

Government of India
TRADE MARKS REGISTRY
Boudhik Sampada Bhavan, S.M. Road, Antop Hill,
Mumbai-400 037, India.

NOTIFICATION OF PROVISIONAL REFUSAL OF PROTECTION OF AN INTERNATIONAL REGISTRATION DESIGNATING INDIA

Rule 17(1) of the Common Regulations

I.	Office making the notification:	TRADE MARKS REGISTRY, GOVERNMENT OF INDIA
II.	Number of the international registration: 1273344 (Reference IRDI No allotted to this international registration by the TMR India)... 3248348	
III.	Name of the holder (or other information enabling the identity of the international registration to be confirmed): SKYWORTH GROUP CO., LTD.	
IV.	Provisional refusal based on an opposition The following person(s) have filed opposition to protection of the trademark in India- 1. SKY INTERNATIONAL AG, Stockerhof, Dreikönigstrasse 31 A CH-8002 Zürich, Switzerland, 2. Sky International AG, Stockerhof, Dreikönigstrasse 31 A CH-8002 Zürich, Switzerland 3. Sky International AG, Stockerhof, Dreikönigstrasse 31 A CH-8002 Zürich, Switzerland	
V.	Provisional refusal for all the goods and/or services	
VI.	Grounds for refusal [(where applicable, see item VII)]: The Grounds are mentioned as per the Notice(es) of Opposition attached herewith	
VII.	Information relating to an earlier mark As mentioned in Notice(es) of Opposition attached herewith, if any.	
VIII.	Corresponding essential provisions of the applicable law [(see text under XII)]: Section 21 of Trade Marks Act 1999 and Rules 47, 48, 49, 50, 51, 52, 53, 54, 55 and 56 Sections 9, 11, 12, 13, 14 of Trade Marks Act 1999 and Rules 47, 48, 49, 50, 51, 52, 53, 54, 55 and 56	
IX.	Information relating to subsequent procedure:	
	(i)	If the holder of the International Registration wants to protect his trademark in India he/she, on receipt of the Provisional Refusal based on Opposition must submit a Counter Statement on form TM-6/TM-O through a registered trademark agent/advocate having address in India. The said Counter Statement must be submitted along with the scanned copy of the Statement of Case signed by the holder and the Power of Attorney in favor of the agent/attorney.
	(ii)	Time limit for response or for a request to file Counter Statement against the provisional refusal: <i>Two month</i> from the date of receipt of provisional refusal by the holder of international registration.
	(iii)	Authority to which such request for review or appeal should be made: The response to the provisional refusal in the form of the Counter Statement must be submitted before the Registrar of Trade Marks, International Registration Division, Trade Marks Registry, Mumbai. The Counter Statement including the scanned copy of the Statement of Case and the Power of Attorney must be submitted online through the gateway <i>comprehensive e-filing services for trademarks</i> .
	(iv)	Indications concerning the appointment of a representative: The response to the provisional refusal must be submitted through an Indian agent or a representative. The said agent may be a trademark agent registered with the Indian Trade Marks Registry office or an Advocate within the meaning of Indian Advocates Act, 1961. Such agent/attorney must be engaged by the holder through a Power of Attorney on form TM-48 executed in the favor of the said trademark agent/advocate.
X.	Date of the notification of provisional refusal: 17/01/2018	

XI.	Signature or official seal of the Office making the notification: FOR REGISTRAR OF TRADEMARK R.A.TIWARI Designation: DEPUTY REGISTRAR Mumbai
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XII.	<p>Corresponding essential provisions of the applicable law: Trade Marks Act, 1999</p> <p>Section 9: Absolute grounds for refusal of registration</p> <p>(1) The trade marks -</p> <p>(a) which are devoid of any distinctive character, that is to say, not capable of distinguishing the goods or services of one person from those of another person;</p> <p>(b) which consist exclusively of marks or indications which may serve in trade to designate the kind, quality, quantity, intended purpose, values, geographical origin or the time of production of the goods or rendering of the service or other characteristics of the goods or service;</p> <p>(c) which consist exclusively of marks or indications which have become customary in the current language or in the bona fide and established practices of the trade,</p> <p>shall not be registered:</p> <p>PROVIDED that a trade mark shall not be refused registration if before the date of application for registration it has acquired a distinctive character as a result of the use made of it or is a well-known trade mark.</p> <p>(2) A mark shall not be registered as a trade mark if -</p> <p>(a) it is of such nature as to deceive the public or cause confusion;</p> <p>(b) it contains or comprises of any matter likely to hurt the religious susceptibilities of any class or section of the citizens of India;</p> <p>(c) it comprises or contains scandalous or obscene matter;</p> <p>(d) its use is prohibited under the Emblems and Names (Prevention of Improper Use) Act, 1950.</p> <p>(3) A mark shall not be registered as a trade mark if it consists exclusively of -</p> <p>(a) the shape of goods which results from the nature of the goods themselves; or</p> <p>(b) the shape of goods which is necessary to obtain a technical result; or</p> <p>(c) the shape which gives substantial value to the goods.</p> <p>Section 11: Relative grounds for refusal of registration</p> <p>(1) Save as provided in section 12, a trade mark shall not be registered if, because of -</p> <p>(a) its identity with an earlier trade mark and similarity of goods or services covered by the trade mark; or</p> <p>(b) its similarity to an earlier trade mark and the identity or similarity of the goods or services covered by the trade mark, there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the earlier trade mark.</p> <p>Section 12: Registration in the case of honest concurrent use, etc.</p> <p>In the case of honest concurrent use or of other special circumstances which in the opinion of the Registrar, make it proper so to do, he may permit the registration by more than one proprietor of the trade marks which are identical or similar (whether any such trade mark is already registered or not) in respect of the same or similar goods or services, subject to such conditions and limitations, if any, as the Registrar may think fit to impose.</p> <p>Section 13: Prohibition of registration of names of chemical elements or international non-proprietary names</p> <p>No word -</p> <p>(a) which is the commonly used and accepted name of any single chemical element or any single chemical compound (as distinguished from a mixture) in respect of a chemical substance or preparation, or</p> <p>(b) which is declared by the World Health Organisation and notified in the prescribed manner by the Registrar from time to time, as an international non-proprietary name or which is deceptively similar to such name,</p> <p>shall be registered as a trade mark and any such registration shall be deemed for the purpose of section 57 to be an entry made in the register without sufficient cause or an entry wrongly remaining on the register, as the circumstances may require.</p> <p>Section 14: Use of names and representations of living persons or persons recently dead</p> <p>Where an application is made for the registration of a trade mark which falsely suggests a connection with any living person, or a person whose death took place within twenty years prior to the date of application for registration of the trade mark, the Registrar may, before he proceeds with the application, require the applicant to furnish him with the consent in writing of such living person or, as the case may be, of the legal representative of the deceased person to the connection appearing on the trade mark, and may refuse to proceed with the application unless the applicant furnishes the registrar with such consent.</p> <p>Section 16: Registration of trade marks as associated trade marks</p> <p>(1) Where a trade mark which is registered, or is the subject of an application for registration, in respect of any goods or services is identical with another trade mark which is registered, or is the subject of an application for registration, in the name of the same proprietor in respect of the same goods or description of goods or same services or description of services or so nearly resembles it as to be likely to deceive or cause confusion if used by a person other than the proprietor, the Registrar may, at any time, require that the trade marks shall be entered on the register as associated trade</p>
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marks.

