

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: 1410495 (Reference IRDI No allotted to this international registration by the TMR India)... 3881415	
III.	Name of the holder (or other information enabling the identity of the international registration to be confirmed): LLC IntelKraft Oborudovanie	
IV.	Provisional refusal based on an opposition The following person(s) have filed opposition to protection of the trademark in India- 1. INTEL CORPORATION, 2200 MISION COLLEGE BOULEVARD, P.O. BOX 58119, SANTA CLARA, CA 95052-8119, USA	
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: 07/02/2019	
XI.	Signature or official seal of the Office making the notification: FOR REGISTRAR OF TRADEMARK DIPMALA P MATHAPATI Designation: SENIOR EXAMINER Mumbai	

XII.	Corresponding essential provisions of the applicable law:
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*** end of the report ***

Receipt No.: 2049161
Date: 09/10/2018
Amount: Rs.2700/-
Ref No: A-3881415 Form
No: 954414

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	INTEL CORPORATION
Treading As	Intel Corporation
Address	2200 MISION COLLEGE BOULEVARD, P.O. BOX 58119, SANTA CLARA, CA 95052-8119, USA
Service Address	401-402, 4th Floor, Suncity Success Tower, Sector-65, Golf Course extension Road, Gurgaon-122005
Mobile No	
Email address	info@rnaip.com
AGENT OF THE APPLICANT OR REGISTERED PROPRIETOR/OPPONMENT/THIRD PARTY AS THE CASE MAY BE(if any)	
Agent Name	RNA, IP ATTORNEYS
Address	401-402, 4TH FLOOR, SUNCITY SUCCESS TOWER, SEC-65, GOLF COURSE EXTENSION ROAD, GURGAON-122005 NATIONAL CAPITAL REGION (HARYANA)
Mobile No	
Nature of the Agent	Advocate
Registration No	
REQUEST OPPOSITION/APPLICATION IN THE MATTER OF	
DETAILS OF APPLICATION NUMBER	3881415
CLASS	9
REQUEST	NOTICE OF OPPOSITION
GROUND OF OPPOSITION	Grounds of opposition are attached separately
Date	08-10-2018 02:22 PM

Digitally Signed By

RANJAN NARULA

for RNA, IP ATTORNEYS

[Attorney]

Bond



**Indian-Non Judicial Stamp
Haryana Government**



Date :30/08/2016

Certificate No. G0302016H4307



GRN No. 20591007



Stamp Duty Paid : ₹ 100

(Rs. Hundred Only)

Penalty : ₹ 0

(Rs. Zero Only)

Seller Detail

Name: Rna Ip Attorneys

H.No/Floor : Na

City/Village : Gurgaon

Phone : 9910074336

Sector/Ward : 65

District : Gurgaon

Landmark : Na

State : Haryana



Purpose : (Bond)OTHERS

FORM TM-48

THE TRADE MARKS ACT, 1999

Attorney Code: 19367

FORM OF AUTHORISATION OF AGENT

[SECTION 145; RULE 21]

We, Intel Corporation, a corporation organized and existing under the laws of State of Delaware, located at 2200 Mission College Boulevard, Santa Clara, California 95052-8119, United States of America,

do hereby authorize Mr. Ranjan Narula, Ms. Rachna Bakhru, Mr. Rajiv Suri, Mr. Mohandas Konnanath, Mr. Abhishek Nangia, Mr. Ajay Kumar, Mr. Daleep Kumar, Mr. Mayur Varshney, Ms. Akanksha Kar, Ms. Swati Dalal, Advocates and Ms. Neelam Dahiya, Trade Marks Agent of **RNA, IP Attorneys of 401-402, 4th Floor, Suncity Success Tower, Sector - 65, Golf Course Extension Road, Gurgaon - 122 005, National Capital Region (Haryana), India**, to act as our Attorney(s) for the purpose of filing and prosecuting applications for Registration of Trade Marks/Service Marks in all Classes, Oppositions, Renewals, Restorations, Recordal of Assignments, Licensing, Recordal of Registered users, and all proceedings before the Registrar of Trade Marks or the Government of India and all acts, deeds and things (including appointment of substitute or substitutes) as the said Attorneys(s) may deem necessary or expedient in connection therewith or incidental thereto.

