



**TRADESAFE**  
(TRADE MARKS, PATENTS,  
DESIGNS & COPYRIGHTS)

"Ghanshyam House", Bungalow No. 09, Shrinagar Society, Opp. Sardar Patel Stadium,  
Nr. Golden Triangle, Ahmedabad-14. Fax : 079-26463000 / Ph. : 079-40042381

National & International Registration & Litigation of IPRs. Trade Marks, Patents,  
Designs, copyrights, Corporate Laws, Company Registration, Law Office & ISO.

Web : [www.tradesafeindia.com](http://www.tradesafeindia.com)

Email : [info@tradesafeindia.com](mailto:info@tradesafeindia.com)

Please reply at our : Ahmedabad / Rajkot only.

REF.NO. 6755 / 2017

BY REGISTERED WITH A.D.

5<sup>th</sup> JANUARY, 2017

To,  
S.SINGH & ASSOCIATES,  
213, 3<sup>rd</sup> Floor, Parmanand Colony,  
Dr. Mukherjee Nagar, Delhi – 110 009.

RLAD NAVRANGPURA HD <380007>  
D RG089049807IN  
Counter No:4, OP-Code:GEP  
To: S SINGH & ASSOCIATES,  
Dr. Mukherjee Nagar S.O. PIN:110009  
From: TRADESAFE, AHD 380014  
Wt:90grams,  
Amt:48.00 (LFee:Rs.3.00), 10/01/2017 18:17  
<<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>>



REF: - Reply to your clients notice dated 16/12/2016

Sir,

Under the instruction from our client TUSHAR B. DHRANGDHARIYA Trading as M/s MISTRY BRASS PRODUCTS, having its principal place of business at Shed NO – 3374, Road No – 6-C, Phase – III, Dhared, Jamnagar – 361004, Gujarat. The reply to your clients notice dated 16<sup>th</sup> December 2016 is as under. Our clients do not admit any allegation of your clients stated in the notice, the fact of the case are as under.



"Ghanshyam House", Bungalow No. 09, Shrinagar Society, Opp. Sardar Patel Stadium, Nr. Golden Triangle, Ahmedabad-14. Fax : 079-26463000 / Ph. : 079-40042381


National & International Registration & Litigation of IPRs. Trade Marks, Patents, Designs, copyrights, Corporate Laws, Company Registration, Law Office & ISO.

Web : [www.tradesafeindia.com](http://www.tradesafeindia.com)

Email : [info@tradesafeindia.com](mailto:info@tradesafeindia.com)

Please reply at our : Ahmedabad / Rajkot only.

(1) Our clients are manufacturer and merchant of all types of Hinges,

Tower Bolt and Bracket since 2010. The trademark  has been created, coined and adopted by our client since 2010. Our

Client has honestly and bonafidely adopted the mark  to distinguish the goods of our clients business. Our clients have

conceived the trade mark  for the goods as mentioned above included in class – 06. Our clients have honestly adopted the

trade mark





"Ghanshyam House", Bungalow No. 09, Shrinagar Society, Opp. Sardar Patel Stadium, Nr. Golden Triangle, Ahmedabad-14. Fax : 079-26463000 / Ph. : 079-40042381

National & International Registration & Litigation of IPRs. Trade Marks, Patents, Designs, copyrights, Corporate Laws, Company Registration, Law Office & ISO.

Web : [www.tradesafeindia.com](http://www.tradesafeindia.com)

Email : [info@tradesafeindia.com](mailto:info@tradesafeindia.com)

Please reply at our : Ahmedabad / Rajkot only.

- (2) Our clients state and submit they have taken the market search to ascertain whether any similar trade mark is in the market or not before adopting and using the trademark and since there is no



person who have adopted or used the trade mark our clients have honestly adopted the same. No person get exclusive right over the word NU-LITE as It signifies new light/shining of product and Label of the applicant's mark and opponent's mark are totally different. Our client state and submit that our client are using the



trade mark since 2010 and your clients know the same very well.

- (3) With reference to paragraph 1, 2, 3, 4, 5 and 6 of the notice Our client denies that your client is an old established business concern and engaged in the business of manufacturing of common metals



"Ghanshyam House", Bunglow No. 09, Shrinagar Society, Opp. Sardar Patel Stadium, Nr. Golden Triangle, Ahmedabad-14. Fax : 079-26463000 / Ph. : 079-40042381

National & International Registration & Litigation of IPRs. Trade Marks, Patents, Designs, copyrights, Corporate Laws, Company Registration, Law Office & ISO.