(2) Where there is an identity or near resemblance of marks that are registered, or are the subject of applications for registration in the name of the same proprietor, in respect of goods and in respect of services which are associated with those goods or goods of that description and with those services or services of that description, sub-section (1) shall apply as it applies as where there is an identity or near resemblance of marks that are registered, or are the subject of applications for registration, in the name of the same proprietor in respect of the same goods or description of goods or same services or description of services.

(3) Where a trade mark and any part thereof are, in accordance with the provisions of sub-section (1) of section 15, registered as separate trade marks in the name of the same proprietor, they shall be deemed to be, and shall be registered as, associated trade marks.

(4) All trade marks registered in accordance with the provisions of sub-section (3) of section 15 as a series in one registration shall be deemed to be, and shall be registered as, associated trade marks.

(5) On application made in the prescribed manner by the registered proprietor of two or more trade marks registered as associated trade marks, the Registrar may dissolve the association as respects any of them if he is satisfied that there would be no likelihood of deception or confusion being caused if that trade mark were used by any other person in relation to any of the goods or services or both in respect of which it is registered, and may amend the register accordingly.

Section 17: Effect of registration of parts of a mark

(1) When a trade mark consists of several matters, its registration shall confer on the proprietor exclusive right to the use of the trade mark taken as a whole.

(2) Notwithstanding anything contained in sub-section (1), when a trademark-

(a) contains any part -

(i) which is not the subject of a separate application by the proprietor for registration as a trade mark; or

(ii) which is not separately registered by the proprietor as a trade mark; or

(b) contains any matter which is common to the trade or is otherwise of a non-distinctive character,

the registration thereof shall not confer any exclusive right in the matter forming only a part of the whole of the trade mark so registered.

Section 44: Assignability and transmissibility of associated trade marks

Associated trade marks shall be assignable and transmissible only as a whole and not separately, but, subject to the provisions of this Act, they shall, for all other purposes, be deemed to have been registered as separate trade marks.

Section 131: Extension of time

(1) If the Registrar is satisfied, on application made to him in the prescribed manner and accompanied by the prescribed fee, that there is sufficient cause for extending the time for doing any act (not being a time expressly provided in this Act), whether the time so specified has expired or not, he may, subject to such conditions as he may think fit to impose, extend the time and inform the parties accordingly.

(2) Nothing in sub-section (1) shall be deemed to require the Registrar to hear the parties before disposing of an application for extension of time, and no appeal shall lie from any order of the Registrar under this section.

Section 145: Agents

Where, by or under this Act, any act, other than the making of an affidavit, is required to be done before the Registrar by any person, the act may, subject to the rules made in this behalf, be done instead of by that person himself, by a person duly authorised in the prescribed manner, who is-

(a) a legal practitioner, or

(b) a person registered in the prescribed manner as a trade marks agent, or

(c) a person in the sole and regular employment of the principal.

Trade Marks Rules, 2002

Rule 21: Agency. –

(1) The authorisation of an agent for the purpose of section 145 shall be executed on Form TM-48

Rule 22: Classification of goods and service - (1) Classification of goods and service for the purpose of registration of trade mark, the goods and services shall be classified as per current addition of the "International Classification of goods and services (NICE classification)" published by the World Intellectual Property Organisation (WIPO).

