

**FORM TM-O****THE TRADE MARKS ACT, 1999**

**Notice of Opposition / Application for Rectification of the Register by cancelling or varying registration of a trade mark / Counter statement / Request to refuse or invalidate a trade mark under Section 25(a),(b) of Geographical Indication of Goods (Regulation and Protection)  
under the Trade Marks Act**

**Temp Number : 11763404**

<b>REQUEST</b>	COUNTER STATEMENT
<b>FEE</b>	2700
<b>APPLICANT OR REGISTERED PROPRIETOR/OPPONENT/THIRD PARTY MAKING THE APPLICATNION/REQUEST</b>	
<b>Applicant Name</b>	SAFINVET PHARMACEUTICAL PRIVATE LIMITED
<b>Trading As</b>	
<b>Address</b>	131, ANAND NAGAR MARG GALI NUMBER 1 ANAND NAGAR DIST. KHANDWA MP-450001
<b>Service Address</b>	H No. 322-C VIP Paraspar Nagar, Scheme No. 97 Part-4, Near Narmada Square,Indore( MP)-452012.
<b>Mobile No</b>	
<b>Email address</b>	
<b>AGENT OF THE APPLICANT OR REGISTERED PROPRIETOR/OPPONMENT/THIRD PARTY AS THE CASE MAY BE(if any)</b>	
<b>Agent Name</b>	PURTIKA RANI SAHU
<b>Address</b>	82, IMLI BAZAR, NEAR RAJWADA,INDORE( MP)-452007.
<b>Mobile No</b>	7879780829
<b>Nature of the Agent</b>	Registered Trade Marks Agent
<b>Registration No</b>	33326
<b>REQUEST OPPOSITION/APPLICATION IN THE MATTER OF</b>	
<b>DETAILS OF COUNTER STATEMENT FOR OPPOSITION NUMBER</b>	1348503
<b>CLASS</b>	5
<b>REQUEST</b>	COUNTER STATEMENT
<b>REPLY TO OPPOSITION/RECTIFICATION</b>	Detailed counter statement is attached separately
<b>Date</b>	08-01-2025 11:42 PM

Digitally Signed By  
PURTIKA DHANESHWAR

for PURTIKA RANI SAHU

**FORM TM-O**  
**THE TRADEMARKS ACT, 1999**  
**Form of counter statement**  
**(Section 21(2), 47, 57, 59(2) of trademarks act, 1999; rules 44, 98, 103 of the**  
**trademarks rules, 2017)**

**Attorney code: 44221**

**In the matter of application No. 5624767** in respect of Trade Mark "**CITRIVET**," in class  
05 in  
the name of "**Safinvet Pharmaceutical Private Limited**," having its registered address at 131,  
Anand Nagar Marg Gali Number 1, Anand Nagar Dist. Khandwa Mp-450001  
(herein after described as applicant)

**And**

In the matter of opposition thereto,  
being the opposition no. 1348503 of "**PHARMED LIMITED**" having its registered office at  
Sattva Mindcomp Tech Park, Ground Floor, Office 1, 149-A, EPIP II Phase,  
Whitefield Industrial Area, Bengaluru – 560066(here in after referred to as Opponents)..  
(hereinafter described as opponent)

## COUNTER STATEMENT

We **SAFINVET PHARMACEUTICAL PRIVATE LIMITED**, having its registered address at **131, ANAND NAGAR MARG GALI NUMBER 1, ANAND NAGAR DIST. KHANDWA MP-450001**, India being the applicant in the above matter, hereby state that the following are the grounds on which, I/we reply to opposition's registration of our trademark "CITRIVET," in aforesaid application.

