

To,
The Registrar of Trademark,
Trademark Registry, DELHI

Date: 04/10/2024

Sub: EVIDENCE IN SUPPORT OF APPLICATION RULE46 (MISR46) Dated on:
Ref: Application Number: 6040766 Opposition No: 1278073

Sir,
With reference to the above application, the point wise reply is as under: -

Reply attached separately

REMFY & SAGAR
Attorney [12441]

Remfry & Sagar

Attorneys-at-Law

Remfry House at the Millennium Plaza

Sector 27, Gurugram - 122 009

New Delhi National Capital Region

India

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E-Mail: remfry-sagar@remfry.com http://www.remfry.com

Affidavit filing under Rule 46 of the Trade Marks Rules, 2017

Our Ref.: TJI/TBA/rkr/OPP.DEL-1278073

October 04, 2024

The Registrar of Trade Marks
Office of the Trade Marks Registry
DELHI

Attorney Code 12441

Dear Sirs,

Re: OPP.DEL-1278073 by PHARMED LIMITED

Trade Mark: **ABSOLUT**

-to-

Trade Mark: **Absolute Biosciences-** Application No. 6040766 in class 44

In the name of ECSO GLOBAL PRIVATE LIMITED

We write with reference to the opponent letter dated August 05, 2024 uploaded on the online records of the Trade Marks Registry under which they had filed the affidavit being 'evidence in support of opposition' under Rule 45. However, the same has not been served upon us.

We now submit herewith the duly executed, notarized and stamped affidavit of Mr. Neeraj Choudhary being 'evidence in support of application' under Rule 46 of the Trade Marks Rules, 2017. As per the Rule, a copy of the affidavit along with its exhibits is being forwarded to the opponent's attorneys.

We request the learned Registrar to take the abovementioned on record and proceed further.

Yours faithfully,



TANMAY JOSHI

[Enrolment No. D/447/2007]

of REMFRY & SAGAR

Encl: As above

CC: **ANAND AND ANAND**

FLAT NO. GB, AR VILLA, 31, III MAIN ROAD,
GANDHI NAGAR, ADAYAR, CHENNAI 600 020

Email ID: chennai@anandandanand.com

BY EMAIL/COURIER

Bond



Indian-Non Judicial Stamp Haryana Government



Date :04/10/2024

Certificate No. GOD2024J3328



Stamp Duty Paid : ₹ 101
(Rs. Only)

GRN No. 122210167



Penalty : ₹ 0
(Rs. Zero Only)

Deponent

Name: Ecso Global Private limited

H.No/Floor : 68

Sector/Ward : 44

Landmark : Na

City/Village : Gurugram

District : Gurugram

State : Haryana

Phone : 79*****10



Purpose : AFFIDAVIT to be submitted at Others



THE TRADE MARKS ACT, 1999

**IN THE MATTER OF APPLICATION NO.
6040766 IN CLASS 44 FOR
REGISTRATION MARK "Absolute
Biosciences" IN THE NAME OF ECSO
GLOBAL PRIVATE LIMITED OF 5TH
FLOOR, PLOT NO 68, SECTOR-44,
GURUGRAM – 122 003**

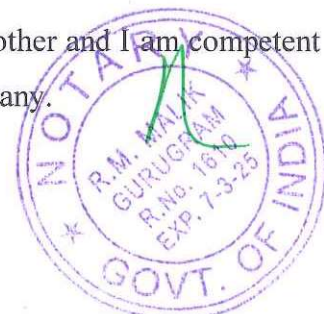
AND

**IN THE MATTER OF OPPOSITION
THERETO UNDER OPP.DEL 1278073 BY
PHARMED LIMITED OF SATTVA
MINDCOMP TECH PARK, GROUND
FLOOR, OFFICE 1, 149-A, EPIP II PHASE,
WHITEFIELD INDUSTRIAL AREA,
BENGALURU – 560066**

EVIDENCE IN SUPPORT OF APPLICATION

I, Neeraj Choudhary, the Authorized Signatory of ECSO Global Private Limited having its office at 5th Floor, Plot No. 68, Sector 44, Gurugram – 122003, do solemnly affirm and declare as follows:

1. I am the Authorized Representative of ECSO GLOBAL PRIVATE LIMITED OF 5TH FLOOR, PLOT NO 68, SECTOR-44, GURUGRAM – 122 003 (hereinafter referred to as "*the Company*") which term, where the context requires, would include its predecessors, successors, assignees, subsidiaries, affiliates and licensees in business, title and interest).
2. I have been associated with the Company in one capacity or another and I am competent and authorized to depose the present affidavit on behalf of the Company.