Rule 25 (15): In the case of an application for registration in respect of all the goods or services included in a class or of a large variety of goods or services in a class, the Registrar may refuse to accept the application unless he is satisfied that the specification is justified by the use of the mark which the applicant has made or intends to make if and when it is registered;

Rule 25 (3): Where the application contains a statement to the effect that the trade mark is a three dimensional mark, the reproduction of the mark shall consist of a two dimensional graphic or photographic reproduction as follows, namely:-

- (i) The reproduction furnished shall consist of three different view of the trade mark;
- (ii) Where, however, the Registrar considers that the reproduction of the mark furnished by the applicants does not sufficiently show the particulars of the three dimensional mark, he may call upon the applicant to furnish within two months up to five further different views of the mark and a description by words of the mark;
- (iii) Where the Registrar considers the different views and/or description of the mark referred to in clause (ii) still do not sufficiently show the particulars of the three dimensional mark, he may call upon the applicant to furnish a specimen of the trade mark.

Rule 105: Extension of time. –

(1) An application for extension of time under section 131 (not being a time expressly provided in the Act or prescribed by rule 79 or by sub-rule (4) of rule 80 or a time for the extension of which provision is made in the rules) shall be made on Form TM-56.

(2) Upon an application made under sub-rule (1) the Registrar, if satisfied that the circumstances are such as to justify the extension of the time applied for, may, subject to the provisions of the rules where a maximum time limit is prescribed and subject to such conditions as he may think fit to impose, extend the time and notify the parties accordingly and the extension may be granted though the time for doing the act or taking the proceeding for which it is applied for has already expired.

*** end of the report ***

Receipt No.: 1854162
Date: 16/01/2018
Amount: Rs.2700/-
Ref No: A-3248348 Form
No: 916631

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

REQUEST	NOTICE OF OPPOSITION
FEE	2700
APPLICANT OR REGISTERED PROPRIETOR/OPPONENT/THIRD PARTY MAKING THE APPLICATNION/REQUEST	
Opponent Name	Sky International AG
Treading As	
Address	Stockerhof, Dreikönigstrasse 31 A CH-8002 Zürich, Switzerland,
Service Address	D-17, South Extension Part - II, New Delhi - 110049
Mobile No	
Email address	trademarks@indiaip.com
AGENT OF THE APPLICANT OR REGISTERED PROPRIETOR/OPPONMENT/THIRD PARTY AS THE CASE MAY BE(if any)	
Agent Name	LALL & SETHI
Address	D-17, South Extension Part - 2, New Delhi - 110049
Mobile No	
Nature of the Agent	Advocate
Registration No	
REQUEST OPPOSITION/APPLICATION IN THE MATTER OF	
DETAILS OF APPLICATION NUMBER	3248348
CLASS	7
REQUEST	NOTICE OF OPPOSITION
GROUND OF OPPOSITION	Grounds of opposition are attached separately
Date	16-01-2018 04:13 PM

Digitally Signed By

G RAHUL

for LALL & SETHI
[Attorney]

Form TM – O

OPP-IN8097

Fee Rs. 2700

Attorney Code No. 20727

IN THE MATTER OF Application No. 3248348 in class 07 for the Trade Mark SKYWORTH in the name of Skyworth Group Co., Ltd.

and

IN THE MATTER OF Opposition thereto by Sky International AG.

We, Sky International AG of the address Stockerhof, Dreikönigstrasse 31 A CH-8002 Zürich, Switzerland, Switzerland hereby give notice of our intention to oppose the registration of Application No. 3248348 in class 07 for the Trade Mark SKYWORTH in the name of Skyworth Group Co., Ltd., advertised in Trade Marks Journal No. 1815 dated September 18, 2017 at page 7427 made available to the public on September 18, 2017.




The grounds of opposition are as follows:

1. British Sky Broadcasting Group plc (BSkyB plc), the ultimate parent holding company of Sky International AG (herein after referred to as the "*Opponent*") is one of the largest entertainment companies in the Switzerland. The Opponent, by itself and via its direct and indirect licensees, is engaged in the production and distribution of television programming, direct to home (DTH) satellite television broadcasting, including the broadcasting of motion pictures, publication of magazines and books, the supply of advertising services, the supply of conditional access services and the supply of interactive television application services.
2. The Opponent has its address for service in India at Lall & Sethi of the address D-17 South Extension Part II, New Delhi – 110049.
3. The Opponent is the proprietor of the trade mark SKY and a global portfolio of marks in which SKY is the most essential and prominent portion, including SKY MOVIES, SKY NEWS, SKY ONE and SKY SPORTS, to name only a few. A reference to the term '*Earlier Trade Mark*' shall include the trade mark SKY and

other relevant trade marks in the global portfolio of marks in which SKY is the most essential and distinctive portion.

4. In India, the Opponent is the registered proprietor for the SKY and SKY formative trade marks across various classes including classes 9, 16, 38 and 41.

Particulars of some of the relevant registrations are being tabulated herein below:

Trade Mark	Registration No.	Class	Registration Date
SKY	973785	9	29-Nov-2000
Goods: Computer programme and data related to the film multimedia computer and entertainment industries; television films and video tape and audio tapes; CDS and discs, films and motion pictures, computer software and CD-RM.			
	745457	9	20-Dec-1996
Goods: Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; television and broadcasting apparatus and instruments, magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment.			
	1424773	9	24-Feb-2006
Goods: Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; television and broadcasting apparatus and instruments, magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus.			
SKY RADIO	981180	9	03-Jan-2001
Goods: Electric and electronic apparatus and instruments, computer programs and data related to the film, multimedia, computer and entertainment industries; television films and video tapes; audio tapes; gramophone records; CD-ROM and CDs; laser discs; films and motion pictures; programs for television and radio; apparatuses for the recording of images, sound, data and decoding of coded signals; computer software, hardware & peripherals; monitors, radio, television, sound recording, sound reproducing.			
SKY CHANNEL	486898	9	03-Mar-1988
Goods: Video tapes and audio tapes			
	1716439	9	30-Jul-2008
Goods: Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; television and broadcasting apparatus and instruments, magnetic data carriers, recording discs; automatic vending machines			

and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment computers; fire-extinguishing apparatus, set top boxes, conditional access modules, viewing cards and outdoor units.