### About us :-

- 1) **SAFINVET PHARMACEUTICAL PRIVATE LIMITED**, have applied for a trademark on **24/09/2022** for the trade mark " **CITRIVET**,". The applicant has applied the trademark " **CITRIVET**," has already in used for veterinary medicines and pharmaceutical and medicinal preparations, being included in Class 05 of trademark classification. The applicant has adopted the brand name " **CITRIVET**," applied honestly and bona-fidly and the application number of the same is 5624767.
- 2) That the said trademark/name " **CITRIVET**," was coined and adopted by applicant on **24/09/2022** knowing quite well that there is no such or similar trademark/name in use or in existence neither applied nor registered and the applicant have been using the same since its incorporation date i.e. 01/02/2019 then continuously, openly and uninterruptedly in Class 05.
- 3) It is stated that till date, neither the Applicant nor its Attorney has received the copy of Notice of Opposition via email and/or Post. It is stated that as per online record available on the Official Website of the Trade Marks, on 14<sup>th</sup> day of October, 2024 the Notice of Opposition has been served to the Applicant's Attorney, but the Attorney has not received any copy till date. It is stated that 27<sup>th</sup> day of December, 2024 while checking online status of the trademarks of the Applicant, the Applicant's Attorney came to know that the subject Application has been Opposed by M/s PHARMED LIMITED thereafter the Attorney checked online record of the Application and became shocked and surprise as online status was showing that the Opposition Notice has been served on 14<sup>th</sup> day of October, 2024. The Attorney has not received any email regarding the Opposition Notice and to confirm this the Attorney checked all her emails and did not find any email regarding the service of the Notice of Opposition therefore the limitation period to file the Counter Statement has not commenced till date but we are duty bound to file the Counter Statement on urgent basis to



avoid any inconvenience and loss to the Applicant. The Applicant's Attorney craves leave to refer and reply upon her email details of particular date in this regard, if required

At the outset, the applicant denies each and every allegation, contention, statement, averment, and claim of the opponent made in the impugned notice which is very contrary or inconsistent with what is stated hereunder. The applicant states that the impugned notice of the opposition contains no valid ground of opposition. The grounds of opposition are wholly false, frivolous, baseless, misconceived, vexatious, and devoid of merit. Also, the relief sought by the opponent is not maintainable in the eye of the law. Hence, the impugned notice of opposition is liable to be dismissed in the limine with exemplary cost to the applicant, for the reason set out hereinafter.

**# GROUNDS FOR WHICH WE REPLY ON BEHALF OF OUR CLIENT ARE AS UNDER:**

**4) reply to paragraphs 1 to 3 of the notice of opposition:** That the applicant is engaged in the business of veterinary medicines and pharmaceutical and medicinal preparations, being including in Class 05. All the alleged facts mentioned in paragraph 1 to 3 by the opponent are not concerned to the present case and to the applicant. As the opponent has described about themselves and about variants of their trademark till paragraph 3. And also, those facts mentioned in paragraph 1 to 3 are not fact in issue to the on-going dispute/case. And the applicant would like to reply the paragraph 1 to 3 in following points.

- a) That the opponent is using trademark " CITRAVITE," applicant is using the trademark " CITRIVET"
- b) The opponent is the registered proprietor of the trademark **CITRAVITE**,. Hence, mere on that basis opponent cannot claim monopoly and any type of statutory rights over the trademark of the applicant which is " **CITRIVET**".
- c) Turnover, profit, user date and the production of the opponent would not restrict the applicant from adopting use and being registered proprietor of the trademark " **CITRIVET**" in his name and for his business activities.
- d) That the mark of opponent's trademark " **CITRAVITE**, may be a well known trademark in the market but applicants' trademark " **CITRIVET**" is a different trademark.



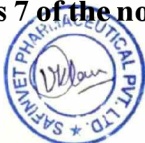
**5) reply to paragraphs 4 of the notice of opposition:** That the applicant has originally coined, conceived and adopted the said trade mark " CITRIVET" for goods and products under Class 05 as per the classification under provision of Trademark act 1999, and Trademark rules 2017, in order to distinguish their products/services/business from those of others including opponent as well. The applicant's trademark from those of others including opponents. adoption of the trade mark " CITRIVET" is honest and bona- fide. The said trade mark is highly distinctive so far so as to distinguish the applicant's trademark from those of others including opponents.

**6) reply to paragraphs 5 of the notice of opposition:** The applicant has been openly, widely continuously and extensively using the trademark Citrivet since 01/02/2019 with the Bonafide intention. The trademarks of the applicant are known to the doctors, pharmacists, traders and general public. The applicant has high demand of its product in the market. The applicant has tremendous efforts to popularize the product bearing the trademark of the applicant and have spent considerable amount of money on sales promotional activities. As a result the trademark of the applicant is exclusively associate in the course of the trade with the applicant and with its said goods. The applicant has acquired goodwill and reputation in the market. In the result and also because of the quality of the medicinal products with the realistic strategy and constant pursuit in the medicinal preparation the trademark of the applicant is associate in the mind of the medical fraternity and consuming public exclusively with applicant and no one else.

**7) reply to paragraphs 6 of the notice of opposition:** That, Applicant has spent considerable amount for research and development of our products and after successful results, marketed with sale promotional work carried out throughout the country for these high slandered and quality goods. Because of our tireless efforts, the business community and customers are connected with us regularly. Considerable goodwill has thus come to be attached to our trademark CITRIVET and has become an asset of immense value to us in our business.