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

We hereby confirm and ratify all previous acts done by the said advocates.

All these communications relating to these matters/applications may be sent to the following address in India:

RNA, IP Attorneys
401-402, 4th Floor, Suncity Success Tower,
Sector - 65, Golf Course Extension Road,
Gurgaon - 122 005, National Capital Region
(Haryana), India
Tel: +91-124-2841222
Fax: +91-124-2841144
Email: info@rnaip.com


Dated this the 9th day of September, 2016

Signature

Name

Designation

Co. Stamp

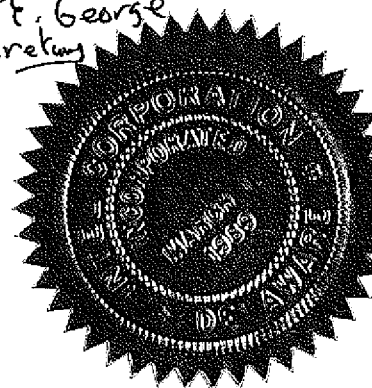

: Christopher F. George
: Assistant Secretary

To

The Registrar of Trade Marks

Office of the Trade Marks Registry

New Delhi/Mumbai/Chennai/Ahmedabad/Kolkata





RNA, IP Attorneys
401-402, 4th Floor, Suncity Success Tower,
Sector - 65, Golf Course Extension Road,
Gurgaon - 122005,
National Capital Region (Haryana), India
Tel: +91-124-2841222
Fax: +91-124-2841144

Our Ref.: I3729-03413/RB/ES

October 08, 2018

The Registrar of Trade Marks
Office of Trade Marks Registry
At: **MUMBAI**

Attorney Code: 19367
Opponent Code: 12426

Dear Sir,

Re: In the matter of application No. **IRDI-3881415** in Class **09** for registration of



the label mark by LLC IntelKraft Oborudovanie of ulitsa
Sadovaya-Triumfalnaya, dom 4/10, pomeshenie II RU-127006 gorod Moskva
Russian Federation, advertised in Trade Marks Journal No. 1859, dated July 23,
2018

Enclosed please find the following documents:

1. Form TM-O;
2. A copy of the journal notification for the mark "
3. Prescribed fee of Rs. 2700/-.
4. General Power of Attorney



Yours faithfully,

Rachna Bakhru
Advocate
(Enrl No. D/708/94)
of RNA, IP Attorneys

Encl.: Form TM-O
Copy of advertisement cutting
General Power of Attorney
Official fee of Rs. 2700/-



3881415 01/11/2017

[International Registration No. : 1410495]

LLC IntelKraft Oborudovanie

ulisa Sadovaya-Triumfalnaya, dom 4/10, pomeshenie II RU-127006 gorod Moskva Russian Federation

Proposed to be Used

IR DIVISION

Cl6; Binding screws of metal for cables; ropes of metal; door closers, non-electric; door springs, non-electric; door openers, non-electric; cables of metal, non-electric.

Cl17; Automatic parking system; emergency power generators; hydraulic engines and motors; electric engines for elevators; compressed air engines; driving motors, other than for kind vehicles; elevators [lifts]; hoists; lifts, other than ski-lifts; drive devices for opening and closing elevator doors; elevator belts; lift belts; machine tools; lifting apparatus; door closers, pneumatic; door closers, electric; door openers, pneumatic; door openers, electric; elevator operating apparatus; lift operating apparatus; elevating apparatus.