3. I am aware that the Company has applied for registration of the mark 'Absolute Biosciences' in class 44 with respect to services "*Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services; Cultivation advisory services relating to agriculture; Rental of equipment for agriculture, aquaculture, horticulture and forestry; Providing information about agriculture, horticulture, and forestry services; Consultancy relating to agriculture, horticulture and forestry; Providing online information about agriculture, horticulture, and forestry services; Consultancy and advisory services relating to agriculture, horticulture and forestry; Information services relating to the use of chemicals used in agriculture; Information services relating to the use of fertilisers used in agriculture; Information services relating to the use of manures used in agriculture; Providing information relating to vermin exterminating for agriculture, horticulture or forestry; Agriculture, horticulture and forestry services relating to the recultivation of industrial wastelands; Advisory and consultancy services relating to the use of fertilizers in agriculture, horticulture and forestry; Advisory and consultancy services relating to weed, pest and vermin control in agriculture, horticulture and forestry; Advisory and consultancy services relating to the use of manure in agriculture, horticulture and forestry; Advisory and consultancy services relating to the use of non-chemical treatments for sustainable agriculture and horticulture; Agricultural services relating to environmental conservation; Farming (animals); Farming (crops); Fish farming services; Livestock farming services.*" vide Application No. 6040766.
4. I am aware that the said application has been opposed under No. **DEL-1278073** by **PHARMED LIMITED** (hereinafter referred to as "the Opponent"). I re-affirm the contents of the Counter Statement which are not being repeated for the sake of maintaining brevity. I am authorized to make this statement on behalf of the Company for which purpose I have access to the relevant records. I certify that all copies of documents appended hereto are true copies of the originals. The contents of my declarations are true and where I state matters which to the best of my knowledge and belief are true, I believe them to be true. I have also read the affidavit of "Noshir B. Shroff" being 'evidence in support of opposition' (hereinafter also referred to as "the Opponent's Affidavit") and shall deal with the same hereafter.



BACKGROUND OF THE COMPANY

5. Incorporated on 15th June 2016, the Company is a leading bioscience company leveraging the best of nature, science and exponential innovations to build a better future for the people and the planet. The Company currently operates across 16+ countries and has launched various goods and services under multiple brands in these countries. I have annexed hereto and marked as **Exhibit A** relevant extracts from Ministry of Corporate Affairs website evidencing information above.
6. The Company provides a plethora of goods and services pertaining to the entire life cycle of a crop, inter alia, identifying over 63 crop variants and their ideal harvesting environments, and providing farmers with the knowledge – base to utilize drastically lower percentages of the resources used in traditional farms. The bouquet of goods and services offered by the Company also includes developing one of the world's first and largest nature intelligence platforms, which constitutes one of the world's largest microbial, secondary metabolite, signaling molecules and other advanced bio control and stimulating agent libraries, all of which power the Company's Ag cloud platform & global trade platform. Under the Company's umbrella of goods and services, everything pertaining to each step-in agriculture, i.e., from the seed to the market, is covered. I have annexed hereto and marked as **Exhibit B** brochures of the Company.
7. The Company has an indomitable online presence through their websites <https://www.absolute.ag/>, <https://www.xenesis.bio/> and <https://www.inera.ag/> as well as social media platforms such as its:
 - Facebook Page: <https://www.facebook.com/goabsolute1>
 - Instagram Page: <https://www.instagram.com/goabsolute/>
 - X (Twitter) Page: https://twitter.com/go_absolute/
 - LinkedIn Page: <https://www.linkedin.com/company/goabsolute/>



I have annexed hereto and marked as **Exhibit C** extracts from the official website of the Company as well as its social media platforms corroborating the above-mentioned claims.