SKYRADIO	981183	16	03-Jan-2001
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Goods: Paper, cardboard and goods made from these materials, not included in other classes; printed matters; photographs; stationery; instructional and teaching materials; cards; playing cards; catalogues pamphlets, advertisements and brochures; periodicals; plastic sheets, periodical publications for in-house and public distribution concerning matters of interest to employees and general public, printed matter and publications on the subjects of advertisement, broadcasting, finance, entertainment.

SKY RADIO	981181	16	03-Jan-2001
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Goods: Paper, cardboard and goods made from these materials, not included in other classes; printed matters; photographs; stationery; instructional and teaching materials; cards; playing cards; catalogues pamphlets, advertisements and brochures; periodicals; plastic sheets, periodical publications for in-house and public distribution concerning matters of interest to employees and general public, printed matter and publications on the subjects of advertisement, broadcasting, finance, entertainment.

SKY	973784	16	29-Nov-2000
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Goods: Paper, cardboard and goods made from these materials, not included in other classes; printed matters; photographs; stationery; instructional and teaching materials; cards; playing cards; catalogues pamphlets, advertisements and brochures; periodicals; plastic sheets, periodical publications for in-house and public distribution concerning matters of interest to employees and general public, printed matter and publications on the subjects of advertisement, broadcasting, finance, entertainment

	745456	16	20-Dec-1996
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Goods: Paper, cardboard and goods made from these materials, not included in other classes; printed matter namely newsletters, books; pamphlets, brochures, book binding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); playing cards; printers' type

	1716436	16	30-Jul-2008
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Goods: Paper, cardboard and goods made from these materials, not included in other classes; printed matters; photographs; stationery; instructional and teaching materials; cards; playing cards; catalogues pamphlets, advertisements and brochures; periodicals; plastic sheets, periodical publications for in-house and public distribution concerning matters of interest to employees and general public, printed matter and publications on the subjects of advertisement, broadcasting, finance, entertainment news; credit cards.


	1424775	16	24-Feb-2006
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Goods: Paper, cardboard and goods made from these materials, not included in other classes; printed matters; photographs; stationery; instructional and teaching materials; cards; playing cards; catalogues pamphlets advertisements and brochures; periodicals; plastic sheets, periodical publications for in-house and public distribution concerning matters of interest to employees and general public.

	1424776	38	24-Feb-2006
<p>Services: Telecommunication services, including telecommunication services relating to the internet; internet service provider services; telecommunication services dedicated to retailing goods through interactive communications with customers, telecommunication access services and mobile telecommunication services; provision of telecommunication access and links to computer databases and the Internet; electronic and voice message delivery and collection services, video messaging and video conferencing services and teleconferencing services; television broadcasting and telecasting services including diffusion of television programmes by any other means; Interactive television services; subscription television broadcasting and subscription television transmission services; cable television broadcasting and cable television transmission services; pay-per-view broadcasting and pay-per-view transmission services; subscription; operation of earth-to-satellite television transmitters for transmission of signals to satellite; relaying of television programmes by satellite; operation of satellite-to-earth receiver aerials; frequency conversion of microwave signals relayed by satellite; dissemination of television programmes relayed by satellite receiver aerials by cable or by microwave link to television receivers of users; operation of television cable networks; radio broadcasting and transmission (including satellite transmission) services; subscription radio broadcasting and subscription radio transmission services; transmission and communication services, including provision and operation of radio, telephone, telegraph, satellite and of cable network communications systems; video text, tele text and view data transmission services; transmission of data and of information by electronic, computer, cable, radio, radiopaging, teleprinter, teletext, electronic mail, fax machine, television, microwave, laser beam, communications satellite or other communications means; provision of communication facilities for the interchange of data by electronic means; transmission and reception of data, text, sound and/or pictures; computer aided transmission of sound and/or images; news agency services; hiring, rental and leasing of communication apparatus and instruments; time sharing services for communications apparatus; advisory and consultancy services relating to all of the aforementioned services; and all the above also provided on-line from a computer database or the internet.</p>			
SKY	1388043	38	20-Sep-2005
<p>Services: Video conferencing services and teleconferencing services; television broadcasting by satellite; operation of satellite-to-earth receiver aerials; frequency conversion of microwave signals relayed by satellite; dissemination of television programmes relayed by satellite receiver aerials by cable or by microwave link to television receivers of users; operation of television cable networks; radio broadcasting and transmission (including satellite transmission) services; subscription radio broadcasting and subscription radio transmission services; transmission and communication services, including provision and operation of radio, telephone, telegraph, satellite and of cable network communications systems; video text, tele text and view data transmission services; transmission of data and of information by electronic, computer, cable, radio, radiopaging, teleprinter, teletext, electronic mail, fax machine, television, microwave, laser beam, communications satellite or other communications means; provision of communication facilities for the interchange of data by electronic means; transmission and reception of data, text, sound and/or pictures; computer aided transmission of sound and/or images; news agency services; hiring, rental and leasing of communication apparatus and instruments; time sharing services for communications apparatus; advisory and consultancy services relating to all the aforementioned services; and all the above also provided on-line from a computer</p>			