That is, Applicant has adopted the said trademark CITRIVET (Word Mark), after intensive investigation regarding our brand name in the market and we found that there is no other name in the market like our brand name, even no one is made available on the record of the registrar of trademark, that's why we have filed the same for trademark registration

**8) reply to paragraphs 7 of the notice of opposition:** The applicant has invent and coined



Trademark “CITRIVET” as its trademark and applied the same vide application no. 5624767 dated 24/09/2022 for the registration of the trademark ‘CITRIVET’, for veterinary medicines and pharmaceutical and medicinal preparations, being included in Class 05 of trademark classification with the user date 01/02/2019. Which has been accepted and advertise and published in the Trademark Journal No. 2154-0 dated 29/04/2024, under the provision of Trademark Act 1999, and rule made in Trademark Rule, 2017, by the learned Registrar.

- 9) reply to paragraphs 8 of the notice of opposition:** That the Applicants have adopted a trade mark which is neither identically nor deceptively similar to their trade mark. Further, to the vast distinctiveness acquired by the Applicant in its mark and on account of phonetic, visual, structural, and conceptual dissimilarity, the subject mark being completely different and dissimilar. The subject mark CITRIVET was honestly and bonafidely adopted by the Applicant in the year 2019 and the same has been extensively and continuously used since then.

We reiterate that the adoption of the trademark by the applicant is neither deceptively similar nor copy of the opponents mark, in view of the above, it is submitted that the subject application for the applied mark should be allowed. And it is neither capable enough to cause confusion nor deception in the minds of the public, consumers and members of the trade leading them to believe that such third party services/goods originate from the applicant and that applicant and opponent have no trade connections or affiliations with each other, thus the applied marks is of such a nature as neither to deceive the public nor to cause confusion, hence it is in accordance to the provision of **Section 9(2)(a) of the Trademark Act 1999**.

- 10) reply to paragraphs 9 of the notice of opposition** This will be wrong to say that our client has copied the trademark of opponent and there is considerable difference between the trademark of opponent and applicant and there is no ground of conflict among both the parties and there is no mala-fide intention of the applicant in adoption of the trademark " **CITRIVET**" for their goods and services.

That, Identical meaning there by ‘a sign is identical with the trade mark where it reproduces, without any modification or addition, all the elements constituting the trade mark or where, viewed as a whole, it contains differences so insignificant that they may go unnoticed by an average consumer’. In the present opposition petition, opponent’s trademark “**CITRAVITE**” is not identical with our trademark.

That, the opponent’s statements are fabricated; modified and false our trademark “CITRIVET” is not deceptively or phonetically similar to the opponent’s trademark. The opponent is illegally trying to make unlawful benefits by creating confusion. Thus, such



actions are required to be dismissed this opposition petition by the clear provisions provided in the Trademarks Act, 1999.

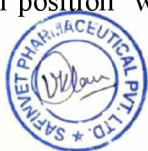
That the said trademark/name "**CITRIVET**" was coined and adopted by applicant on **01/02/2019** knowing quite well that there is no such or similar trademark/name in use or in existence neither applied nor registered and the applicant have been using the same since then continuously, openly and uninterruptedly in Class 05.

**11) In reply to paragraph 10 of the notice of opposition:** Applicant has no mala- fide and dishonest intention behind the adoption of the trademark " CITRIVET" which is not identical, indistinguishable or deceptively similar to the Opponent's adopted trade mark. We reply that there is enough structural, phonetic and verbal difference among the both, accordingly applicant do allege that the trademark application for " CITRIVET" do not even attract the provisions of Section 11(1) of the Trademark act 1999 as the adopted trademark is different as the suffix, which makes a clear difference and validate this application or registration. The Applicants have adopted a trade mark which is neither identically nor deceptively similar to their trade mark with no intention of trading upon the goodwill and reputation acquired by the Opponents and hence, the applied mark is entitled to protection in Court of Law and its registration in favor of the Applicants will not be contrary to the provisions of Section 11(2) of the Trademark Act 1999.

The Applicant submits that the Applicant has earned its own goodwill and reputation in the market for its device mark. There is no need to ride upon the goodwill and / or reputation if any of the Opponent. There is no question of any confusion and / or deception in the minds of public and / or passing off in the trade as the Applicant's mark is quite distinct and distinguishable. The question of passing off does not arise at all on account of huge difference in trade channels, distribution networks as well as sale counters and therefore possibility of confusion does not arise at all. The co-existence of both the marks will not be detrimental to the distinctive character of the Opponent's mark. It is absolutely fallacious on the part of the Opponent to raise other irrelevant issues like passing off, goodwill, reputation, etc.