8. The Company by its mission and business has impacted more than 5 Million lives, in more than 20 countries. In India, the Company is also involved in Himalayan Genome Project Ganga

Basin Project for restoring the ecological balance in India's most revered and vital water system. The Company has been recognized with the Dr. MS Swaminathan Global & India Agri Business Award, in the Agri Startup category by the Indian Chamber of Food and Agriculture for its contribution to the sector. The Company has also featured as world's 100 most promising impact startups at Nasdaq in 2023. The Company is the only biotech company to be featured from India on the list. The Company has also been recognized as Great Place To Work® Certified™ in India (from Feb 2023 to Feb 2024).

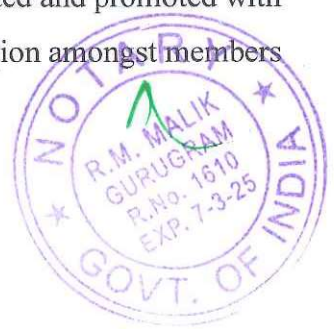
9. The Company has launched mobile applications under the various marks, which have been downloaded by over 100K+ users.

I have annexed hereto and marked as Exhibit D extracts of the mobile applications and play store/app store evidencing the above information.

10. The Company's goods and services since its inception, have been reported by third party websites, online journals, newspapers, publications, video interviews etc., which ensures that the Company's customers all over the country and globally have access to the information regarding the headway made by the Company in the business. An indicative list of the third-party reporting is given below:

- The Hindu: <https://www.thehindubusinessline.com/economy/agri-business/absolute-launches-diy-crop-insurance-digifasal/article66179424.ece>
- Silicon Start Up City: <https://startup.siliconindia.com/vendor/absolute-paving-a-new-wave-of-green-revolution-for-the-world-cid-19221.html>
- Gulf News: <https://gulfnews.com/business/corporate-news/bioscience-company-absolute-unveils-bioleather-at-cop28-1.1703057747983>
- The Week: <https://www.theweek.in/wire-updates/business/2023/04/21/dcm4-absolute.html>
- World Economic Forum: <https://www.weforum.org/agenda/2023/01/bioscience-agriculture-agtech-davos2023/>

11. The quality products and services offered by the Company have garnered it extensive credibility in business. The Company's products and services are marketed and promoted with the result that its numerous trademarks have achieved extensive recognition amongst members of the trade and public and have become world leaders.



12. The Company maintains a website <https://www.absolute.ag/> and uses its trademark **Absolute Biosciences** and has applied for registration of various trademarks used by it containing the word 'Absolute' either as a suffix or prefix, or as part of the slogans and taglines used by the Company.

I have annexed hereto and marked as **Exhibit E** relevant extracts from the Trademark Registry evidencing the same.

13. There are various third parties that have been granted registration of trademarks containing the word 'Absolute' as a prefix or a suffix. This clearly establishes that the Opponent does not enjoy a monopoly on the word 'Absolute' across all classes.


I have annexed hereto and marked as **Exhibit F** relevant extracts from the Trademark Registry evidencing the same.

Trade Mark: Absolute Biosciences


14. The Company's trade mark **Absolute Biosciences** has attained goodwill as a result of extensive exposure to members of the trade and public via the Internet, with information about the Company's products, their benefits, and source of availability. I say that the Internet is a ready medium of exposure to potential customers and members of the trade to widespread information about the Company and its products. The availability of information about the Company and its products on the Internet has contributed immensely to the popularity and well-known character of the Company's trade mark **Absolute Biosciences** in India.
15. The Company's subject mark enjoys significant recognition and repute in the market, and its popularity is evidenced by the extensive consumer base and market presence it commands. The Company has invested substantial resources in building and maintaining the reputation of its mark, which are now associated with the Company's commitment to quality, innovation, and excellence.




16. In connection with its business, the Company owns and uses several distinctive trade marks, prominent amongst which is the trade mark **ABSOLUTE** and/or formative variants thereof.

