said channel under the said trademark is one of the most popular entertainment channels in its genre and the programmes telecast thereon enjoy the highest ratings among viewers in the genre. Copies of website extract indicating TRP ratings of the Opponent's channel are being filed herewith as **Annexure C**.

OPPONENT'S REPUTATION & PROMOTION OF THE MARK 'COLORS':

10. I state that the Opponent's services under the trademark COLORS has been carried out on a large scale building up a thriving business and enormous goodwill. The trademark COLORS has become immensely popular among the public and has received great acclaim from among the members of the industry. The Opponent has also taken steps to popularize the said trademark and has expended large sums of money on publicity, advertisements and sales promotional efforts resulting in the instant popularity of the services under trademark COLORS. As a result of such popularity, members of trade and public associate the trademark **COLORS with the Opponent only and with none else**. The Annual Sales turnover and Advertisement expenses of the Opponent in relation to the mark COLORS is as follows and a certified copy if being filed herewith as **Annexure D :**

Year	Annual Domestic Revenue (In crores)	Annual Domestic Promotion	Annual International Revenue (In crores)	Annual International Promotion

		Expenses (In crores)		Expenses (In crores)
2008-2009	181.7	86.7	0.4	0.0
2009-2010	640.0	71.9	6.6	7.4
2010-2011	839.6	65.6	33.7	4.7
2011-2012	870.9	91.4	56.5	9.0
2012-2013	973.5	84.1	86.4	15.7
2013-2014	1,098.3	78.9	116.3	9.6
2014-2015	1,265.8	89.2	147.0	17.4
2015-2016	1,535.2	106.5	175.6	15.6
2016-2017	1,607.1	102.4	196.5	16.0

11. I further state that the Opponent's channel under the said trademark COLORS was also launched by the Opponent in the UK and in the USA in January 2010. Further, as on date the said channel under the said trademark is available in almost seventy (70) countries across the globe, and has been a runaway success since its launch.
12. I submit that the Opponent's portal <http://www.colorstv.com/in/> provides information to the Opponent's viewers about various shows and programmes that are upcoming and ongoing by various COLORS channels in different languages. The said portal has led to the enhancement of the awareness and recognition of the purchasing public of the wide range of programmes made available under the mark COLORS. Copies of screenshots of the websites pertaining to the mark COLORS are being filed herewith as **Annexure E**.
13. It is pertinent to note that the use of the mark "**COLORS**" **has been on an extensive scale across the world, so much so that the use of the word COLORS per se would always be associated only with the Opponent.** It is submitted that there is and has been a strong consumer association between the mark COLORS and the Opponent, such that consumers recognize the mark as uniquely of the Opponent, apart from rendering the mark to be a famous and well-known trademark among consuming public.
14. I state that the Opponent's services bearing the trade mark COLORS are available through the length and breadth of the country. By virtue of the quality content, impeccable varieties of shows & soap operas made available as well as incessant promotional and publicity measures undertaken by the Opponent, the mark COLORS has acquired tremendous

goodwill and reputation, traceable only to the Opponent and no one else. The Opponent submits that the channel COLORS is one of the highest rated channels in India and several other countries.

15. I further submit that the Opponent has time and again telecasted various entertainment, cultural and sporting events with which the trade mark has been associated. Thus, the consumers and members of the trade, associate the mark only with the Opponent. The Opponent submits that as a result of the continuous and extensive use of mark COLORS trademarks over a long period of time spanning a wide geographical area coupled with vast promotion and publicity, the said trademark enjoys an unparalleled reputation and goodwill in the market and has acquired the status of a “well known” trade mark. It is submitted that a reputed and well-known trade mark is one that embodies an aura of pre-eminent excellence and repute and is recognized irrespective of the class of goods or services for which it is used and the Opponent’s trade mark wholly qualifies for this distinction.

TRADEMARK REGISTRATIONS:


16. Apart from the Common Law rights, I emphatically state that the Opponent is also the registered proprietor of various COLORS formative marks. Copies of the trademark registrations obtained by the Opponent are being filed herewith as **Annexure F**. The Opponent has been openly, continuously and consistently using the trademark COLORS in relation to their business. The Opponent is the proprietor of the trademark **COLORS** by virtue of priority in adoption, prior, continuous and extensive use and the reputation consequently accruing thereto in the course of trade. The Opponent has exclusively used **COLORS** as its trademark, so that they are uniformly perceived as indicative of the source of the Opponent.
17. I state that the Opponent, being the proprietor of the said trademark, enjoys exclusive rights in the said trademark and is entitled to act against unauthorized use thereof by third parties for any goods or services. Accordingly, in order to protect their trademark rights, the Opponent has acted against various third parties. Details of oppositions filed, and undertakings extracted by the Opponent are provided below:




<u>S.No</u>	<u>Applicatio n Number</u>	<u>Opposition Number</u>	<u>Mark</u>	<u>Class</u>	<u>Applicant</u>	<u>Status</u>
-------------	--------------------------------	------------------------------	-------------	--------------	------------------	---------------

1.	3490747	MAS-994033	COLOURS C (Device) 	Class-35	SURAJ JAYAPRASAD Trading As : COLOURS	Abandoned
2.	2906561	DEL-909272	COLOR ADVERTISER 	Class-35	RAHUL SHARMA, Office no. 320, 3rd Floor, The Golden Square, Zirakpur Ambala Highway, Zirakpur. District Mohali Punjab 140603 India	Abandoned
3.	3630930	CHE-919761	COLOR MAX 	Class-35	COLORMAX Partnership Firm Details : 1. N.BALASUBRAMA NIAN, 2. R.GUNASEKARAN , 3. P.RANGANATHA N, 4. K.T.RAJENDRAN	Abandoned
4.	4006005	KOL-979004	Colors Cardamom (Device) 	Class-30	ARJUN KUMAR KESHRI Marufganj , Patna City Adhraghat, Bihar - 800008	Withdrawn

5.	1974447	Mum-811075	KOLOR (Device) 	Class-9	VINOD KUMAR NEBHNANI VINOD KUMAR NEBHNANI, C/ O. PRAKASH NEBHNANI, A-801, WHISPERING HEIGHTS, MIND SPACE, OFF LINK ROAD, MALAD (WEST), MUMBAI - 400 064	Abandoned
6.	2059839	Mum-830786	NAVAL COLORS(Device) 	Class-2	MR.MAHESHCHAND GOYAL Trading As : M/S. TIRUPATI PAINTS, VARNISHES AND CHEMICAL INDUSTRY 17, 18, INDUSTRIAL AREA, MORENA - 476 001 (M.P.)	Abandoned
7.	1952347	AMD-854108	COLOR LAKHANI (Device) 	Class-3	MR. LAXMAN D. TAK Trading As : M/S. LAKHAN HENNA HEARBLES. MELA CHOWK, NR. PALIGATE, SOJAT CITY (RAJASTHAN).	Abandoned
8.	2101073	DEL-809380	COLORZ MOBILE	Class-9	COLORS TELETECH LTD A-264 OKHLA INDUSTRIAL AREA PHASE-I NEW DELHI 20	Abandoned

Details of undertaking received:

<u>S.no</u>	<u>Mark</u>	<u>Party</u>
1.		Mr. Aftabuddin & Mr. Nayabuddin M/S Colors Optical 5112, Ballimaran, chandni chowk, New Delhi-110006 Mr. Aftabuddin & Mr. Nayabuddin M/S Color Optics

		2318, katra Alam Baig, Ballimaran Gali, Chandni Chowk, Delhi-110006
2.	 	Mr Amit Kumar & Mr. Suresh Kumar 9-g, Gopi Nath Market, Khari Baoli, Delhi-110006
3.	COLORS	Deepak Gupta M/s Gupta Plastic Works A-80/1, Industrial area, G.T. Karnal road, Delhi-110033
4.	COLORS	Mr. Rahul Sharma & M/S New Harsh Electronics and Electricals H-1005, Mangol Puri, Near Police Station, New Delhi-110083 Mr. Naveen Sharma M/S New Harsh Electronics and Electricals H-4, Mangol Puri, Near Police Station, New Delhi-110083
5.	COLORS	Mr. Manish Kohli M/S Manish Interlining/ Kartik Threads Deputy Ganj Chouraha, Setho Wali Gali, Bulandsheher-203001(U.P.)
6.	COLORS	Mr. Antriksh Kaushik M/S S.K. Electricals H-12, Mangol Puri, in front of Police Station, New Delhi-110083

Copies of cease and desist notices issued and undertakings obtained are being filed herewith as **Annexure G.**

18. Apart from the trademark rights, the Opponent is also the Copyright owner of the Artistic



work in the logo and has rights to impede third parties using the said artistic work in relation to any goods and services.