database or the internet.			
SKY RADIO	1263794	38	29-Jan-2004
Services: Radio broadcasting and transmission (including satellite transmission) services; subscription radio broadcasting and subscription radio transmission services; transmission and communication services, including provision and operation of radio; transmission of data and of information by radio, radio paging, communication satellite or other communication means; provision of communication facilities for the interchange of data by electronic means; transmission and reception of sound, computer aided transmission of sound; radio news agency services; hiring, rental and leasing of communication apparatus and instruments for radio, advisory and consultancy services relating to all of the aforementioned services; and all the above also provided on-line from a computer database or the internet.			
SKY SPORTS	1257321	38	24-Dec-2003
Services: Telecommunication services, including telecommunication services relating to the internet; internet service provider services; telecommunication services dedicated to retailing goods through interactive communications with customers, telecommunication access services and mobile telecommunication services; provision of telecommunication access and links to computer databases and the Internet; electronic and voice message delivery and collection services, video messaging and video conferencing services and teleconferencing services; television broadcasting and telecasting services including diffusion of television programmes by any other means; Interactive television services; subscription television broadcasting and subscription television transmission services; cable television broadcasting and cable television transmission services; pay-per-view broadcasting and pay-per-view transmission services; subscription; operation of earth-to-satellite television transmitters for transmission of signals to satellite; relaying of television programmes by satellite; operation of satellite-to-earth receiver aerials; frequency conversion of microwave signals relayed by satellite; dissemination of television programmes relayed by satellite receiver aerials by cable or by microwave link to television receivers of users; operation of television cable networks; radio broadcasting and transmission (including satellite transmission) services; subscription radio broadcasting and subscription radio transmission services; transmission and communication services, including provision and operation of radio, telephone, telegraph, satellite and of cable network communications systems; video text, tele text and view data transmission services; transmission of data and of information by electronic, computer, cable, radio, radiopaging, teleprinter, teletext, electronic mail, fax machine, television, microwave, laser beam, communications satellite or other communications means; provision of communication facilities for the interchange of data by electronic means; transmission and reception of data, text, sound and/or pictures; computer aided transmission of sound and/or images; news agency services; hiring, rental and leasing of communication apparatus and instruments; time sharing services for communications apparatus; advisory and consultancy services relating to all of the aforementioned services; and all the above also provided on-line from a computer database or the internet.			
SKY NEWS	1257319	38	24-Dec-2003
Services: Telecommunication services, including telecommunication services relating to the internet; internet service provider services; telecommunication services dedicated to retailing goods through interactive communications with customers, telecommunication access services and mobile telecommunication services; provision of telecommunication access and links to computer databases and the Internet; electronic and voice message delivery and collection services,			

video messaging and video conferencing services and teleconferencing services; television broadcasting and telecasting services including diffusion of television programmes by any other means; interactive television services; subscription television broadcasting and subscription television transmission services; cable television broadcasting and cable television transmission services; pay-per-view broadcasting and pay-per-view transmission services; subscription; operation of earth-to-satellite television transmitters for transmission of signals to satellite; relaying of television programmes by satellite; operation of satellite-to-earth receiver aerials; frequency conversion of microwave signals relayed by satellite; dissemination of television programmes relayed by satellite receiver aerials by cable or by microwave link to television receivers of users; operation of television cable networks; radio broadcasting and transmission (including satellite transmission) services; subscription radio broadcasting and subscription radio transmission services; transmission and communication services, including provision and operation of radio, telephone, telegraph, satellite and of cable network communications systems; video text, tele text and view data transmission services; transmission of data and of information by electronic, computer, cable, radio, radiopaging, teleprinter, teletext, electronic mail, fax machine, television, microwave, laser beam, communications satellite or other communications means; provision of communication facilities for the interchange of data by electronic means; transmission and reception of data, text, sound and/or pictures; computer aided transmission of sound and/or images; news agency services; hiring, rental and leasing of communication apparatus and instruments; time sharing services for communications apparatus; advisory and consultancy services relating to all of the aforementioned services; and all the above also provided on-line from a computer database or the internet.

SKY	1257317	38	24-Dec-2003
Services: Telecommunication services, including telecommunication services relating to the internet; internet service provider services; telecommunication services dedicated to retailing goods through interactive communications with customers, telecommunication access services and mobile telecommunication services; provision of telecommunication access and links to computer databases and the Internet; electronic and voice message delivery and collection services, video messaging and telecasting services including diffusion of television programmes by any other means; interactive television services; subscription television broadcasting and subscription television transmission services; cable television broadcasting and cable television transmission services.			
	1424774	41	24-Feb-2006
Services: Education and entertainment services in the nature of planning, production and distribution of live or recorded audio, visual or audiovisual material for broadcasting by radio and television or through film or videotape; entertainment services provided by means of the Internet; planning, production and distribution of television programs and films; news reporting; publication of books and printed matter relating to films, videotapes, radio and television; news publication; rental of sound recordings, films, film projectors, videotapes, video cassette recorders, radios and television sets and accessories therefor; providing cinema and theatre facilities; education and entertainment information services; presentation of live performances.			
SKY SPORTS	1257322	41	24-Dec-2003
Services: Education and entertainment services in the nature of planning, production and distribution of live or recorded audio, visual or audiovisual material for broadcasting by radio and television or through film or videotape; entertainment services provided by means of the Internet; planning, production and distribution of television programs and films; news reporting; publication of			

books and printed matter relating to films, videotapes, radio and television; news publication; rental of sound recordings, films, film projectors, videotapes, video cassette recorders, radios and television sets and accessories therefor; providing cinema and theatre facilities; education and entertainment information services; presentation of live performances.