**12) In reply to paragraph 11 of the notice of opposition:** The Applicant states that the contents of paragraph 11 of the Notice of Opposition are denied. Present opposition is wholly misplaced, misconceived, baseless, frivolous and untenable and hence, Opponent may not be allowed to add and / or modify and/or amend and / or vary and/or alter, and / or delete any of the submissions, statements, averments, pleas, allegations, claims, contentions, reasons and grounds. The applicant would like to reply the paragraph 11(a) to (d) in following points:

- a) The applicant mark is very distinctive in nature being invented and coined therefore capable of distinguishing the goods of one undertaking from those other, and it is settled legal position while comparing the trademark the mark is totally different





with each other.

- b) That the opponent is not similar in any manner, opponent trademark is “CITRAVITE”, while applicant is using the trademark “CITRIVET” hence there is no chance of confusion among the public.
- c) The applicant offer the several products and goods with the different trademark which are sold through a network of the distributors and stockiest in the market in India. The applicant is growing pharmaceutical company enjoying reputation and goodwill in the field of the pharma
- d) It is further state that no person can claim right over the part of the trademark specially in the field pharma industry since the trademark may contain the name of the drug/ chemical/ common name prevalent in the pharmaceutical field.

that same was not copied nor was it inspired from Opponents mark. It is repeated that in Pharmaceutical industry, there is a general practice of adopting trademarks by coining and / or amalgamating generic terms and / or molecules. In most of the cases, generic terms and / or molecules are also common to trade. The basic reason of adopting the said procedure is to make easy for Doctors and / or Medical Practitioners to recognize the contents of medicine from the name itself and prescribe the same to their respective Patients.

**13)In reply to paragraph 12 of the notice of opposition:** The Applicant states that the opponent cannot claim exclusive right on the word CITR since it commonly used generic medical term adopted and used by many in the Industry. There are several registered marks in class 05 with either prefix or suffix CITR. The Opponent’s allegations are baseless and devoid of any merits. The Applicant repeats that the Applicant’s mark CITRIVET is a coined mark adopted by coining the words ‘CITR’ and A. The word VET is commonly used suffix by the Applicant for its products

The Applicant further submits that the Applicant has earned its own goodwill and reputation in the market and the allegations of the Opponent are completely false, baseless, vexatious and imaginary. The Opponent’s false claims shall not prejudice the validity of the subject mark or the fact that the Applicant is a true and lawful owner of its mark within the ambit of section 12 of the present act and is therefore entitled for registration.

**14)In reply to paragraphs 13 of the notice of opposition:** The Applicants adopted the applied mark in good faith, without malice or intent to infringe any existing mark in the market. The opponent's claim of malafide intent lacks evidence. **Section 11(4)** of the Act does not apply as the marks have inherent distinctions, and the Applicants have a legitimate right to seek registration, hence the applicant mark does not infringe the right of the opponent mark and does not dis-entitled to protection in the court of law. The subject mark ‘CITRIVET’ was honestly and bonafidely adopted by the Applicant in the year 2019 and the same has been



extensively and continuously used since then. The flawed and misleading submissions of the Opponent shall not bar the registration of the subject mark as being contrary to the provisions of section 12 of the Act.

**15) In reply to paragraphs 14 of the notice of opposition:** The Applicant submits that the Applicant has earned its own goodwill and reputation in the market for its device mark. There is no need to ride upon the goodwill and / or reputation if any of the Opponent. There is no question of any confusion and / or deception in the minds of public and / or passing off in the trade as the Applicant's mark is quite distinct and distinguishable. The question of passing off does not arise at all on account of huge difference in trade channels, distribution networks as well as sale counters and therefore possibility of confusion does not arise at all. The co-existence of both the marks will not be detrimental to the distinctive character of the Opponent's mark. It is absolutely fallacious on the part of the Opponent to raise other irrelevant issues like passing off, goodwill, reputation, etc. The said application is therefore not contrary to the provisions of section 11(3) of the Act.