19. I am producing herewith the following documents in support of the grounds of opposition raised by my Company:

- i. Copy of the incorporation certificate of the Opponent is being filed herewith as **Annexure A.**
- ii. Copies of promotional materials pertaining to the mark COLORS are being filed herewith as **Annexure B.**
- iii. Copies of website extract indicating TRP ratings of the Opponent's channel are being filed herewith as **Annexure C.**
- iv. Copy of certified annual turnover and promotional expenses upto the year 2017 as **Annexure D.**
- v. Copies of screenshots of the websites pertaining to the mark COLORS are being filed herewith as **Annexure E.**
- vi. Copies of the trademark registrations obtained by the Opponent are being filed herewith as **Annexure F.**
- vii. Copies of cease and desist notices issued and undertakings obtained are being filed herewith as **Annexure G.**
- viii. Copy of Examination report dated 30/12/2017 as **Annexure H**

In addition, the Opponent craves leave to refer to and rely upon additional documents including but not limited to Statement of promotional & advertisement updated expenses, Statement of recent sales, Awards and Accolades, additional promotional material and other relevant documents in support of the Opponent at a later stage.

PART II- THE IMPUGNED MARK AND USER

1. At the outset, it is highly pertinent to note the background facts:

- b) **PUBLIC RECOGNITION OF THE MARK “COLORS”:** The mark **COLORS** has been extensively promoted and publicised by the Opponent and the mark has obtained a secondary meaning, impeccable goodwill and reputation relatable only with the Opponent and no one else. In the present case, the Applicant has filed an application for the impugned mark bearing the term **COLORS** in **Class 41** (a class that is of core interest to the Opponent) covering “*Educational Services, Training Courses; Arranging & Conducting of Conference, Seminars; Managing Educational Institutions like Coaching Centre, Schools, colleges, Training Centre; Conducting competitive Exams; Issuing educational Awards; Entertainment, Sporting & Cultural Activities; Providing of Training; Advisory and consultancy for educational promotion; Publishing the text books, magazines, e-books, e-magazines for educational promotion, e-learning and on line distance learning classes being included in Class 41*”. Since Class 41 is a class, that is directly complimentary to the services rendered by the Opponent, there is a high probability that the consumers may be mistakenly led to believe that the services rendered by the Applicant has a nexus with the Opponent and/or the services under the Applicant’s impugned mark and Opponent’s Trademark emanate from the same source.. Given the fact that the mark **COLORS** has garnered impeccable goodwill and reputation, it is assertive that use of a virtually identical mark in the same class as the Opponent would inevitably lead to confusion and deception in the minds of the people. Hence, the present application is liable to be refused
- c) **DISHONEST ADOPTION:** The Applicant has filed the application for the impugned mark as recent as 29/11/2017, on a proposed to be used basis. It is submitted that the Applicant herein has adopted the impugned mark much subsequent to the adoption and use of the mark **COLORS** device by the Opponent. Therefore, it is apparent the adoption of the impugned mark by the Applicant is with a malafide intention to piggyback on the goodwill and reputation of the Opponent and is as such tainted with dishonesty.
- d) **IDENTICAL MARKS AND IDENTICAL SERVICES:** It is further pertinent to note that the impugned mark is structurally, visually similar and phonetically identical to the Opponent’s well-known mark “**COLORS**”. It is pertinent to state that the impugned application has been accepted with the following condition “**REGISTRATION OF THIS TRADEMARK SHALL GIVE NO RIGHT**

TO THE EXCLUSIVE USE OF WORD “SCHOOL” AND ALL DESCRIPTIVE MATTER APPEARING ON THE LABEL”. In lieu of such a condition, essential part of the impugned mark is COLORS, which is nothing but the Opponent’s Trademark per se. Further, the description of services for which the impugned application has been filed covers “Entertainment, Cultural Activities, etc”, which are identical to the services rendered by the Opponent. Therefore, due to identical trademark for identical and cognate services, there exists imminent and inevitable confusion and deception among the public due to the use and registration of the impugned mark. Further it is clear that the Applicant has filed the impugned mark to take unfair advantage of the reputation of Opponent's renowned mark and has sought registration for the impugned mark, which has been subsequently adopted, despite knowing very well about the Opponent's mark. A simple trademark search before adopting the mark would have revealed the innumerable Opponent’s prior applications and registrations in Class 41. Despite the same, the Applicant has adopted the same trademark, therefore, it is a clear case of deliberate and dishonest adoption made by the Applicant.