SKY NEWS	1257320	41	24-Dec-2003
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Services: Education and entertainment services in the nature of planning, production and distribution of live or recorded audio, visual or audiovisual material for broadcasting by radio and television or through film or videotape; entertainment services provided by means of the Internet; planning, production and distribution of television programs and films; news reporting; publication of books and printed matter relating to films, videotapes, radio and television; news publication; rental of sound recordings, films, film projectors, videotapes, video cassette recorders, radios and television sets and accessories therefor; providing cinema and theatre facilities; education and entertainment information services; presentation of live performances.

SKY	1257318	41	24-Dec-2003
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Goods: paper, cardboard and goods made from these material, not included in other classes, printed matters, photographs, stationery, instructional & teaching material, cards, playing cards, catalogues pamphlets, advertisement & brochures, periodicals, plastic sheets periodical publications for inhouse and public distribution concerning matters of interest to employees and general public, printed matter and publications on the subjects of advertisements, broadcasting, finance, entertainment, news, credit cards included in class 16.

SKYRADIO	981182	09	03-Jan-2001
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Goods: electric and electronic apparatus and instruments, computer programs and data related to the film, multimedia, computer and entertainment industries; television films and video tapes; audio tapes; gramophone records; CD-ROM and CDs; laser discs; films and motion pictures; programs for television and radio; apparatuses for the recording of images, sound, data and decoding of coded signals; computer software, hardware & peripherals; monitors, radio, television, sound recording, sound reproducing.

Services: Education and entertainment services in the nature of planning, production and distribution of live or recorded audio, visual or audiovisual material for broadcasting by radio and television or through film or videotape; entertainment services provided by means of the Internet; planning, production and distribution of television programs and films; news reporting; publication of books and printed matter relating to films, videotapes, radio and television; news publication; rental of sound recordings, films, film projectors, videotapes, video cassette recorders, radios and television sets and accessories therefor; providing cinema and theatre facilities; education and entertainment information services; presentation of live performances.

The aforementioned registrations have been renewed from time to time and are valid and subsisting on the Trade Marks Register. By virtue of the aforesaid registrations, the Opponent has the exclusive right to use the said trade marks. Additionally, by virtue of the registration and by virtue of the provisions of Section 31 of the Trade Marks Act, 1999, the registrations are prima facie evidence of their validity

5. The Opponent not only owns registrations as mentioned above, but also, through its licensees, uses the Earlier Trade Mark extensively in India. On August 8, 2006, a new DTH platform was launched in India under the brands TATA and SKY. The platform under the TATA and SKY brands is operated by a company called Tata Sky Ltd. In the short time since its launch, Tata Sky Ltd. has become a leading satellite television provider in India. The DTH service under the TATA and SKY brands currently offers approximately 170 channels and some interactive platform services throughout India. Tata Sky Ltd. signed up its one millionth subscriber within a year of its launch, and presently has over 4 million subscribers.
6. The Opponent and its licensees have made and continue to make widespread use of the Earlier Trade Mark in many parts of the world, including but not limited to, United Kingdom, Republic of Ireland, Italy, Brazil, Mexico, Central America and Germany and in many territories in Asia including India. The Opponent's SKY trademark is well known in these countries. The Opponent's SKY television programming is available in around 125 countries, and the Opponent owns trade mark applications and / or registrations for the Earlier Trade mark in more than 125 countries.
7. The Earlier Trade Mark of the Opponent mentioned above is known and recognized in the relevant section of the public, including in India, by virtue, *inter alia*, of the promotion of the Earlier Trade Mark by way of advertising and publicity.
8. Furthermore, by virtue of extensive distribution of its goods and services carried out by the Opponent and / or its licensees in numerous countries world-wide, including in India, the Earlier Trade Mark mentioned is associated with the Opponent and has acquired an enviable reputation and goodwill.
9. The Earlier Trade Marks of the Opponent are well-known trade marks in India, defined under Section 2(1)(zg) of the Trade Marks Act, 1999, and were well-known trade marks on the date of filing of the impugned application. Therefore,

being well-known trade marks, the same are entitled to enhanced protection granted to well-known trade marks under the Trade Marks Act, 1999.

10. The Opponent wishes to oppose the trade mark forming subject matter of Application No. 3248348 (hereinafter "*impugned mark*") *inter alia* in respect of all the goods for which the Applicant is seeking registration.
11. The impugned mark for which registration is sought by the Applicant is deceptively and confusingly similar to the Opponent's Earlier Trade Mark inasmuch as the Earlier Trade Mark SKY of the Opponent is contained in its entirety in the impugned mark. The suffix 'WORTH' does not add to the distinctiveness of the impugned mark. It is highly likely that the adoption and/or use of the impugned mark will cause confusion and deception amongst the members of trade and public that the goods under the impugned mark originate from the Opponent or one of the divisions of the Opponent or that the Applicant is affiliated or connected with the Opponent, which is not the case. Such adoption and/or use of the impugned mark is likely to dilute the brand equity of the Opponent's Earlier Trade Mark SKY.
12. The Applicant is attempting to register a mark which is of such nature as to deceive the public and cause confusion with the goods and services of the Opponent. The registration of the impugned mark is therefore liable to be refused registration under the provisions of Section 9(2) (a) of the Trade Marks Act, 1999.
13. The impugned mark for which registration is sought by the Applicant is deceptively and confusingly similar to the Earlier Trade Mark of the Opponent. There exists a likelihood of confusion on the part of the public, which includes likelihood of association with the Earlier Trade Mark marks.
14. The adoption of the impugned mark is confusingly and deceptively similar to the Earlier Trade Mark of the Opponent and the use of the impugned mark would, without due cause, take unfair advantage of and be detrimental to the distinctive character and repute of the Earlier Trade Mark and is liable to be refused registration under Section 11(2) of the Trade Marks Act, 1999.

