

**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 : 12167589**

|   |   |
|---|---|
| <b>REQUEST</b>  | NOTICE OF OPPOSITION  |
| <b>FEE</b>  | 2700  |
| <b>APPLICANT OR REGISTERED PROPRIETOR/OPPONENT/THIRD PARTY MAKING THE APPLICATNION/REQUEST</b>          |   |
| <b>Opponent Name</b>  | RAYMOND LIFESTYLE LIMITED.                                      |
| <b>Trading As</b>   | RAYMOND LIFESTYLE LIMITED.                                      |
| <b>Address</b>  | Plot G-35 & 36 MIDC Waluj Taluka Gangapur, Aurangabad – 431136, |
| <b>Service Address</b>  | PODAR CHAMBERS, S.A. BRELVI ROAD, FORT, MUMBAI - 400 001.       |
| <b>Mobile No</b>  | 9823057535  |
| <b>Email address</b>  | trademarks@rkdewanmail.com                                      |
| <b>AGENT OF THE APPLICANT OR REGISTERED PROPRIETOR/OPPONMENT/THIRD PARTY AS THE CASE MAY BE(if any)</b> |   |
| <b>Agent Name</b>   | R.K. DEWAN & CO.  |
| <b>Address</b>  | PODAR CHAMBERS, S.A. BRELVI ROAD, FORT, MUMBAI - 400 001.       |
| <b>Mobile No</b>  | 9823057535  |
| <b>Nature of the Agent</b>  | Registered Trade Marks Agent                                    |
| <b>Registration No</b>  | 527   |
| <b>REQUEST OPPOSITION/APPLICATION IN THE MATTER OF</b>  |   |
| <b>DETAILS OF APPLICATION NUMBER</b>  | 6126035   |
| <b>CLASS</b>  | 25  |
| <b>REQUEST</b>  | NOTICE OF OPPOSITION  |
| <b>GROUND OF OPPOSITION</b>   | Grounds of opposition are attached separately                   |
| <b>Date</b>   | 31-03-2025 04:43 PM   |

Digitally Signed By  
MOHAN RAJKUMAR DEWAN

for R.K. DEWAN & CO.

Agent's Code No.: 527  
Opponent's Code: 2075175

GROUND OF OPPOSITION

IN THE MATTER OF Application No. 6126035 dated 26.09.2023 in Class 25 in respect of 'CLOTHING, FOOTWEAR, HEADGEAR' in the name of FAREEDA ANJUM;

-and-

IN THE MATTER OF Opposition thereto by RAYMOND LIFESTYLE LIMITED.

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We, RAYMOND LIFESTYLE LIMITED, (CIN: U74999MH2018PLC316288), a company registered under the Companies Act, 2013 (as amended from time to time) and having its registered office situated at Plot G-35 & 36 MIDC Waluj Taluka Gangapur, Chhatrapati Sambhajanagar (Aurangabad) - 431136, Maharashtra, India, head office situated at New Hind House, Narottam Morarjee Marg, Ballard Estate, Mumbai – 400 001, Maharashtra, India and corporate office / principal place of business situated at Jekegram, Pokhran Road No. 1, Thane West – 400 606, Maharashtra, India hereby give notice of our intention to oppose the registration of the trade mark advertised under the above number in class 25, in Trade Marks Journal No. **2192** dated 20<sup>th</sup> January 2025, made available to the public on **20<sup>th</sup> January 2025**, at page 1942.

The grounds of opposition are as follows:-


1. Under Section 9(1) of the Trade Marks Act, 1999 ('Act'):-

- (i) We submit that the mark under the impugned application is devoid of any distinctive character and not capable of distinguishing the goods in respect of which the applicant is seeking registration thereof; (ii) admittedly, the impugned mark is only 'Proposed to be used' and, therefore, it could not have acquired any factual distinctiveness as on

the relevant date; (iii) since the very adoption of the impugned mark by the applicant itself is dishonest, the applicant cannot claim to be the proprietor of the impugned mark, and accordingly, the impugned application ought to be refused under Section 9(1) read with Section 18(1) of the Act; (iv) the impugned application does not fulfill any of the qualifications prescribed under the statute and, therefore, it does not qualify for registration as a trade mark in respect of the applicant's goods having regard to the provisions of Section 9(1) of the Act.

