

ESTTA Tracking number: **ESTTA1414279**
Filing date: **02/11/2025**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner information

| | | | |
|---------|--|-------------------------------|-------|
| Name | ASHARAF K V | | |
| Entity | Individual | Incorporated or registered in | INDIA |
| Address | PAS AGRO FOODS, KODUVAYAKKAD HOUSE MANNARKKAD COLLEGE P.O. PALAKKAD, KERALA STATE, 678582 INDIA | | |

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| Attorney information | UMA DEVI. M A 9D, WILLINGDON ENCLAVE THEVARA FERRY ROAD KOCHI KERALA STATE, 682013 INDIA Primary email: murtiuma@gmail.com Secondary email(s): uma_murti@yahoo.com 09349261010 | | |
| Docket no. | | | |

Registration subject to cancellation

| | | | |
|------------------|---|-------------------|------------|
| Registration no. | 3168607 | Registration date | 11/07/2006 |
| Register | Principal | | |
| Registrant | KRBL Limited 5190, LAHORI GATE NEW DELHI, 110006 INDIA | | |

Goods/services subject to cancellation

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| Class 030. First Use: Sep 2005 First Use In Commerce: Sep 2005 All goods and services in the class are subject to cancellation, namely: Rice |
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Grounds for cancellation

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|---|---------------------------------------|
| The mark is or has become generic | Trademark Act Section 14(3) |
| False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols | Trademark Act Sections 14(3) and 2(a) |
| Deceptiveness | Trademark Act Sections 14(3) and 2(a) |

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|-------------|--|
| Attachments | INDIA GATE USPTO CANCELLATION PLEADINGS .pdf(49972 bytes) |
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|-----------|--------------|
| Signature | /ASHARAF/ |
| Name | ASHARAF K.V. |
| Date | 02/11/2025 |

Registrations have been wrongfully secured for the trademark INDIA GATE along with registration for the device of INDIA GATE in relation to the marketing of RICE

The said Registrations go against the basic intent and spirit of the Acts and therefore ought to be cancelled. The name and the pictorial representation of INDIA GATE which is a protected National Monument in India is used IN RELATION TO RICE for commercial gains

On the strength of this assigned trademark registration, the Applicant is attempting to prevent bonafide users from deploying the name INDIA and also deploying the pictorial representation of INDIA GATE. The mark is generic, fallen into Public Domain and cannot be exclusive to any person.

The registration causes confusion in the trade and the general public and creates a false connection to the protected national monument of India. The name INDIA GATE and the device of the pictorial representation of INDIA GATE NATIONAL MONUMENT cannot be a monopoly of a single person or entity in India or outside of India.

The Registration is also in violation of the applicable provisions of the The Emblems and Names (Prevention of Improper Use) Act, 1950. Since the name INDIA and the pictorial representation of a National Monument of INDIA GATE cannot be deployed for commercial gains.

The Registrations are in Bad Faith, untenable and Invalid per se. Hence this Application for Cancellation