15. The use of the impugned mark for which the Applicant is seeking registration is liable to be prevented by virtue of the law of passing off and is liable to be refused registration under Section 11(3) of the Trade Marks Act, 1999.
16. The Opponent, in its capacity as the owner of the Earlier Trade Mark, does not wish to consent to the registration of the impugned trade mark and the Applicant is therefore not entitled to rely upon Section 11(4) of the Trade Marks Act, 1999.
17. The adoption of the impugned mark by the Applicant is not honest and the Applicant cannot therefore claim to be the proprietor of the impugned mark and registration is therefore liable to be refused under Section 18(1) of the Trade Marks Act, 1999. The Applicant is not entitled to claim registration under Section 12 either.
18. The Applicant has filed the application on the basis of proposed user. The Applicant has neither used the mark nor has any intention to use the mark in the future. Refusal of the application is accordingly not likely to inconvenience the Applicant.
19. The adoption and use, if any, of the impugned mark by the Applicant being neither honest nor bona fide and the Applicant is therefore not entitled to claim registration under Section 11(10) of the Trade Marks Act, 1999.
20. The Applicant is not the proprietor of the impugned mark and the application is therefore contrary to the provisions of Section 18(1) of the Trade Marks Act, 1999.
21. The registration of the impugned mark in the name of the Applicant will be contrary to the provisions of Sections 9, 11 and 18 of the Trade Marks Act, 1999.
22. In view of the grounds set above, the Opponent prays that the Application under opposition be refused registration.
23. The Opponent also prays that the costs of the proceedings be awarded to the Opponent.

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

LALL & SETHI
D-17, South Extension – II
New Delhi – 110049

Dated this the 16th day of January 2018.

Sky International AG
by their Agents,

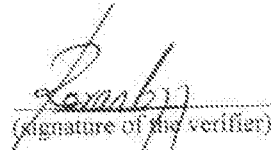


Enrolment No. (D/4029/2010)
of Lall & Sethi

VERIFICATION

I, Karan Bajaj, being the legal counsel for the Opponent state that the averments made in paragraphs 1 to 8 are derived from the records of the Opponent, the averments made in paragraphs 9 to 21 are based on my legal knowledge and the averments made in paragraphs 22 and 23 are my humble prayers to the Learned Registrar on behalf of the Opponent.

Verified at New Delhi on this the 16th day of January 2018.


(signature of the verifier)

To
The Registrar of Trade Marks
Office of the Trade Marks Registry
At: Mumbai

Skyworth

3248348 18/11/2014

[International Registration No. : 1273344]

SKYWORTH GROUP CO., LTD.

22-24/F, East Tower, Skyworth Semiconductor Design Building, 18 High-Tech South 4th Road, Nanshan District 518057 Shenzhen CN

Address for service in India/Agents address:

LALL LAHRI AND SALHOTRA

PLOT NO. B-28, SECTOR - 32, INSTITUTIONAL AREA, GURGAON - 122 001, HARYANA.

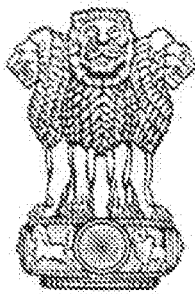
Proposed to be Used

IR DIVISION

Cl.7; Agricultural machines; net hauling machines [fishing]; woodworking machines; papermaking machines; diaper production machines; printing machines; machines for the textile industry; dyeing machines; food preparation machines, electromechanical; brewing machines; cigarette machines for industrial purposes; leather-working machines; sewing machines; machines for the bicycle industry; machines for the ceramics industry, including ceramics machines for building; computer aided carver; machines for battery industry; machines for processing of local special products and sundry goods; enamel manufacturing machines; lamp bulbs manufacturing machines; wrapping machines; honeycomb briquette manufacturing machines; kitchen machines, electric; washing machines; machines for pharmaceutical industry; vulcanisation apparatus; glass working machines; fertilizer equipments; electromechanical machines for chemical industry; rolling mills; oil refining machines; mixing machines; hoists; derricks; hammers [parts of machines]; moulding machines; fittings for engine boilers; internal combustion engines, excluding engines of automobiles, tractors, corn combine harvesters, motorcycles, chain saws, steamers; hydroelectric power generating equipment; clip manufacturing machines; button manufacturing machines; machines for manufacturing electric wires and cables; hand-held tools, other than hand-operated; equipment for electron industry; optics cold processing equipment and machines; gas separating equipment; painting machines; starters for motors and engines; control mechanisms for machines, engines or motors; mufflers for automobile engine; pumps [machines]; valves [parts of machines]; compressed air machines; compressors for refrigerators; hydraulic couplers; connecting rods for machines, motors and engines; speed governors for machines, engines and motors; belts for machines; electric welding machines; washing apparatus; shoe polishers, electric; electroplating machines; condensing installations.