Web : [www.tradesafeindia.com](http://www.tradesafeindia.com)

Email : [info@tradesafeindia.com](mailto:info@tradesafeindia.com)

Please reply at our : Ahmedabad / Rajkot only.

and their alloys, metal building materials, materials of metal for railway track, non electric cables, and wires of common metal, small items of metal hardware, pipes and tubes of metal, goods of common metal, ores being included in class – 6 since 1978. It is denied that your client is carrying on trade and business of aforesaid goods/products under the trade mark NU-LITE. Our clients state and submit that they have their own brand image and they do not need to use any other's brand image. Our client state and submit that your client can not creat exclusive right over word NU-LITE. Our client state and submit that our client are prior applicant for the



mark and it has its own reputation. Our client state and submit that your client's are not providing the details of registration and try to hide the things and not come with clean hands. It is denied that the said trade mark NU-LITE has been coined and adopted by your client originally and therefore your clients claim to be owner and registered proprietor of the said trade mark. Our





**TRADESAFE**  
(TRADE MARKS, PATENTS,  
DESIGNS & COPYRIGHTS)

"Ghanshyam House", Bungalow No. 09, Shrinagar Society, Opp. Sardar Patel Stadium,  
Nr. Golden Triangle, Ahmedabad-14. Fax : 079-26463000 / Ph. : 079-40042381

National & International Registration & Litigation of IPRs. Trade Marks, Patents,  
Designs, copyrights, Corporate Laws, Company Registration, Law Office & ISO.

Web : [www.tradesafeindia.com](http://www.tradesafeindia.com)

Email : [info@tradesafeindia.com](mailto:info@tradesafeindia.com)

Please reply at our : Ahmedabad / Rajkot only.

client state and submit that as your client admitted that they has adopted the mark in a very stylish and unique manner and artistic work involved in the said mark is an original artistic work. Our client



**NU-LITE**

state and submit that your client's mark and our client



mark

totally different so the artistic work of both the

mark are totally different. Our client deny that your client's said



mark **NU-LITE**

on account of high quality goods become a popular brand. Our client state and submit that your client's mark



**NU-LITE**

is not a well known trade mark and our client's mark



**TRADESAFE**  
(TRADE MARKS, PATENTS,  
DESIGNS & COPYRIGHTS)

"Ghanshyam House", Bungalow No. 09, Shrinagar Society, Opp. Sardar Patel Stadium,  
Nr. Golden Triangle, Ahmedabad-14. Fax : 079-26463000 / Ph. : 079-40042381

National & International Registration & Litigation of IPRs. Trade Marks, Patents,  
Designs, copyrights, Corporate Laws, Company Registration, Law Office & ISO.

Web : [www.tradesafeindia.com](http://www.tradesafeindia.com)

Email : [info@tradesafeindia.com](mailto:info@tradesafeindia.com)

Please reply at our : Ahmedabad / Rajkot only.



have its own reputation so do not need to use your client's reputation. It is denied that your client's said trade mark /label/device/trade name NU- LITE has already become distinctive and associated with the afore said goods on account of their long continuous use. It is denied that your client has build up a valuable



trade under the said trade mark **NU-LITE**. It is denied that your client has been continuously advertising and promoting its said trade mark through different modes by way of advertisement. our clients have honestly adopted the same. No person get exclusive right over the word NU-LITE and Label of the applicant's mark and opponent's mark are totally different. Our client state and submit



"Ghanshyam House", Bungalow No. 09, Shrinagar Society, Opp. Sardar Patel Stadium, Nr. Golden Triangle, Ahmedabad-14. Fax : 079-26463000 / Ph. : 079-40042381

National & International Registration & Litigation of IPRs. Trade Marks, Patents, Designs, copyrights, Corporate Laws, Company Registration, Law Office & ISO.

Web : [www.tradesafeindia.com](http://www.tradesafeindia.com)

Email : [info@tradesafeindia.com](mailto:info@tradesafeindia.com)

Please reply at our : Ahmedabad / Rajkot only.

that our client are using the trade mark  
your clients know the same.



since 2010 and

- (4) With reference to paragraph 7,8,9,10,11,12,13,14 and 15 of the notice Our client denies that your client's trade mark NU-LITE has become sufficiently distinctive in the trade to be capable of protection. Our client state and submit that your client's trade



**NU-LITE**

mark is not a well known trade mark under section 2 (1) (zg) of the trade marks act, 1999. Our client state and submit that they have filed application no 2013899 in class – 6 for the



trade mark in the year 2010. Your client have also filed opposition against our client's application No 2013899 in the year 2013 and the matter is under evidence stage. In the year



"Ghanshyam House", Bunglow No. 09, Shrinagar Society, Opp. Sardar Patel Stadium, Nr. Golden Triangle, Ahmedabad-14. Fax : 079-26463000 / Ph. : 079-40042381

National & International Registration & Litigation of IPRs. Trade Marks, Patents, Designs, copyrights, Corporate Laws, Company Registration, Law Office & ISO.

Web : [www.tradesafeindia.com](http://www.tradesafeindia.com)

Email : [info@tradesafeindia.com](mailto:info@tradesafeindia.com)

Please reply at our : Ahmedabad / Rajkot only.

