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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ C.A.(COMM.IPD-TM) 142/2022*(disposed of case)*

TRAVELODGE HOTELS INDIA(IP) PTE LTD ..... Appellant

Through: Mr. Saif Khan and Mr. Shobhit Aggarwal, Advocates.

versus

REGISTRAR OF TRADEMARKS ..... Respondent

Through: Mr. Harish Vaidyanathan Shankar, CGSC with Mr. Srish Kumar Mishra, Mr. Sagar Mehlawat and Mr. Alexander Mathai Paikaday, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 16.02.2023

I.A. 3157/2023*(under Section 152 r/w Section 151 of the Code of Civil Procedure, 1908 on behalf of Appellant seeking correction of order dated 13th January, 2023)*

1. Appellant/ Applicant seeks correction of an inadvertent mistake that has crept in paragraph No. 6 of order dated 13th January, 2023.

2. Mr. Saif Khan, counsel for Appellant, sates that the mark "TRAVELODGE ONE" (under application No. 3038902) has not been advertised as yet, and this fact has been erroneously recorded to the contrary.

3. Having regard to the aforenoted submission, application is allowed. Paragraph No. 6 of order dated 13th January, 2023 shall now be read as

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follows:

> *"There is indeed a prima facie similarity between subject mark and relevant cited marks, as prominent feature of the subject mark, i.e., word "TRAVELODGE" is also found in the cited marks, being application no. 1277414 in Class 42 and application no. 2947940 in Class 43. The Court is, however, not expressing any opinion whether the registration under application no. 1277414 is valid or not as rectification proceedings are pending. The application no. 1312833 in Class 42, has been assigned in favour of Appellant and a request has been filed to record Appellant as the subsequent proprietor of the said mark. Keeping the dispute over the mark 'TRAVELODGE' aside, since appellant's application for other "TRAVELODGE" formative mark viz. "TRAVELODGE NANO" (application no. 3038901) under Class 43 has been permitted to be advertised without acceptance, it would be appropriate that the same approach is adopted for the subject mark."*

4. Application is disposed of.

SANJEEV NARULA, J

FEBRUARY 16, 2023
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