Cl.9; Computers; computer memories; monitors [computer hardware]; laptop computers; notebook computers; processors [central processing units]; USB flash drives; computer peripheral devices; computer keyboards; mouse [computer peripheral]; electronic pocket translators; computer software, recorded; electronic pens [visual display units]; computer game software; electronic publications, downloadable; wireless network cards; touch screens; personal digital assistants [PDA]; time recording apparatus; cheque recording apparatus; ticket dispensers; electronic tags for goods; lottery machines; facsimile machines; weighing machines; measures; electronic notice boards; neon signs; portable telephones; transmitters of electronic signals; radar apparatus; navigational instruments; global positioning system [GPS] apparatus; network communication equipment; optical communication equipment; navigation apparatus for vehicles [on-board computers]; stored program control [SPC] telephones switching equipment; television apparatus; monitoring apparatus, electric; tape recorders; video recorders; camcorders; DVD players; headphones; electronic teaching and learning machines; portable media players; television cameras; electronic voice text machines; set top boxes; cameras [photography]; projection machines; projection machines for teaching purposes; surveying apparatus and instruments; aneroid meters; automatic indicators of low pressure in vehicle tires [tyres]; speed checking apparatus for vehicles; gasometers [measuring instruments]; kilometer recorders for vehicles; meters for internal combustion engines; logs [measuring instruments]; mileage recorders for vehicles; hydrometers; audiovisual teaching apparatus; measuring devices, electric; probes for scientific purposes; optical apparatus and instruments; materials for electricity mains [wires, cables]; semi-conductors; integrated circuits; electronic chips; light-emitting diode [LED]; stabilized voltage supply; low-voltage power supply; fluorescent screens; video screens; remote controllers for household purpose; optical fibers [fibres] [light conducting filaments]; regulating apparatus, electric; electric installations for the remote control of industrial operations; lightning conductors [rods]; electrolyzers; fire extinguishers; radiological apparatus for industrial purposes; protection devices for personal use against accidents; alarms; spectacles [optics]; batteries, electric; animated cartoons; remote controlled car arresters, portable; clothing, electrically heated; reversing radars; car monitors; liquid crystal displays; apparatus to check franking.

Cl.11; Air conditioning installations; light-emitting diodes [LED] lighting apparatus; pressure cookers [autoclaves], electric; microwave ovens [cooking apparatus]; freezers; refrigerators; ventilation [air-conditioning] installations and apparatus; fans [air-conditioning]; solar water heaters; bathroom heat lamp installations; disinfectant apparatus; drinking water dispensers; lamps; lighting apparatus and installations; cooking apparatus and installations; lighting apparatus for vehicles; germicidal lamps for purifying air; curling lamps; electric water heaters; lava rocks for use in barbecue grills; refrigerating appliances and installations; air conditioning installations; air conditioning apparatus; electric hair driers; heating apparatus; soap bubble and foam generators for shows; hot water heating installations; ornamental fountains; sanitary apparatus and installations; water purification installations; disposable sterilization pouches; radiators, electric; lighters; nuclear reactors.



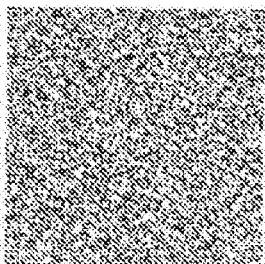
सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

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Purchased by	Lall and Sethi
Description of Document	Article 48(c) Power of attorney - GPA
Property Description	Not Applicable
Consideration Price (Rs.)	0 (Zero)
First Party	SKY International AG
Second Party	Lall and Sethi
Stamp Duty Paid By	Lall and Sethi
Stamp Duty Amount(Rs.)	100 (One Hundred only)



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The Trade Marks Act, 1999
Attorney's Code No.: 20727
Form of Authorisation of an Agent
[Section 145; Rule 19]

Statutory Alert:


1. The authenticity of this Stamp Certificate should be verified at "www.shcilestamp.com". Any discrepancy in the details on this Certificate and as available on the website renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

The Trade Marks Act, 1999
Attorney's Code No.: 28727
Form of Authorisation of an Agent
[Section 145; Rule 19]

We, Sky International AG of the address Stockerhof, Dreikönigstrasse 31a, CH-8002 Zürich, Switzerland, do hereby authorize Ms. Jyotideep Kaur, Mr. Raghav Malik, Ms. Tia Malik, Mr. G. Rahul, Mr. Karan Bajaj, Ms. Kripa Pandit, Mr. Mohit Kumar Choudhary, Mr. Ali Areeb Zaidi, Mr. Manas Upmanyu, Mr. Pranav Taneja, Ms. Manika Arora, Ms. Kangan Roda, Ms. Nireeti Gupta, Ms. Ananya Singh, Mr. Sanat Bathla and Ms. Radhika Arora Advocates of Lall & Sethi of the address D-17, South Extension- II, New Delhi - 110 049, to jointly and severally act as our Agent(s) for attending recordal of assignments, change of address and renewal of the trademarks SKY+ Stylized word mark bearing nos. 1716437 in class 38 and 1716438 in class 41 and request that all notices requisitions and communications relating thereto may be sent to such Agent at D-17, South Extension - II, New Delhi - 110049.

Dated this 5th day of December 2017.

Name : Brett Douglas Shelton

Signature : 

To,
The Registrar of Trade Marks
Office of the Trade Marks Registry