- Trade Mark:  - Application No. **5346780** dated February 25, 2022 in **Class 31** in respect of *Agricultural, horticultural and forestry products*.


The abovementioned trademark was advertised in Trade Marks Journal 2049 dated April 25, 2022. The same is registered, valid and subsisting on the Register till February 25, 2032.

- Trade Mark  - Application No. **4097363** dated February 23, 2019 in **Class 31** in respect of *Agricultural, horticultural and forestry products*.

The abovementioned trademark was advertised in Trade Marks Journal 1895 dated April 01, 2019. The same is registered, valid and subsisting on the Register till February 23, 2029.

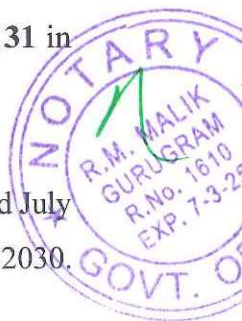
- Trade Mark  - Application No. **4097364** dated February 23, 2019 in **Class 31** in respect of *Agricultural, horticultural and forestry products*.

The abovementioned trademark was advertised in Trade Marks Journal 1895 dated April 01, 2019. The same is registered, valid and subsisting on the Register till February 23, 2029.

- Trade Mark:  - Application No. **4525487** dated June 09, 2020 in **Class 31** in respect of *Agricultural, horticultural and forestry products*.

The abovementioned trademark was advertised in Trade Marks Journal 1958 dated July 27, 2020. The same is registered, valid and subsisting on the Register till June 09, 2030.

- Trade Mark: **CORE BY ABSOLUTE** - Application No. **6042779** dated July 28, 2023 in **Class 31** in respect of *Computer software for searching, locating, compiling, indexing, correlating, navigating, obtaining, downloading, receiving, encoding,*



decoding, playing, storing and organizing text, data, images, graphics, audio and video on a global computer network; software products enabling conduct of business and transactions in financial services, manufacturing, retail supply/chain, data and voice communication industries electronically across networks and over the internet software for the purpose of facilitating online sale and purchase of goods, commodities and merchandise including books, magazines, periodicals and journals; Downloadable software accessible over a global computer network for managing the sale of goods and services from web sites, namely, monitoring and affiliation of web sites with other web sites, merchandising and presentation of product and service offerings, Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), lifesaving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire extinguishing apparatus.

The abovementioned trademark was advertised in Trade Marks Journal 2140 dated January 22, 2024. The same is registered, valid and subsisting on the Register till July 28, 2033.

17. By virtue of prior and honest adoption, registrations, long-standing continuous use, extensive promotional efforts and high quality of products under the Company's trade mark **ABSOLUTE / Absolute Biosciences**, the said trade marks have acquired distinctiveness and become synonymous with the Company and its quality products. The Company has invested years of time, capital, efforts and resources in aggressively promoting and building up awareness of the trade marks **ABSOLUTE / Absolute Biosciences** with the result that the same have become distinctive of the products of the Company and its use have and will always have an exclusive and unequivocal association with the Company alone. The Company's trade marks **ABSOLUTE / Absolute Biosciences** have gained popularity and attained the status of "well-known" within the provisions of **Sections 2(1)(zg) and 11 (6, 7, 8 and 9) of the Trade Marks Act, 1999** (hereinafter referred to as the 'Act') and would qualify for protection under **Article 6bis of the Paris Convention**.



BACKGROUND TO THE DISPUTE

18. The Company applied for registration of the trade mark **Absolute Biosciences** under No. **6040766** in class 44 on July 27, 2023. The opponent has objected to registration of the Company's trade mark **Absolute Biosciences** in class 44 based on its alleged rights in the mark **ABSOLUT**. The Notice of Opposition is baseless and is clearly an abuse of the due process, *malafide* and dishonest. Before dealing with the Opponent's contentions, the Company wishes to state that the Opponent has no basis to file the present opposition. It is submitted that the Company is the honest and bona fide adopted and proprietor of the trade mark **Absolute Biosciences**. It is apparent that the Notice of Opposition has no basis and the same deserves to be dismissed *in limine* and the subject trade mark deserves to proceed to registration. The Company relies on the following arguments which clearly establishes its bona fide proprietary rights in the trademark:

- It is reiterated that the Company is the honest and *bona fide* adopted and proprietor of the subject trade mark **Absolute Biosciences** which is distinctive and different and use for different goods catering to a separate industry. By virtue of honest and *bona fide* adoption, the said trademark has acquired distinctiveness coming to exclusively associated with the Company and none else. The Opponent has no basis for opposing the subject application for registration of the trade mark **Absolute Biosciences** and the Notice of Opposition has been filed with no motive other than to unnecessarily delay registration of the Company's trade mark **Absolute Biosciences**.

19. All statements/averments/allegations made in the Notice of Opposition and the opponent's affidavit which are not specifically admitted by me in the present affidavit and are contrary to what is put forward by my Company in the instant case are treated as set out in seriatim and denied individually by me.

THE COMPANY SHALL NOW DEAL WITH THE OPPONENT'S AFFIDAVIT (PARAGRAPH-WISE) AS UNDER:



20. I deny all the submissions contained in the opponent's affidavit to the extent that the same is contrary to or inconsistent with what has been said in the Counter Statement, or stated herein, unless specifically mentioned. Nothing contained in the opponent's affidavit should be deemed to have been admitted for want of specific denials.

- (a) The contents of the preliminary paragraph and paragraph 1 and 2 of the opponent's affidavit deserve no comment.
- (b) The contents of paragraphs 3, 4, 5, 6, 7 and 8 of the opponent's affidavit are irrelevant and denied in its entirety except what forms part of records of the Trade Mark Registry. The paragraphs have been clubbed for providing a response for the sake of brevity and to address the repeated claims of the Opponent.

The Opponent's averments re its company, business, sales, market growth, products, marketing are denied. Any averments by the Opponent regarding the its annual sales turnover under the mark **ABSOLUT** are wrong and denied in its entirety. Any claims by the Opponent concerning the expenses incurred for the marketing and advertisement of its products under the trade mark **ABSOLUT** are wrong and denied in its entirety. It is denied that the Opponent's mark was adopted in the year 2000 and the same is contrary to the Opponent's submissions in its Notice of Opposition wherein they have claimed the Opponent's mark was adopted in 2001 which is also denied. It is also denied that the Opponent has been continuously using the mark **ABSOLUT** to date. It is denied that the Opponent's goods have any demand. The alleged sales are denied. Further the figures and invoices furnished are irrelevant to the present proceedings since the rival marks **ABSOLUT** and **Absolute Biosciences** are completely disparate from each other. The Opponent's averments vis-à-vis goodwill, popularity, advertisement expenditure, reputation, exclusive association, use of the mark and well-known status of its mark are denied. It is submitted that even if the same is assumed but not admitted to be true, it is irrelevant to the present proceedings as the Company's mark **Absolute Biosciences** is completely distinct from the Opponent's **ABSOLUT**. The documents submitted as Annexure B to G to the opponent's affidavit are irrelevant to the instant case.



- (c) The contents of paragraph 9 (A, B, C, D, E, F, G, H, I, J, K, L) of the Opponent's Affidavit are denied in its entirety except for what forms part of records of the Trade Mark Registry. The paragraphs have been clubbed for providing a response for the sake of brevity and to address the repeated claims by the Opponent. The averments made by the Opponent regarding their prior rights or prior adoption or use of the mark ABSOLUT, as alleged, are wrong and denied in its entirety. It is denied that the Opponent's mark is well known or that the Company's mark is identical to it. It is denied that the Opponent's mark has acquired any distinctiveness or reputation. It is further denied that the Company's mark would dilute it or take advantage of its reputation. In any case, none of the claims made by the Opponent are relevant since the rival marks are used for completely disparate goods.