Cl19; Remote control apparatus; electro-dynamic apparatus for the remote control of signals; monitoring apparatus, electric; electric apparatus for commutation; intercommunication apparatus; switchboxes [electricity]; current rectifiers; joysticks for use with computers, other than for video games; locks, electric; control panels for elevators; temperature indicators; comparators; branch boxes [electricity]; distribution boxes [electricity]; junction boxes [electricity]; connectors [electricity]; computer software, recorded; weighing machines; transmitters of electronic signals; wafers for integrated circuits; printed circuit boards; weighing apparatus and instruments; measuring devices, electric; computer programmes [programs], recorded; computer programs [downloadable software]; computer operating programs, recorded; distribution consoles [electricity]; control panels [electricity].

Cl35; Import-export agency services concerning the goods specified in the 06, 07, 09 classes; commercial information agency services; sales promotion for others including through retail and wholesale shops and mail order catalogs concerning the goods specified in the 06, 07, 09 classes; procurement services for others [purchasing goods and services for other businesses] concerning the goods specified in the 06, 07, 09 classes.

Cl37; Elevator installation and repair; lift installation and repair.

Bond



**Indian-Non Judicial Stamp
Haryana Government**



Date : 30/08/2016

Certificate No. G0302016H4307



GRN No. 20591007



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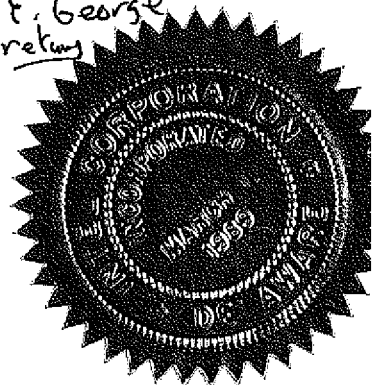
[Signature]
: Christopher F. George
: Assistant Secretary

To

The Registrar of Trade Marks

Office of the Trade Marks Registry

New Delhi/Mumbai/Chennai/Ahmedabad/Kolkata



FORM TM-O

The Trade Marks Act 1999
(hereinafter referred to as 'the Act')

Fee: Rs. 2,700/-

Agents Code No: 19367

Opponent Code: 12426

**Notice of Opposition to application for registration of a trade mark
[Section 21 (1), Rule 42 (1)]**

In the matter of application number **IRDI-3881415** in Class **09** for registration of the



label mark by LLC
IntelKraft Oborudovanie of ulitsa Sadovaya-Triumfalnaya, dom 4/10, pomeshenie II RU-127006 gorod Moskva Russian Federation, advertised in Trade Marks Journal No. 1859, dated July 23, 2018.

AND

Opposition thereto by Intel Corporation, a corporation organized and existing under the laws of State of Delaware, located at 2200 Mission College Boulevard, Santa Clara, CA 95052-8119, USA.

We, Intel Corporation, a corporation organized and existing under the laws of State of Delaware, located at 2200 Mission College Boulevard, P.O. Box 58119, Santa Clara, CA 95052-8119, USA, (hereinafter referred to as 'the Opponent') do hereby give notice of our intention to oppose the registration of the trade mark advertised under the above number in Class 09 in Trade Marks Journal No. 1859 dated July 23, 2018 at made available to public on July 23, 2018.

The grounds of opposition are as follows:

1. The Opponent, on its own and through its subsidiaries, carries on an established international business of computers, semi-conductor devices, memory chips, integrated circuits, microprocessors, Central Processing Units (commonly known as the brains of computers), motherboards, software, and other related goods under the name and mark *inter alia* containing the word INTEL. These products are used by industry members to create advanced computing and communications systems.
2. The Opponent, since its inception in 1968, carries on its entire business under the name and style of INTEL and has grown to be a truly global corporation over the years. As of the year 2016, the Opponent employed an estimated 106,000 people in its various subsidiary companies throughout the world and its turnover for the

year 2016, was in excess of US\$ 59 billion. It has business operations in excess of 50 countries around the world covering the Americas, Europe, Africa, Asia-Pacific including India and its products and services under the INTEL mark are sold in more than 100 countries world over. Today, the Opponent is the world's leading developer and manufacturer of microprocessors and other building blocks for the computing and internet industries worldwide.