2. Under Section 9(2)(a) of the Act:-


(i) We and our group companies, subsidiaries and affiliates (hereinafter, the expression 'us' or 'we' shall mean and include ourselves, our group companies, subsidiaries and affiliates) have been carrying on an established business as manufacturers of and/or dealers in, *inter alia*, clothing and clothing accessories, fine textile fabrics, shirting and suiting, readymade garments and hosiery, fashion accessories, footwear, shoes, leather belts, ties, cufflinks and tie pins, leather items, wallets and bags, furnishing fabrics, bed sheets & pillow covers, upholstery, woolen clothes and blankets, shawls, engineering products such as steel files, hand tools, real estate business and the like for the last several decades; (ii) We also provide a wide range of services such as custom tailoring, dressmaking, embroidery, fashion designing and the like; (iii) We own and/or operate a chain of departmental stores and exclusive retail outlets, under the name of PARK AVENUE, all over India; (iv) We are the first and original

adopters of the trade mark , an artist's perception of an EAGLE device in a flying position (hereinafter referred to as our 'EAGLE Device logo'), in respect of our aforesaid range of goods and

services; (v) The 'EAGLE Device logo' was originally conceived and adopted by us in or about February 2011 after the same was authored by a professional artist, on behalf of and under instructions from us; (vi) We have been using the aforesaid 'EAGLE Device' as part of our

PARK AVENUE composite logo  since February 2011;

(vii) Millions of rupees worth goods under the said trademark have been sold all over India and exported to several countries around the world; (viii) We have been spending lakhs of rupees every year towards advertisement, publicity and sales promotion of our goods under the said trademark; (ix) By virtue of long, continuous and

extensive usage and wide publicity, our trademark  logo has become very popular amongst the customers and in the trade; (x) The goods marketed by us under the said trade mark are well known for their intrinsic good quality and are well reputed in the market; (xi) An enviable reputation and goodwill have been accrued to our 'EAGLE Device logo' and to the goods sold thereunder; (xii) The impugned label



bearing the mark



is nothing but a blatant imitation of our reputed trademark 'EAGLE Device logo'



logo; (xiii) The goods in respect of which the applicant is seeking registration of the

impugned mark and the goods in respect of which we have been using our 'EAGLE Device logo' are also the same; (xiv) The use of the impugned mark by the applicant will cause confusion in the minds of customers and is likely to deceive potential customers and dealers in the course of trade; (xv) Customers and dealers will be deceived into wondering whether the applicant's goods under the impugned mark have emanated from us or have been manufactured and/or marketed by us or that the applicant is in some way associated with us; (xvi) Any adverse publicity or public opinion which might be generated from the applicant's goods is bound to spoil the impeccable reputation and goodwill which we have painstakingly created in our aforesaid trademark; (xvii) Under these circumstances, we submit that the use of the impugned mark by the applicant will likely cause confusion and deception and, therefore, its registration is prohibited under Section 9(2)(a) of the Act.

3. Under Section 11(1) of the Act:-



(i) We submit that the mark under the impugned application is substantially identical with our registered trademarks 'EAGLE Device logo' and 'PARK AVENUE logo', and applications, the details of which are as follows:-

| Trade Mark No. | Date       | Class | J/No. | J/Date     |
|----------------|------------|-------|-------|------------|
| 2100801        | 17.02.2011 | 24    | 1672  | 22.12.2014 |
| 2100802        | 17.02.2011 | 25    | 1664  | 27.10.2014 |
| 2100803        | 17.02.2011 | 35    | 1664  | 27.10.2014 |
| 2100804        | 17.02.2011 | 40    | 1535  | 07.05.2012 |
| 2362950        | 12.07.2012 | 14    | 1597  | 15.07.2013 |
| 2362951        | 12.07.2012 | 18    | 1597  | 15.07.2013 |
| 2362952        | 12.07.2012 | 24    | 1597  | 15.07.2013 |
| 2362953        | 12.07.2012 | 25    | 1610  | 14.10.2013 |
| 2362954        | 12.07.2012 | 26    | 1597  | 15.07.2013 |
| 2362955        | 12.07.2012 | 35    | 1597  | 15.07.2013 |

|         |            |    |      |            |
|---------|------------|----|------|------------|
| 2852628 | 24.11.2014 | 24 | 1848 | 07.05.2018 |
| 2852630 | 24.11.2014 | 25 | 1737 | 21.03.2016 |
| 2852631 | 24.11.2014 | 35 | 1804 | 03.07.2017 |
| 2852632 | 24.11.2014 | 40 | 1736 | 14.03.2016 |
| 2852633 | 24.11.2014 | 24 | 1856 | 02.07.2018 |
| 2852634 | 24.11.2014 | 25 | 1804 | 03.07.2017 |
| 2852635 | 24.11.2014 | 35 | 1736 | 14.03.2016 |
| 2852636 | 18.09.2015 | 40 | 1736 | 14.03.2016 |

(ii) The goods involved under the rival marks are also the same; (iii) Under the aforesaid circumstances, the impugned mark is prohibited from being registered under Section 11(1) of the Act.