PART III: - WITHOUT PREJUDICE TO THE ABOVE. THE PARAGRAPH-WISE REPLY TO THE COUNTERSTATEMENT IS AS FOLLOWS:

Though it is submitted that no clear case has been made out by the Applicant in the Counterstatement, for the sake of clarity and to remove any misconceptions, the Opponent now deal with the contents of the Counter statement and deny all the claims and allegations made therein, except those that are matter of record and/or are expressly admitted herein. However, without prejudice to the said general denial, the Opponent submits the paragraph-wise comments on the contents of the Counterstatement as under:

1. At the outset, I repudiate all denials made by the Applicant in the said counter statement and reaffirm every allegation, contention, statement, averment and claim made in the Notice of Opposition.

2. Contents of Paragraphs 1 to 3 of the Counter statement are denied for want of proof. The Applicant is called upon to adduce evidence in support of its claims made in these paragraphs. The Opponent herein specifically denies that the impugned mark has been adopted years before but has applied for registration during 2017. It is in any case denied that the mark has been used from the year 2017, the Applicant is called upon to substantiate its statements vide unimpeachable documentary evidence failing which these claims are liable to summarily dismissed. It is also denied that the impugned mark was adopted when there were no similar marks. It is reiterated that that the impugned mark was adopted much subsequent to the adoption and use of the well-known mark COLORS by the Opponent, well knowing the existence of the Opponent's prior marks. A simple search in the Trademarks Office website would have revealed a plethora of prior COLORS mark in Class 41 in the name of the Opponent. This is further reaffirmed by the examination report rendered by the Hon'ble Registrar against the impugned mark wherein Opponent's several prior marks have been cited as conflicting mark against the impugned mark. Therefore, the statement that the impugned mark was adopted when there was no other similar trademarks is prima facie false and incorrect and it is further reaffirmed that the Applicant has adopted its impugned mark subsequently only to ride on the reputation and goodwill garnered by the Opponent.
3. The contents of Paragraph 4-8 of the Counter statement are totally wrong, concocted, baseless and hence denied in totality. With reference to Para 4, it is vehemently denied that the impugned mark is an invented mark and is distinctive for its services. In this regard, it is submitted that the Opponent's adoption of the mark COLORS in relation to Class 41 services dates back to the year 2008, therefore it is unclear as to how the Applicant claims that a subsequently adopted identical mark that too for identical services is distinctive. With reference to Paras 5, 6 and 8; it is denied that the impugned mark has been advertised and publicized and that the impugned mark has acquired reputation and goodwill and the same is exclusively associated with the Applicant. The Applicant is called upon to substantiate these statements vide unimpeachable documents failing which these assertions are liable to be summarily rejected. At this juncture it is also pertinent to mention that the Applicant has not submitted the any documents to substantiate the above statements as a part of its documents in support of its show cause hearing. Therefore, in view of the aforesaid, it is a deemed admission that such alleged advertisement and publicity are non-existent and consequentially the claims and allegations made thereof are also to construed as false and concocted as such. Para 7 of

the Counterstatement warrants no comments and the case laws if any submitted by the Applicant, shall be dealt by the Opponent at the relevant stage.

4. In response to Paragraph 9 and 10 of the Counter statements, the submissions made in the Notice of Opposition are reiterated. At the outset, it is vehemently denied and is baseless to state that the opposition is misconceived and baseless. The responses to each sub point under Paragraph 10 are provided below:

- a. The contents of Para10a and 10b of the Counterstatement are entirely misconceived. With reference to Para 10a, the Opponent is not claiming exclusivity over the COLORS PLAY SCHOOL mark. As already elucidated in the preceding paragraphs, the term COLORS form a prominent portion of the impugned mark. Further as per the disclaimer in the mark, the *registration of this trademark shall give no right to the exclusive use of word "school" and all descriptive matter appearing on the label.* The aforesaid disclaimer and the manner in which the impugned mark is presented, renders the mark to be as COLORS only which is nothing but the same mark as the Opponent's prior well-known mark. Thus, it is justified that the Opponent has filed the present opposition to protect its rights in the trademark COLORS and hence the present opposition is indeed maintainable and nowhere false as claimed by the Applicant.

- b. With reference to Para 10c & e, it is submitted that the contention that the Opponent is not rendering same services is untenable due to the below reasons :

- I. In view of the Opponent's trademark being a well-known mark; the Applicant's allegation that services in dispute are dissimilar are irrelevant and lacks merit.
- II. In any case, the Opponent is extremely renowned for providing entertainment and related services under Class 41. On the other hand, the Applicant has adopted a deceptively similar mark in the same class further including services such as Entertainment, Cultural activities, etc. In view thereof and furthermore due to the well-known repute of the Opponent's prior COLORS mark, it is stated that there exists an imminent confusion and deception wherein the impugned is likely to be associated with the Opponent or whereby the general public maybe falsely induced to believe

that the Applicant has set up a new joint venture for related services in Class 41. In such circumstances, further due to well-known reputation of the Opponent, the Applicants statement that the Opponent does not provide services of the Applicant does not hold water.