The Company's mark **Absolute Biosciences** is being used in the business of relating to various aspects of plant bioscience like phytology, microbiology, omics, molecular, epigenetics, AI, global trade of food products such as fruits & vegetables, cereals, pulses, and other agricultural commodities involving both procurement, trade and entire supply chain and tech enabled agronomy services including IOT devices, soil testing, monitoring of crop health, farm data analytics, advisory services to farmers, controlled atmosphere services and sale and purchase of various products from farmer under its SaaS platform. On the other hand, the Opponent is in the business of marketing and sale of pharmaceuticals and nutraceuticals. Any chances of confusion or deception are categorically denied. On account of differing goods covered under the rival marks, the marks shall pass through differing trade channels, distribution networks, sale counters and hence the likelihood of chances of confusion would be nullified.

Any claims by the Opponent concerning the sale turnover and reputation of any products bearing the trade mark **ABSOLUT**, as alleged, are wrong and denied in its entirety. It is denied that this case falls under 'Relative Grounds for Refusal of Registration' on account of the Opponent's long, continuous use, promotion, registration of the **ABSOLUT** marks, as alleged, which is wrong and denied in its entirety. The allegations regarding Class 5 and having knowledge of the business of the Opponent is also denied for the reasons set out in the Counter Statement. It is denied that the Opponent has been operating in the said field for seven decades.



Any claims by the Opponent regarding the similarity of the mark **Absolute Biosciences** to its mark **ABSOLUT** are wrong and denied in its entirety. It is reiterated that the Company's mark is visually, phonetically, structurally and conceptually dissimilar from the Opponent's mark **ABSOLUT**. It is submitted that there is no likelihood of confusion or deception as the products under the Company's mark **Absolute Biosciences** are not medicines and shall therefore not be sold in a pharmacy or over the counter unlike the Opponent's mark under the mark **ABSOLUT**. It is denied that the Company has made any false submissions or has the intention of misleading the Hon'ble Tribunal.

It is denied that the marks applied for by the Company in connection with its mark **ABSOLUTE** are mere taglines and slogans. It is reiterated that the Company uses its trade mark **Absolute Biosciences** and has applied for registration of various trademarks used by it containing the word 'Absolute' either as a suffix or prefix. It is vehemently denied that the Company's registrations are frivolous, vexatious, and an abuse of the law with an intention to encroach upon the rights of the Opponent, as alleged. Any claims of the Opponent regarding the Company's mark being mistaken to be that of the Opponents are wrong and denied in its entirety. It is denied that the Company is claiming any monopoly over various marks. It is pertinent to mention here that the Opponent's mark was not even cited during the examination of the Company's mark **Absolute Biosciences** making it amply clear that even the Trade Mark Registry did not consider the mark **ABSOLUT** or formatives thereof as close to **Absolute Biosciences**.

Any claims by the Opponent regarding their mark being cited as a conflicting mark are wrong and denied in its entirety. It is submitted that even if the same is assumed but not admitted to be true, it is irrelevant to the present proceedings as the Opponent's mark **ABSOLUT** was not cited during the examination of the Company's mark **Absolute Biosciences**. It is denied that any claims made by the Company are absurd, concocted, untrue or fallacious. The documentary evidence establishes the Company's use and reputation of the subject mark **Absolute Biosciences**. It is denied that that Company's claims of actual confusion are untenable since the rival marks are used for completely disparate goods.



The paragraphs under reply are mere repetitions which have already been dealt with by the Company in this instant affidavit.

It is incorrect to mention that the Company has no presence or intention to use the mark in various classes. The documentary evidence establishes the Company's business activities and use of its mark **Absolute Biosciences**. It is denied that the present application is an abuse or misuse of process.

It is denied that the contents of Paragraphs 26 to 30 of the Counter Statement are hollow, blanket denials and vague assertions. It is denied that there is any overlap of goods and the Opponent lacks any actual grounds of opposing the present application and repeatedly relies on its Class 5 applications, which even the Opponent admits their business interest lies. As mentioned earlier in this instant affidavit, the Company is involved in bio-sciences and agriculture whereas the Opponent is involved in the business of marketing and sale of pharmaceuticals and nutraceuticals. The Opponent, in no manner, provides any goods or services relating to agriculture or bio engineering or farm insurance or insurance of any kind.