3. In the year 1969, the Opponent adopted a distinctive style for representing the INTEL name/ mark, popularly known as the Intel 'dropped-e' logo. A representation of the said logo is reproduced below.



4. In January 2006, the Opponent unveiled a new brand identity that represents a significant milestone in the Opponent's history and combines the essence of building on Opponent's rich heritage, yet also signaling the new direction the company is headed today. A pictorial representation of the new logo is also reproduced below.



Global use and worldwide reputation of INTEL name/mark: -

5. Since its inception, the Opponent has used the name and mark INTEL to market its products and services and to conduct its business activities globally. The use of the name and mark INTEL was first commenced in the United States of America; which has grown over the years and extended to other countries of the world subsequently. Today, the Opponent's products, under the mark INTEL are sold in more than 100 countries including India through a wide network of subsidiaries, associates, distributors, stockists, resellers, assemblers and original equipment manufacturers (OEMs) etc.

The complexity and performance of the Opponent's microprocessors have increased significantly over the years making possible dramatic changes and improvements in the use of all kinds of software to be used with computers. With the passage of time, a wide range of products developed by the Opponent have gained worldwide acceptance under the name and mark INTEL. Today, INTEL is a world famous and globally respected trade name, trade mark/ logo, service mark and brand name; which signify quality, reliability and technologically superior products.

6. The Opponent also uses its INTEL mark on products beyond computers. Advances in digital technology and the use of technology in the home entertainment environment have resulted in the Opponent's microprocessors and other INTEL

branded products being increasingly used in many consumer electronic products, including set-top boxes, MP3 players, media centers, digital cameras, high-definition television (HDTV) sets, digital audio and video devices, and household appliances such as microwave ovens.

7. Further, as part of education initiatives, the Opponent, through collaboration with educators and governments in more than 50 countries, delivers programs that improve the effective use of technology to enhance 21st century learning and encourage excellence in mathematics, science and engineering. Along with Microsoft Corporation, the Opponent set up the **Teach to the Future Program** (now Intel® Teach) which was launched in India in February 2000. The program is a worldwide initiative to help teachers effectively integrate the use of computer technology into classroom curriculum to improve student learning and achievement. As part of this program, the Opponent committed to invest \$100 million over 3 years in cash, equipment, and curriculum development and program management and its goal was to train 100,000 teachers in 20 cities across the country. To date, the Opponent has trained more than 6 million teachers in approximately 40 cities nationwide.
8. In 1989, the Opponent established the "Intel Foundation" for the purpose of developing and funding educational and charitable programs. As a part of this program, the "Intel Foundation" donated US\$ 108,000 to assist with earthquake relief in Gujarat. It is one of the many programs run by the Opponent in India that reflect its commitment to India.
9. Additionally, the Opponent has sold for many years, a wide variety of non-computer products, all of which can be seen and purchased at its online store, The Intel Store. This is a revenue producing business that does more than merely distribute promotional items. Some of the products include T-shirts, polo shirts, denim shirts, desk accessories, attachés, and novelty items. Now these products may be purchased through its website, www.theintelstore.com. The Opponent makes hundreds of thousands a year in U.S. dollars from its sales of these non-computer products'.
10. In light of the Opponent's more than 45 years history and the popularity of its broad range of products and services that are sold extensively worldwide under the INTEL mark, the said mark has become one of the most valuable brands in the world. The INTEL brand has been ranked among the top brands by leading independent publications since as early as 1993, which speaks volumes for the goodwill and recognition enjoyed by the Opponent's trade mark INTEL. In the year 2017, *Interbrand World's Most Valuable Brands Survey* ranked INTEL trade mark as the 15th most valuable brand. The consistent independent ranking among the world's top brands is evidence of the extraordinary value of the INTEL mark, and the remarkable extent of its international reputation.
11. In addition, several international publications, which have a wide circulation in India, have run cover stories on the Opponent's activities and discussed the strength of INTEL brand. These magazines are also available at leading libraries and old magazine dealers all over India and by virtue thereof are able to remain in

circulation for a very long time and are, therefore, accessed and read by a great many persons.