III. Further in any case as the Applicant has also include entertainment, sporting, cultural and a wide description of services in the impugned application, the Applicant is currently estopped from relying only on Educational services.

In such circumstances, it is summarily stated that the contention that the Opponent and the Applicant are purportedly dealing different services and hence confusion would not occur ought to be dismiss upfront for such a statement completely lacks merit and untenable in view of the well-known stature of the Opponent's mark, and due to the wide description of services in the impugned application including services that are in direct conflict with the Opponent.

- c. With reference to Para 10d, it is absolutely false, incorrect and untrue to state that the impugned mark was filed prior to the Opponent's mark. The Opponent's COLORS mark was filed as early as during 2008 which is much prior to the filing of impugned mark during 2017. This fact is further reaffirmed by the examination report rendered against the impugned mark wherein several of the Opponent's prior COLORS marks have been stated as conflicting marks against the impugned mark. Therefore, it is completely unclear as to how the Applicant claims that the impugned mark is prior in nature.
- d. With reference to para 10e, at the cost of repetition, it is denied that the Opponent's and the Applicant's marks are different. The COLORS term in the impugned mark forms a prominent portion thereof and further no exclusive rights have been granted to the term SCHOOL and other descriptive matters in the impugned mark. This renders the impugned mark as nothing but same as the Opponent's prior well known mark COLORS. Therefore, the contention that the marks are different is completely devoid of merit and untrue.
5. With regard to the Applicant's reply on the Opponent's statements on the preliminary submissions, background, etc., the contents of Notice of Opposition are reiterated which are substantiated herein by cogent evidence. With respect to the averments under

this corresponding para, while it is agreed that the Applicant may be free to trade to do business or services of their choice, no law allows a party to encroach and infringement upon other trademark rights. In the present case, the Applicant is blatantly encroaching upon the Opponent's rights in its well-known trademark COLORS and hence the Opponent is well within its limits to exercise their proprietary rights against the Applicant. Further the Applicant's contention that the Opponent is not in same services have already been dealt in above paragraphs which are not repeated herein for the sake of brevity.

6. The contents, contentions, contentions of Paras 1,2, 3, 4 and 5 are mere, bald and vague denials of the Applicant that are baseless without any merit. The contentions of the Notice of Opposition are reiterated. The Opponent is filing herewith appropriate documents to support the claims made therein. It is reiterated that the claims of the Applicant regarding purported different services do not hold merit and are baseless in view of the Opponent's mark being well known and famous among the public and considering that the impugned mark has been applied in Class 41 which is a class that is of core interest to the Opponent, in which the Opponent is the prior user and adopter and holds plethora of registrations. Further at this juncture it is extremely pertinent to mention that the impugned mark also includes entertainment and related services in its services description. Therefore, in such a scenario, the Applicant is currently estopped from stating that the services under the rival marks are different. With reference to Paras 3, 4 and 5 the contents of the Notice of Opposition are reiterated, and the Opponent relies on its innumerable registrations under Class 41 including its Copyright registration for the artistic work in the Opponent's trademarks and labels. It is specifically denied that the impugned mark is dissimilar from the Opponent's marks. Further the Opponent's several marks have been cited as prior marks in the impugned applications' examination report which affirms that there is indeed a likelihood of confusion and deception due to the use and application of the impugned mark. Additionally, the term COLOR forms the prominent portion in the impugned mark and the rest of the matters are all descriptive portions. Thus in the event the registration of the impugned mark is allowed, due to the close similarity between the Opponent's well known mark and the impugned mark (the impugned mark in which the term COLORS forms a prominent portion and rest of the matters have been ordered for disclaimer) then the exclusivity in the Opponent's mark would be eroded and further the general public would mistakenly assume that the services of the Opponent and Applicant originate from the

same source and/or that such impugned services are endorsed, sponsored or in any manner approved by the Opponent. Thus, the registration of the impugned mark should be refused. With specific reference to Para 5, it is stated that the impugned mark has not been specifically filed for protecting educational services. Although admittedly, the applicant is rendering only educational services, the Applicant has specifically included *entertainment and cultural services* as well in the impugned application. By doing so, it clear that the Applicant is indirectly seeking to encroach and ride upon the Opponent's rights and well-known stature of the Opponent's mark in the pretext of rendering only educational services. The conduct of the Applicant is thus not bonafide and the Applicant has deliberately filed the impugned mark in such a manner so that an unmistakable association is caused between the impugned mark and the Opponent's mark. Hence in the interest of general public and in order to maintain the purity of the register, an order against the grant of registration of the impugned mark is indeed warranted.