It is denied that the Company uses its mark **ABSOLUTE** in a stand alone manner. It is submitted that the Company uses the mark **Absolute Biosciences** as a whole.

It is denied that the Opponent has acquired any goodwill with respect to its mark. The Opponent's submissions regarding its sale turnover, invoices, promotional campaigns, reputation are denied and irrelevant to the present proceedings as the rival marks are being used for disparate goods. It is denied that the the Company's mark would cause any confusion or erode the reputation of the Opponent, as alleged. The allegations of the Opponent regarding distinctiveness and the Company taking advantage of its reputation are wrong and denied in its entirety. Any claim of the Opponent regarding Absolute One are wrong and denied in its entirety. It is denied that the Company has admitted any knowledge of the Opponent and its **ABSOLUT** mark.

It is denied that the Company does not deserve the relief as prayed upon. It is also denied that the Company has not discharged its onus of honest adoption. It is denied that the Company's mark is deceptively similar to the Opponent's mark. It is denied

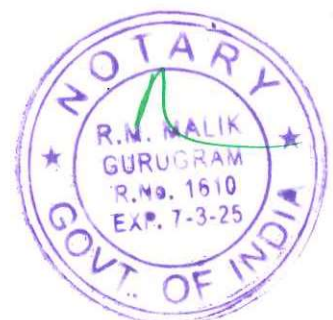


that the Opponent's mark is renowned at all. Any claims of the Opponent regarding use of its mark **ABSOLUT** are wrong and denied in its entirety. It is denied that the Applidant is not using the mark **Absolute Biosciences** and simply trying to encroach on rights of the Opponent, as alleged. It is denied that the balance of convenience tilts in favour of the Opponent as alleged or at all.

The contents of paragraph 9 of the opponent's affidavit are repudiated. We reiterate and reaffirm the contents of the Counter Statement. It appears that the opponent does not have enough grounds in support of its opposition and has, hence, made verbose and repetitive averments with a view to waste the time of the Hon'ble Tribunal.


The prayer contained in paragraph 10 of the Opponent's affidavit is misconceived, misconstrued and frivolous and does not deserve to be considered by the Learned Registrar.

21. I crave leave to modify, amend and/or add to the evidence filed by the Company on the basis of any new evidence which may be uncovered at a later date.
22. All other averments and allegations contained in the opponent's affidavit, which have not been expressly denied or admitted herein are matters appropriate for argument before the Hon'ble Tribunal at the time of hearing. I also crave leave to produce relevant case laws as may be appropriate in this matter and in support of the Company's application at the time of hearing.
23. The submissions made in the Counter Statement have been cogently and convincingly established by the Company's submissions in the instant affidavit along with the documents filed as exhibits. It is reiterated that the instant opposition is an abuse of the due process of law and the Opponent has no cogent reason for initiating the instant proceeding except to unjustly delay registration of the subject application.
24. In light of the above stated facts, it is most humbly prayed that:
 - (i) the opposition under No. 1278073 be dismissed;



- (ii) the application under No. 6040766 in class 44 be allowed to proceed to registration;
- (iii) cost of the proceedings be awarded to the Company; and
- (iv) any other relief as the learned Registrar may deem fit and appropriate be awarded to the Company.




DEPONENT

VERIFICATION

Verified at GGM on this 4th day of Oct, 2024 that the contents of paragraphs 1 and 3 are true to my knowledge and the contents of paragraphs 4 to 17 have been derived from the books and records of the Company maintained in the ordinary course of its business which I verily believe to be true and the contents of paragraphs 18 to 23 are submissions based, *inter alia*, on legal advice received from the Company's legal advisors and the contents of paragraph 24 are prayer to this Tribunal and the exhibits are what they purport to be.