4. Under Section 11(3) of the Act:-

(i) We submit that the applicant has imitated our trade mark with the dishonest intention of trading upon the goodwill and reputation accrued to our trademark; (ii) The very adoption of the impugned mark by the applicant is calculated to pass-off or enable others to pass-off the applicant's goods as and for our goods or as goods associated with us; (iii) The use of the impugned mark by the applicant will cause embarrassment, unlawful loss and hardships to us; (iv) We submit that the applicant has adopted the impugned mark with the dishonest intention of cheating the unwary customers and earning illegal gains for herself; (v) The use of the impugned label by the applicant will amount to piracy of our copyright in the  /  artistic logo and it will be contrary to the provisions of the Copyright Act, 1957; (vi) The use by and/or registration of the impugned mark in the name of the applicant will be prejudicial to public interest, ethics, and public morality; (vii) Under these circumstances, the mark under the impugned application is not entitled to protection in a court of law

and its registration is prohibited within the meaning of Section 11(3) of the Act.

5. Under Section 18(1) of the Act:-

(i) We submit that the applicant is not and cannot claim to be the proprietor of the impugned mark; (ii) There is no justification or explanation for the applicant's adoption of the impugned mark except that the applicant is interested in 'sailing under our flag'; (iii) The applicant is not a person entitled to apply for registration of the impugned mark; (iv) The applicant has no present or definite intention to use the impugned mark; (v) The very adoption of the impugned mark by the applicant is dishonest; (vi) Under these circumstances, the applicant is not and she cannot claim to be the proprietor of the impugned mark and consequently, the application is not maintainable having regard to the provisions of Section 18(1) of the Act.

6. Under Section 18(4) of the Act:-

(i) We submit that the grounds set out hereinbefore are sufficient for refusal of the impugned application; (ii) This is a fit case for refusal of the impugned application in the exercise of the Learned Tribunal's discretionary powers in our favour; (iii) The duty cast upon the Ld. Registrar of Trade Marks to safeguard public interest and to maintain the purity of the Register demands that the impugned application ought to be refused; and, (iv) The balance of convenience is clearly in our favour.

We, therefore, pray that:

- a) the impugned application be refused;
- b) this notice of opposition be allowed; and,
- c) the applicant be ordered to pay costs of these proceedings to us.

All communications in relation to these proceedings may be sent to the following address in India:-

R.K.DEWAN & CO.  
Trade Marks & Patents Attorneys  
Podar Chambers, S.A.Brelvi Road,  
Fort, MUMBAI - 400 001.  
Tel. (91-22) 61775300  
email: [trademarks@rkdewanmail.com](mailto:trademarks@rkdewanmail.com)

Dated this 31<sup>st</sup> Day of March, 2025.

for RAYMOND LIFESTYLE LIMITED.



*Dinesh M. Nair, Advocate*  
*Bar Council Regn.No.MAH-340/1998*  
of R.K.DEWAN & COMPANY  
Opponent's Agents