7. With reference to Para 6, the contents of the Notice of Opposition are reiterated. It is stated that the documents in Annexures A to G filed along with this Affidavit clearly establish the Opponent's background, its trademark rights associated with the mark COLORS, its extensive marketing, use sand registrations. The documents provided clearly establish that the Opponent's mark qualifies as a well-known mark under the aegis of the Act. Further the Applicant's argument regarding the difference in service lacks complete merit in view of the Opponent's mark being a well known mark and further given that the impugned mark has been applied in Class 41(including entertainment and cultural services) which is a class that is core interest of the Opponent and for other reasons as mentioned above which should be treated as a part and parcel of this reply. Additionally, it is also incorrect on the Applicant to state that the disclaimer issued against its mark has no relevance with the Opponent, when such disclaimer renders the mark identical and in direct conflict with the Opponent's mark COLORS. Subsequent to the disclaimer, the Impugned mark is virtually only COLORS when rest of the portions in the impugned mark being mere descriptive matters. Hence the Impugned Trademark being same as the Opponent's mark would indeed be associated with the Opponent's mark. In such circumstances, the adoption of the Impugned mark clearly constitutes violation of the Opponent's mark.

8. The contents of Para 7 and 8 of the Counter Statement, the assertions thereof are mere blanket denials of the Applicant. It is reiterated that the impugned mark is potentially the same and visually/structurally closely similar to the Opponent's mark. The very citations of the Opponent's prior marks in the impugned applications' examination report affirms that there is indeed a likelihood of confusion/deception. Further at this juncture it is also noteworthy to mention that the term COLORS in India is usually used with a U in whereas in the instant case the Applicant has adopted it without an U term and applied for the impugned mark(which is identical to the Opponent's mark) in Class 41 including entertainment and cultural services. Hence it is clear that the conduct of the Applicant is as such malafide and the impugned application has been filed only with a view to encroach upon the Opponent's registration and goodwill and with a dishonest intention to falsely induce the common public to believe that there exists some nexus between the Opponent . At the cost of repetition, it is stated that the impugned mark wholly and prominently incorporate the Opponent's prior used adopted registered mark COLORS and therefore the mark is indeed contrary to the principles enunciated in Sections 9 and 11(1) of the Act. Further with specific reference to para 8, it is reiterated that the Opponent has provided clear and cogent documentary proof to substantiate its long and extensive use, marketing and registrations. Hence it indeed deserves protection under the principles of well-known marks. Further the Applicants argument regarding the Opponent not rendering educational services is wholly misconceived as per se it is an established principle of law that once it is made out that the impugned mark is deceptively similar with the Opponent's registered trademark and malafide intention is involved, relief would be available even if the purveyed services are not similar. In any case, as remarked above, the impugned application has been applied including entertainment and cultural services as well, therefore currently the Applicant is estopped from relying on its application only for educational services. In view thereof the contention of dissimilarity in services has no merit.
9. The averments/submissions made in paragraph nos. 9,11, 12 and 13 of the Counterstatement, having been based on false premises and on Applicant's conjectures and are as such illogical and fallacious. It is denied that the impugned mark is coined, unique and different from the Opponent's mark. The Opponent reaffirms and reiterates the corresponding contents of the Notice of Opposition. The Opponent is the prior user, prior adopter and registered proprietor of the COLORS Trademark for over a decade. In such circumstances, the use of a virtually identical mark in a class that is core