2016 almost after 3 years of filling notice of opposition your client sends notice to our client for infringement and passing off trade mark NU-LITE. Our client state and submit that both the marks are totally different and our client's mark have its own reputation, which is known to your client. In spite of that after 3 years of filling opposition against our client's application your client's send notice to our client for the harassment. Our client state and



submit that they have honestly adopted the mark since 2010 and our client's mark have its own reputation so our client do not need to take license of your client. Our client state



and submit that our client's mark have its own reputation and they do not need to use your client's reputation. It is denied that due to our client's activities your client is suffering in trade and business and most importantly in terms of goodwill. Our client state and submit that if your client's business





"Ghanshyam House", Bungalow No. 09, Shrinagar Society, Opp. Sardar Patel Stadium, Nr. Golden Triangle, Ahmedabad-14. Fax : 079-26463000 / Ph. : 079-40042381

National & International Registration & Litigation of IPRs. Trade Marks, Patents, Designs, copyrights, Corporate Laws, Company Registration, Law Office & ISO.

Web : [www.tradesafeindia.com](http://www.tradesafeindia.com)

Email : [info@tradesafeindia.com](mailto:info@tradesafeindia.com)

Please reply at our : Ahmedabad / Rajkot only.

is suffering in terms of goodwill then why your client send a notice of infringement and passing off trade mark to our client almost after 3 years of filling notice of opposition against our client's



application for the mark in class – 6. No person get exclusive right over the word NU-LITE and Label of the applicant's mark and opponent's mark are totally different. Our client state



and submit that our client are using the trade mark since 2010 and your clients know the same.

Our client state and submit that your clients are trying to unnecessary drag our clients into unjustified and unwanted litigation when both the mark are totally different. Our client also state and submit that no one can get the exclusive right over word NU-lite. Our client state and submit that the above



**TRADESAFE**  
(TRADE MARKS, PATENTS,  
DESIGNS & COPYRIGHTS)

"Ghanshyam House", Bungalow No. 09, Shrinagar Society, Opp. Sardar Patel Stadium,  
Nr. Golden Triangle, Ahmedabad-14. Fax : 079-26463000 / Ph. : 079-40042381

National & International Registration & Litigation of IPRs. Trade Marks, Patents,  
Designs, copyrights, Corporate Laws, Company Registration, Law Office & ISO.

Web : [www.tradesafeindia.com](http://www.tradesafeindia.com)

Email : [info@tradesafeindia.com](mailto:info@tradesafeindia.com)

Please reply at our : Ahmedabad / Rajkot only.

justification will clear the doubts of your clients and are requested to withdraw the notice.

Our clients specifically state and submit the statements made in foregoing paras of your clients notice amounts to misconception of fact and misinterpretation of law and are not tenable in the eyes of law.

(5) With reference to paragraph 16 of the notice our clients state and



submit that they have honestly adopted the mark for BUILDING HARDWARE FITTINGS METAL INCLUDED IN CLASS 06 since 2010. Our clients state and submit that your client's trade mark



**NU-LITE**

is not a well known trade mark under section 2 (1) (zg) of the trade marks Act, 1999. No person get exclusive right



"Ghanshyam House", Bunglow No. 09, Shrinagar Society, Opp. Sardar Patel Stadium, Nr. Golden Triangle, Ahmedabad-14. Fax : 079-26463000 / Ph. : 079-40042381

National & International Registration & Litigation of IPRs. Trade Marks, Patents, Designs, copyrights, Corporate Laws, Company Registration, Law Office & ISO.

Web : [www.tradesafeindia.com](http://www.tradesafeindia.com)

Email : [info@tradesafeindia.com](mailto:info@tradesafeindia.com)

Please reply at our : Ahmedabad / Rajkot only.

over the word NU-LITE and Label of the applicant's mark and opponent's mark are totally different. Our client state and submit



that our client are using the trade mark  since 2010 and your clients know the same. Your clients have also filed opposition against our application no- 2013899 in the year 2013 and after that till yet not send any notice to our client. In the year 2016 almost after 3 years of filling notice of opposition your client sends notice to our client for infringement and passing off trade mark NU-LITE. In spite of our clients genuine reply if your clients are ill advised and if your clients choose to proceed against our client in a court of law then our clients will defend the same at your clients cost and consequences which please note. In case your clients wish to initiate any proceedings against our client they are required to produce this reply before the competent authority.



**TRADESAFE**  
(TRADE MARKS, PATENTS,  
DESIGNS & COPYRIGHTS)

"Ghanshyam House", Bungalow No. 09, Shrinagar Society, Opp. Sardar Patel Stadium,  
Nr. Golden Triangle, Ahmedabad-14. Fax : 079-26463000 / Ph. : 079-40042381

National & International Registration & Litigation of IPRs. Trade Marks, Patents,  
Designs, copyrights, Corporate Laws, Company Registration, Law Office & ISO.

Web : [www.tradesafeindia.com](http://www.tradesafeindia.com)

Email : [info@tradesafeindia.com](mailto:info@tradesafeindia.com)

Please reply at our : Ahmedabad / Rajkot only.

Please note that the cost and consequences of further litigation will be borne by your clients. The cost of this reply amounting Rs. 10,000=00 (Ten Thousand only.) shall be born by your clients, which please note.

**UNDER MY INSTRUCTION**

M/s MISTRY BRASS PRODUCTS

\* તુષાર બ. દ્રાંગધરીયા

TUSHAR B. DHRANGDHARIYA  
(PROPRIETOR)

RAJENDRA R. RAVAL  
(Advocate)

REF.NO. 6783 / 2017