### **VERIFICATION**

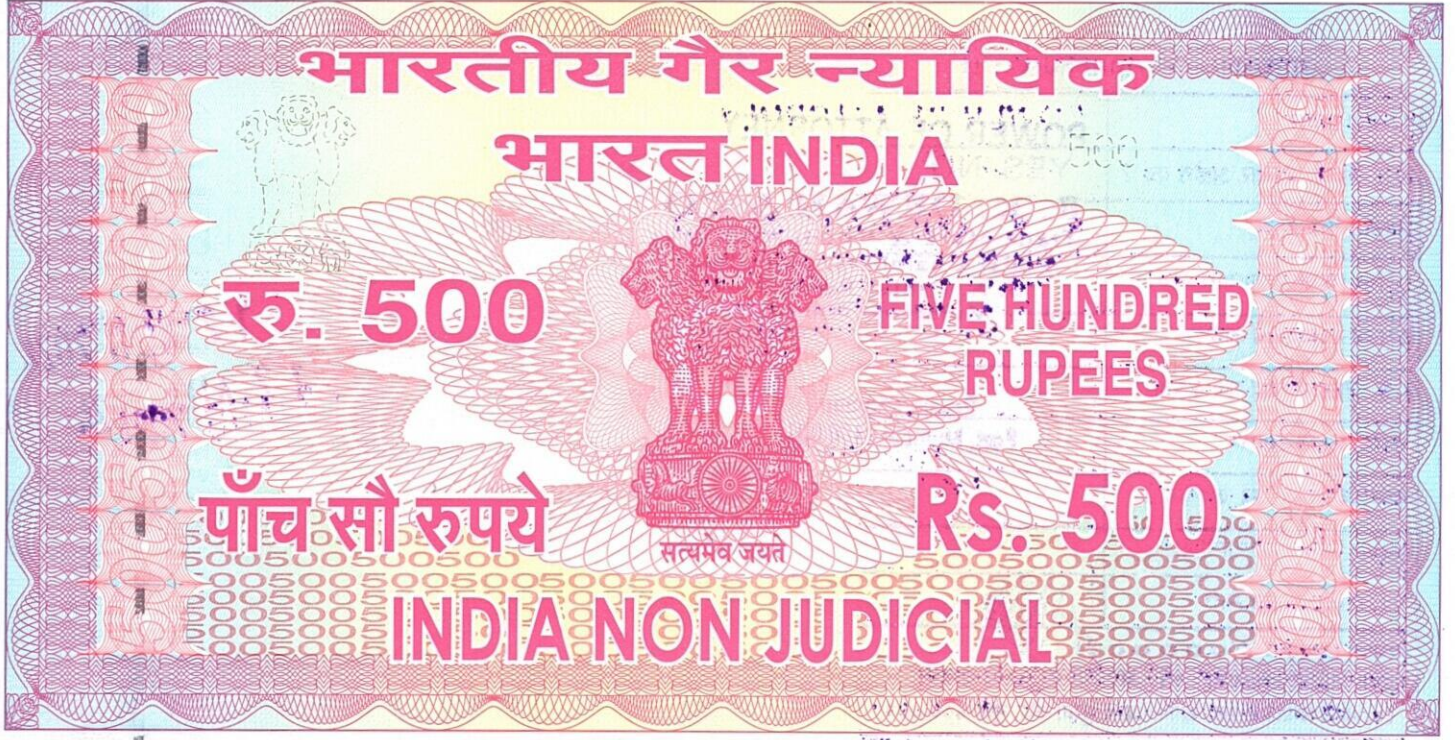
*I, Dinesh M. Nair, being the Trade Mark Agent of the Opponent, duly authorized and competent to sign and verify the present notice of opposition, under Section 145 read with Rule 43(2), state that I am acquainted with the facts of the above case. I verify the contents of this Notice of Opposition and state that the statements made in paragraph 3 of the notice of opposition are true to my knowledge and contents of paragraphs 1-2, and 4-6 are based on information received by me which I believe to be true.*

Verified at Mumbai on this 31<sup>st</sup> Day of March, 2025.



(Dinesh M. Nair)

To  
The Registrar of Trade Marks,  
The Trade Marks Registry at CHENNAI.



महाराष्ट्र MAHARASHTRA

2024

CR 955785

प्रधान मुद्रांक कार्यालय, मुंबई  
प.मु.वि.क्र ८०००००३  
- 6 AUG 2024  
सक्षम अधिकारी