interest to that of the Opponent would indeed take an unfair advantage on the goodwill and reputation of the Opponent's mark and would indeed dilute the distinctive reputation of the Opponent's Trademark. Further, it is stated that the claims of the Applicant being in different services do not hold merit and are baseless in view of the Opponent's mark being well known and famous among the public and in view of the Applicant currently being estopped from relying only on educational services. In fact, on the other hand, as already mentioned, the Applicant has deliberately included entertainment services as well in its application with a malafide intention to encroach and piggybank on the goodwill and reputation of the Opponent's mark. Further as mentioned in India the term COLORS is always used in common parlance with a U. However, the applicant in the present case has adopted the COLORS mark in a manner blatantly identical to that the Opponent furthermore in a class in which the Opponent is prior and has an extensive presence, including Opponent's core services such as Entertainment and cultural activities only with a malafide intent. Further the Applicant repeatedly admits that they are rendering educational service; despite the aforesaid the impugned mark has been also filed including entertainment and cultural services. This conduct evidences that the mark has been adopted and filed with an intention to pass off the services of the Applicant as that of the Opponent. With reference to the Applicant's claim that no legal notices have issued, it is indeed pertinent to mention at this juncture that the Opponent had indeed issued a Notice against the Applicant calling upon them to delete the entertainment services from the application. However, since the Applicant did not comply with the opponent's reasonable requisitions, the Opponent proceed with filing this Notice of Opposition. As per the Applicant's repeated admission, the Applicant is only into rendering educational services. Despite the aforesaid, the Applicant has not agreed to delete the entertainment services as sought by the Opponent(in respect of which the Opponent is the prior adopter, user and registered proprietor for over a decade). Hence the dishonest intention and bad faith on part of the Applicant is evident. Therefore the impugned mark is indeed barred by provisions of Sections 11(2), 11(3), 11(4) 11(10), 29 of the Act.

10. The contents of Paragraphs 14 and 15 of the Counter Statement are strictly denied. The Opponent has established that it is the prior adopter, user and registrant of the well-known mark COLORS. The Applicant has no reason to adopt an identical mark in an identical class with the same forming a major portion except with a bid to encash on the reputation of the Opponent. Hence the Applicant cannot claim the benefit of

honest use under Section 12 as there is no reason or justification for the Applicant to adopt a Trademark so deceptively, closely and confusingly similar to the Opponent's well-known mark furthermore in the same class. For the same reason, the Applicant cannot claim proprietary interest under Section 18 of the Act. With regard to the legal precedents as submitted that the Applicant, It is an established principle that well known marks are an exception to the principle of specificity. Thus it is stated that the said precedents are not applicable to the present case and the same has been wholly misconceived by the Applicant. In any case the Opponent reserves its right to deal elaborately the legal precedents during the course of hearing. The remainder of the corresponding paragraphs is denied and has already been dealt with in the foregoing paragraphs of the Counter Statement which are not repeated herein for the sake of brevity. The Opponent craves leave of this Hon'ble Tribunal to refer to the averments made in the preceding paragraphs. In view thereof, all the pleas of the Applicant about the purported dissimilarity in the rival marks/services are wholly inconceivable. On account of the aforesaid, the concocted and baseless contentions of the Applicant deserves to be rejected and it is submitted that the registration of the impugned mark would indeed be contrary to the provisions of Section 9, 11, 12, 18 and 29 of the Trademarks Act.

11. In light of the evidence submitted to substantiate the Opponent's claims in the notice of opposition on being the prior adopter, user and registered proprietor of the well-known mark COLORS and the Applicant's bad faith in attempting to adopting the impugned mark including entertainment and cultural services(although they are admittedly only in the services of rendering education) in Class 41, , the Applicant's prayer in Paragraph 15 of the Counter Statement ought to be rejected.
12. The contents of the Applicant in para 16 of the Counter statement are absurd, wholly misconceived, concocted, false and is strictly denied. At the outset, it is pertinent to state that the said letter was issued by the Opponent to the Applicant **WITHOUT PREJUDICE** to the Opponent's further rights. In fact as admitted by the Applicant, despite the amicable and reasonable requisition sought by the Opponent to delete entertainment services from the impugned application, the Applicant has not agreed to do so. This is in a scenario when the Applicant is admittedly rendering only educational services. This affirms beyond doubt the malafide conduct of the Applicant and proves that the Applicant seeks to retain the entertainment services (**in respect of which they**

admittedly actually have no use) only with a dishonest intention to encroach upon the Opponent's prior registrations and to illegitimately encash on the hard earned goodwill and reputation of the Opponent.

13. With reference to Paragraph 17 of the Counter Statement, the Opponent also reserves the right to make any alterations to its claims.
14. Thus in view of the preceding paragraphs, it is evident that the present application is a glaring example of the misuse and abuse of the process of law wherein the party has filed an application in bad faith with wide descriptions of services which they are not admittedly rendering with a bid to merely encroach on the Opponent's rights and to unlawfully thrive upon the Opponent's goodwill/reputation. In such circumstances, the Applicant does not deserve the relief as prayed thereon and hence the Opposition proceeding ought to be awarded in favor of the Opponent exemplary cost being awarded against the Applicant
15. Hence it is prayed that the Learned Registrar may be pleased to:
 - a. Allow the Opposition No. 1014334 proceedings by refusing the Application No. 3690572 for registration of the impugned mark  in Class 41; and
 - b. The cost of the proceedings be awarded in favor of the Opponent.
 - c. To pass such other and further order as the nature and circumstances may require