**16) In reply to paragraphs 15 of the notice of opposition:** The Applicant denies the Opponent's statements and states that on account of dissimilarity in the marks, the same shall not amount to any sort of confusion and deception in market and public in general. Even the Opponent's mark is not a well-known mark in the market. The adoption and use of the mark by the Applicant is honest and bonafide. There is also a vast noticeable difference and dissimilarity between the subject trade mark and the rival mark and Applicant is not taking any unfair advantage from the Opponent. Hence, on such grounds, sections 29, 102 and 103 of the Act is not applicable. Thus, it is precisely clear that the opposition filed by the Opponent is frivolous and hence liable to be dismissed with cost.

**17)** The adoption of the mark 'CITRIVET' is original and unusual as it is an exceptional and unique adoption for the Applicant's products and just like its name, the said marks / brands have stood out exceptionally well for providing services to the customers with the best quality of goods and / or products. Hence, the Applicant's marks are distinguished and celebrated.

**18)** By virtue of honest adoption and continuous use of the said trade mark 'CITRIVET' by the Applicant, the Applicant is the present and lawful proprietor of the said trademarks in respect of and / or in relation to the said goods.

**19)** The Applicant states that the Applicant's trade mark 'CITRIVET' create an impression in the minds of public that the said mark is exclusively associated with the Applicant and no one else and therefore the said mark has acquired a distinctive character in respect of and / or in relation to the aforementioned goods and / or products and / or services.

**20)** The Applicant craves leave to modify and/or amend and/or alter and/or add any of the foregoing statements and/or submissions.

**21)** The Applicant therefore submits that in view of the prayer clause mentioned in Para 16 of the Notice of Opposition, the Ld. Registrar, be pleased to exercise his discretion in favour of the Applicant. The Applicant therefore prays that:

- i. The Opposition filed by Neon Laboratories Limited may be dismissed.

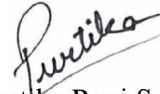


- ii. The Applicant's application no: 5624767 in class 05 for registration of trademark 'CITRIVET' be ordered to proceed for registration AND
- iii. The costs of present proceedings be awarded to the Applicant.

All communications relating to this Application may be sent to following address in India:

PURTIKA RANI SAHU  
Intellectual Property Attorneys  
322 C VIP Paraspar Nagar, Schm No. 97 Part-4  
Near Lata Mangeshkar Auditorium,  
Indore MP-452012  
Email: cspurtikasahu@gmail.com; Mob: +91-7879780820

Dated this 31<sup>st</sup> Day of December, 2024

  
Purtika Rani Sahu (Dhaneshwar)  
Attorney for the applicant

### **Verification**

We **Safinvet Pharmaceutical Private Limited**, having its registered address at Anand Nagar Marg Gali Number 1, Anand Nagar Dist. Khandwa MP-450001, do hereby declare that the content of paragraph 1-3 based on the information of the case and the statement of the applicant, hence true in my knowledge and believe and in the paragraph 4-15 are the reply of the opponent notice of opposition and paragraph 17-20 are additional paragraph and paragraph 21 is prayer to the hon'ble registrar

Deponent



Vasik Khan

Director(DIN: 08159734)





मध्य प्रदेश MADHYA PRADESH

Serial No. 379/25 CU 000188

FORM TM-48

THE TRADE MARKS ACT  
FORM OF AUTHORISATION  
[SECTION 145 AND RULE 21]

Date 16 JAN 2025

Attorney code: 44221

I, Vasik Khan( DIN:- 08159734) as on the capacity of the Director of SAFIN VET PHARMACEUTICAL PRIVATE LIMITED having Registered Office at, 131, Anand Nagar Marg Gali Number 1 Anand Nagar DIST. Khandwa MP 450001, do hereby authorize ADV PURTIKA RANI SAHU(Dhaneshwar) Attorney Code: 44221 having its office at 322-C VIP Paraspur Nagar, Scheme No. 97 Part-4, Indore, MP-452012 to act as our agent/attorney for Trademark Registration, Prosecution, Opposition & Litigation Proceedings and request that all the notices, requisitions, and communications relating thereto may be sent to the agent as mentioned above at the above address. All communications relating to the application may be sent to the following address in India:- ADV PURTIKA RANI (Dhaneshwar) Agent Code: 44221 having its 322-C VIP Paraspur Nagar, Scheme No. 97 Part-4, Indore, MP-452012.

Date- 03/01/2025

Vasik Khan  
Director DIN(08159734)

To  
The Registrar of Trade Marks  
The Office of the Trade Marks Registry, at  
Boudhik Sampda Bhawan, S. M. Road,  
Antop hills, Mumbai-400037

ATTESTED

16 JAN 2025

SURAJ YADAV  
NOTARY DIST. INDORE  
M P GOVERNMENT (INDIA)