श्रीम. एल. एस. सांगळे

General Power of Attorney

RAYMOND LIFESTYLE LIMITED, authorizing R. K. Dewan & Co. Mumbai, India

## जोडपत्र - २ Annexure - II

|   |  |
|---|--|
| दस्तावा प्रकार  | POWER OF ATTORNEY  |
| दस्त नोंदणी करणार आहेत का ?   | YES/NO   |
| मिळकतीचे वर्णन -  | <b>R. K. DEWAN &amp; CO</b><br>Trade Mark & Patent Attorneys               |
| मुद्रांक विकत घेणाऱ्याचे नाव  | Podar Chambers, 2nd Floor,<br>S. A. Brelvi Road, Fort,<br>Mumbai - 400 001 |
| दुसऱ्या पक्षकाराचे नाव  | Pradip Khambe<br>Fort, Mumbai - 400 001.                                   |
| हस्ते असल्यास त्याचे नाव व पत्ता  |  |
| मुद्रांक शुल्क रक्कम  |  |
| मुद्रांक विक्री नोंद घरी असु कलाम/दिनांक  |  |
| मुद्रांक विकत घेणाऱ्याची सही  |  |
| मुद्रांक विकत घेणाऱ्याची सही  |  |
| परवाना क्रमांक : ८००००००३   |  |
| मुद्रांक विक्रीचे नाव/पत्ता : श्री. अशोक रघुनाथ कदम   |  |
| ९०, शहिद भगत सिंह रोड, २/१५, आनंद भुवन, फोर्ट, मुंबई-४०० ००१.   |  |
| ज्या कारणासाठी ज्यांनी मुद्रांक खरेदी केला त्यांनी त्याच कारणासाठी मुद्रांक खरेदी केल्यापासून ६ महिन्यात वापरणे बंधनकारक आहे. |  |



12 AUG 2024  
12 AUG 2024

## THE TRADE MARKS ACT, 1999

Agent's Code No.: 527  
Proprietor's Code No.:

**FORM OF AUTHORIZATION OF AN AGENT**

We, **RAYMOND LIFESTYLE LIMITED**, a company incorporated under the Companies Act 2013, having our registered address at Plot G-35 & 36 MIDC Waluj Taluka Gangapur, Aurangabad – 431136, Maharashtra, India and head office situated at New Hind House, Narottam Morarjee Marg, Ballard Estate, Mumbai 400 001 hereby authorize DR. MOHAN RAJKUMAR DEWAN (MAH/376/1973); NIRBHAY KUMAR BHARDWAJ (D/70/1974), AMAR PRAKASH (358/1979), DINESH MOHANAN NAIR (MAH/340/1998), Advocates and Trademark agents; BIKASH GHORAI (D/574/2000), SMEETA SINGH (MAH/3268/2003), SANJEEV B. SHARMA (MAH/511/2016), PARMESHWAR B. TEKALE (MAH/2449/2005), AMEET DESHPANDE (MAH/1252/2005), SHIWPRASAD A. WANVE (MAH/3377/2005), SUHAS AMDOSKAR (MAH/3000/2006), NITHYA S. (MS/1224/2007), A. K. BALAJI (MS/344/2007), ISHA GANDHI (D/2295/2015), HEMLATA CHAUDHARY (G/1328/2008), INDRAJIT MITRA (0-687/2016), JYOTI ARUN GAWANDE (MAH/4695/2010), LAXMI SONEJI MAH/4964/2014, RANJIT WAGH (MAH/2094/2010), SIMRAN KAUR SANDHU (D/2747/2017), RUCHIKA V. PUNJABI (MAH/6109/2015), KRANTI P. RANE (MAH/4565/2011), JANU N. SONI (G/1339/2014), DISHA DEWAN (MAH/319/2017) ADVOCATES AND DR. NITI DEWAN (TMA/374), REGISTERED TRADE MARK AGENT OF R.K. DEWAN & CO., Advocates, Trade Mark & Patent Attorneys, Podar Chambers, S.A. Brelvi Road, Fort, Mumbai – 400 001, Maharashtra, India to act as our agents for the purpose of making applications, obtaining and maintaining registrations of all trademarks, filing notices of opposition, counter statements, affidavit of evidences, letter of reliance, applications for rectification and do incidental activities under the provisions of The Trade Marks Act, 1999 and to represent us in all matters in connection therewith and also authorize them jointly and severally to sign such papers and writings on our behalf and also to appoint substitute(s) as may be necessary or expedient and request that all notices, requisitions and communications relating thereto may be sent to such Agents at the above address.

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

We hereby ratify and confirm the action already taken by the said person(s) by virtue of this authorization.

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

**R. K. DEWAN & CO.**  
Podar Chambers, S.A. Brelvi Road,  
Fort, MUMBAI – 400 001

Dated this 13<sup>th</sup> day of August, 2024



For RAYMOND LIFESTYLE LTD.

Signature : ..... 

Sindhu Sankaran  
(Authorised Signatory)

To  
The Registrar of Trade Marks,  
The Office of the Trade Marks Registry,  
MUMBAI / CALCUTTA / AHMEDABAD / DELHI / CHENNAI  
NO LEGALIZATION NECESSARY