Dated this ____ of July 2020

HiralVimadalal
Authorzied Signatory
Viacom18 Media Private Limited

The Registrar of Trademarks,
Trade Marks Registry,
Kolkata

VERIFICATION

I, Hiral Vimadalal, Authorised Signatory of Viacom 18 Media Private Limited, Indian National and having address in 5th Floor, Zion Bizworld, Subhash Rooda, Vile Parle (East), Mumbai 400 057, Maharashtra, India, do hereby, verify and declare that, I am acquainted with the facts of the present case and state that the averments made in Part I are true to my knowledge as derived from records as maintained during ordinary course of business and paragraphs II and III are based on advice received and believed to be true and correct. Paragraph 15 of Part III is the prayer before this tribunal.

Verified at Mumbai on this of July 2020

HiralVimadalal
Authorzied Signatory
Viacom18 Media Private Limited

TRADE MARKS ACT, 1999

**BEFORE THE REGISTRAR OF TRADE MARKS,
TRADE MARKS REGISTRY, KOLKATA**

In the matter of Application no. 3690572 in Class 41 for registration of the trademark



in the name of SMT. ALPA, C/O Rakesh Kumar, D-3/254,
New Colony, Behind Sanjay Talkies, Brahampura, Muzaffarpur-842003, (Bihar)
. AND

IN THE MATTER OF an Opposition thereto under No. **KOL - 1014334** by M/s. Viacom 18
Media Pvt. Ltd, Zion Bizworld, Subhash Road A Nexto Garware Institute Vile Parle (East)
Mumbai 400057.

**AFFIDAVIT
EVIDENCE IN SUPPORT OF OPPOSITION UNDER RULE 45**

Sl. No	Description	Enclosures	Pages
1.	Copy of the incorporation certificate of the Opponent	Annexure A	1-6
2.	Copies of promotional materials pertaining to the mark COLORS	Annexure B	7-159
3.	Copies of website extract indicating TRP ratings of the Opponent's channel	Annexure C	160-282
4.	Copy of certified annual turnover and promotional expenses upto the year 2017	Annexure D	283
5.	Copies of screenshots of the websites pertaining to the mark COLORS	Annexure E	284-520
6.	Copies of the trademark registrations obtained by the Opponent	Annexure F	521-808
7.	Copies of cease and desist notices issued and undertakings obtained are enclosed	Annexure G	809-863
8.	Copy of Examination report dated 30/12/2017	Annexure H	864-866



தமிழ்நாடு தமில்நாடு TAMILNADU

17394

1 AUG 2015

ANAND AND ANAND

BA 102978
N. JYOTHI SELVAM
L.No. 09/CH(S)2008.Dt:19.11.2008
#219 17th CR JSS STREET,
PARAMESWARAN NAGAR,
SHOLINGANALLUR, CHENNAI-600 119

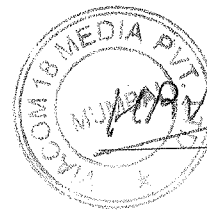
FORM TM-48
THE TRADE MARKS ACT, 1999

Form of Authorization of Agents in the matter of proceedings under the Act
[Section 145 and rule 21]

We, M/s. Viacom 18 Media Private Limited, Zion Bizworld, 461/462, 5th Floor, Subhash Road-A, Next to Garware Institute, Vile Parle(East), Mumbai – 400 057, do hereby authorize Mr. M.S. Bharath, K. Premchandrar, Chitra Subbiah, L. Ramprasad & Akshaya P Sachin, Advocates of Anand And Anand, Advocates, at Flat GA, AR Villa, New No.31, 3rd Main Road, Gandhi Nagar, Adyar, Chennai – 600 020, to act jointly or severally as our agents for the registration, objection, assignment, rectification, renewal and in all such matters where we are parties or interested in the prosecution of our trademark.

All communications relating thereto may be sent to our agents at the above address. We also authorize our said agents to appoint any person or persons on our behalf to attend and conduct the cases and/or proceedings. We hereby ratify and agree to ratify all acts and deeds done/ to be done by our said agents. We hereby revoke all previous authorizations, if any in respect of all our matters.

Dated at Chennai on this the day of August, 2015.



Signature

The Trade Mark Registry,
Delhi/Mumbai/Kolkata/ Chennai/Ahmedabad.