DEPONENT

Solemnly Sworn by the abovenamed Deponent at GGM

Dated this the 4th day of Oct 2024

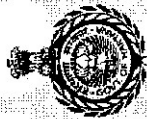
Before Me

Notary Public

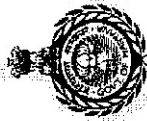


ATTESTED
4-10-2024
RAJMAL MALIK
ADVOCATE & NOTARY
Distt. Gurugram, Haryana (INDIA)

Bond



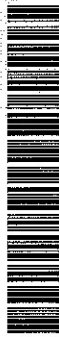
Indian-Non Judicial Stamp Haryana Government



Date : 24/07/2024

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Certificate No. G0X2024G3005



GRN No. 119331611



Stamp Duty Paid : ₹ 101

(Rs. Only)

Penalty : ₹ 0

(Rs. Zero Only)

Deponent

Name : Ecsso Global Private limited

H.No/Floor : Na

Sector/Ward : Na

Landmark : Na

City/Village : Gurugram

District : Gurugram

State : Haryana

Phone : 79*****10



Purpose : AUTHORIZATION OF AGENT FOR ECSO GLOBAL PRIVATE LIMITED to be submitted at Others

The authenticity of this document can be verified by scanning this QRCode Through smart phone or on the website <https://egrashry.nic.in>

THE TRADE MARKS ACT 1999
AUTHORIZATION OF AN AGENT
(Section 145; Rule 19)

Attorney Code No.: 12441
Proprietor's Code No.:

WE, ECSO GLOBAL PRIVATE LIMITED AT 5TH FLOOR, PLOT NO 68, SECTOR-44, GURUGRAM, HARYANA-122003.

hereby authorize ANAMIKA SRIVASTAVA, ANU SHARMA, ASHWIN KUMAR JULKA, C. A. BRIJESH, CHARU SHARMA, DEVAKI SHARMA, DEVIKA MEHRA, DHIRUV GOEL, DISHANI GARG, GAURAV MUKERJEE, JESSICA KAUR, NIHARIKA DHIR, NIPUN SANGRA, RAASHI JAIN, RASHMI SINGH, SAMTA MEHRA, SANGEETA SAVANT, SHIVAM VIKRAM SINGH, SHRABANI ROUT, SNEHAL NIGAM, TANMAY JOSHI, Advocates and DOLLY MANKU, KIRAN KHANTWAL, MANJU SHARMA, PAWAN KUMAR, PRASANNA K. RAJAN, R. NAGARAJAN, RICHA VERMA and YASH PAL, Trade Marks Agents, all of Remfry & Sagar, Attorneys-at-law, Remfry House at the Millennium Plaza, Sector 27, Gurgaon - 122 009, National Capital Region, and 1st Floor, Block-B, Chaitanya Imperial Building, 610, Anna Salai, Teynampet, Chennai - 600 010, India, jointly and severally to act as our Agent(s) for the purpose of filing and prosecuting national applications for registration of trade marks, renewals, amendments, cancellation, recordal of changes of ownership, names and addresses, assignments, mergers as well as for the prosecution of our International Registration Designating India (IRDI) and all proceedings before the Registrar of Trade Marks or the Government of India and all acts, deeds and things (including the appointment of a substitute or substitutes) as the said Agent(s) may deem necessary or expedient in connection therewith or incidental thereto and request that all notices, requisitions and communications relating thereto may be sent to such Agent(s) at Gurgaon.

We hereby confirm and ratify all previous acts, if any, done by the said Agent(s) in respect of the matters aforesaid.

We also authorize the aforesaid Agent(s), jointly and severally, to complete Form TM-P, if this is required, requesting the entry of an address for service as part of any registration obtained under the above authorization.

We hereby revoke all previous authorizations, if any, in respect of the matter aforesaid.

All communications relating to this application may be sent to the following address in India: Remfry & Sagar, Attorneys-At-Law, Remfry House at the Millennium Plaza, Sector 27, Gurgaon - 122 009, National Capital Region, India.

Dated this 22 day of JULY 2024.

BY: ECSO GLOBAL PRIVATE LIMITED
SIGNATURE
NAME OF
SIGNATORY/DESIGNATION:

NEERAJ CHOUDHARY
Group Head - Finance

To:
The Registrar of Trade Marks
The Office of the Trade Marks Registry
At: Ahmedabad, Chennai, Kolkata, Mumbai, New Delhi

