

Dr. Reddys Laboratories Limited vs Controller General Of Patents Designs ... on 10 March, 2022

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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\$~1, 18 & 19

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C)-IPD 4/2022 & CM No. 27/2022

DR. REDDYS LABORATORIES LIMITED Petitioner
Through: Mr. Ranjan Narula and Mr. Shashi P.
Ojha, Advocates. (M:9891584230)
versus

CONTROLLER GENERAL OF PATENTS DESIGNS AND
TRADEMARKS Respondent

Through: Mr. Harish Vaidyanathan Shankar,
CGSC, Ms. S.Bushra Kazim, Mr.
Srish Kumar Mishra, Advocates for
R-1 (M: 9810788606)
Mr. Sachin Sharma, Deputy Registrar
Mr. Juneja, Assistant Registrar
Mr. Neeraj Grover, Advocate

18 WITH
+ W.P.(C)-IPD 88/2021 & CM No. 31/2021

TERRACE PHARMACEUTICALS PVT. LTD. Petitioner
Through: Mr. Mohan Vidhani, Mr. Rahul
Vidhani & Ms. Elisha Kumari,
Advocates (M: 9811545888)
versus

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

Through: Mr. Harish Vaidyanathan Shankar,
CGSC, Ms. S.Bushra Kazim, Mr.
Srish Kumar Mishra, Advocates for
R-1
Mr. Sachin Sharma, Deputy Registrar
Mr. Juneja, Assistant Registrar

19 AND
+ W.P.(C)-IPD 103/2021

W.P.(C)-IPD 4/2022 & other connected matters

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PARVESH KAMBOJ

..... Petitioner

Through: Mr. Amarjeet Kumar, Advocate
versus

THE CONTROLLER GENERAL OF PATENTS AND
TRADEMARKS & ORS.

..... Respondents

Through: Mr. Daves Vashishtha, Advocate for
R-3
Ms. Venuka Kumaria, Advocate for
R-2
Mr. Sachin Sharma, Deputy Registrar
Mr. Juneja, Assistant Registrar

CORAM:
JUSTICE PRATHIBA M. SINGH
ORDER

% 10.03.2022

1. This hearing has been done through hybrid mode.

2. Vide the previous order dated 4th March, 2022, a senior official from the office of the Registrar of Trademarks was required to be present in Court to assist the Court, as the question herein concerns reopening of the limitation period for filing of oppositions to a trademark application, in view of the orders passed by the Supreme Court in *Suo Moto Writ (Civil) No. 3 of 2020* titled *In Re: Cognizance for Extension of Limitation*.

3. Today, Mr. Harish Vaidyanathan, Id. CGSC, has appeared along with two officers, Mr. Sachin Sharma, Deputy Registrar of Trademarks & GI and Mr. Juneja, Assistant Registrar of Trademarks. Id. CGSC under instructions from the officials submits that during the period from 24 th March, 2020 to 28th February, 2022, the office of the Trademark Registry was functioning fully. The online portal was completely open during this period and more than 1 lakh oppositions have been filed, within limitation, during this period through online mechanism. It is also submitted that during this period, more than 4 lakh trademark certificates have been issued by the Trademark Registry to various applicants/trademark owners against whom no oppositions were filed. It is, thus, submitted by Mr. Vaidyanathan that a large number of trademark proprietors could be adversely impacted if the window is opened for filing of oppositions in such a belated manner. Moreover, according to him Section 21 of the Trademarks Act, 1999, makes it clear that the only period available for filing of oppositions, is a total period of four months.

4. Ld. counsels appearing before the Court have brought to the notice of the Court, the order dated 10th January, 2022 passed by the Supreme Court in *Suo Moto Writ (Civil) No. 3 of 2020* titled *In Re: Cognizance for Extension of Limitation*, which according to them would apply to all periods of limitation, prescribed under general and special laws and in respect of all judicial and quasi-judicial proceedings.

5. Considering the nature of the matter, let a short affidavit be placed on record by the office of the Registrar of Trademarks, giving the following information:

i. The total number of oppositions filed between the period 24 th March, 2020 to 28th February, 2022.

ii. Total number of registration certificates issued to proprietors between 24th March, 2020 to 28th February, 2022. iii. Total number of journals which have been published for which the limitation period for filing oppositions would have expired after 15th March, 2020.

6. Let this affidavit be placed before the Court by the office of the Registrar of Trademarks on the next date, i.e., 16th March, 2022.

7. List on 16th March, 2022.

8. On the said date, let the officials from the office of the Registrar of Trademarks present in Court today, also be present, either virtually or physically.

PRATHIBA M. SINGH, J.

MARCH 10, 2022/Aman/MS