Intellectual Property Rights in INTEL trademark: -

12. The mark INTEL is a coined word and has no dictionary meaning. Originally conceived and adopted by the Opponent and for reasons outlined above, the mark INTEL has become distinctive of the Opponent's business operations. It is pertinent to mention that in respect of the mark INTEL and other INTEL formative marks, the Opponent has an estimated 1200 trade mark registrations world over.
13. In India, the Opponent has also obtained numerous trade mark registrations of the INTEL mark across several classes. Further, the Opponent is also the registered proprietor of the mark INTEL in class 09, details of the said registrations are mentioned below:

Trade mark	Class	Registration no. and Registration Date	Goods	Validity
INTEL	09	678000 25/08/1995	Apparatus and instruments, all for processing, storage retrieval, transmission, display; input, output and printout of data; computers, computer terminals and printers for use therewith; video display units; floppy disc driving apparatus; modems; apparatus and instruments; all for monitoring; detecting, testing and measuring, electronic security apparatus; surveillance apparatus; electronic apparatus and instruments all for recognizing digital and analogue codes; control apparatus for all the aforesaid goods; cards, discs, tapes, wires records, microchips and electronic circuits, all for the recordal of data; video processor boards; microprocessors; electronic circuit boards; integrated circuit memories; operating systems, computer programs; microcontrollers; computers; data processors; central processing units; computer components; semiconductor	25/08/2019

			chips; computer input and output devices; work stations, data memories; storage devices; registers; apparatus for testing and programming integrated circuits; peripheral memory apparatus; microcomputers; minicomputers; computer installations; memory boards; processing apparatus; racks; cabinets and holders, all adapted for the aforesaid goods; parts and fitting for all the aforesaid goods; computer programs and computer software; all included in class 9	
INTEL	09	833917 24/12/1998	Cameras, photographic equipments, computer hardware and software for use in imaging and photographic applications, photo discs, cd roms for imaging and photographic applications, imaging sensors, scanners, and interactive computer and video games included in class 9	24/12/2028
INTEL	09	804847 05/06/1998	Computers, computer hardware, computer firmware, semiconductors, microprocessors, integrated circuits, microcomputers, computer chipsets, computer motherboards and daughter boards, computer graphics boards, networking hardware, computer network adaptors, switches, routers and hubs, computer peripherals and electronic apparatus for use with computers, keyboards, trackballs, computer mouse devices, computer input devices, monitors, video apparatus, video circuit boards, video systems products, apparatus and equipment for recording, processing, receiving, reproducing, transmitting, modifying, compressing,	05/06/2028

		decompressing, broadcasting, merging and/or enhancing sound, video images, graphics and data, algorithms for the compression and decompression of data, computer component testing and calibrating apparatus, set-top boxes, computer programs for network management, computer utility programs, computer operating system software, computer programs for recording, processing, receiving, reproducing, transmitting modifying, compressing, decompressing, broadcasting, merging, and/or enhancing sound, video, images, graphics, and data, computer programs for web page design, computer programs for accessing and using the internet,	
		telecommunications apparatus and instruments, apparatus and equipment for use in video-conferencing teleconferencing , document exchange and editing, cameras, headsets, parts, fittings, and testing apparatus for all the aforesaid goods, and user manuals for use with, and sold as a unit with, all the aforesaid goods, all being goods included in class 9	

The details of registrations of INTEL mark in various other classes are as under:

TRADE MARK	CLASS	REGISTRATION NUMBER
INTEL	1	1186120
INTEL	2	1186121
INTEL	3	1186122
INTEL	4	1186123
INTEL	5	1186124
INTEL	6	1186125
INTEL	7	1186126
INTEL	8	1186127
INTEL	10	1186128
INTEL	11	1186129

INTEL	12	1186130
INTEL	13	1186131
INTEL	14	768178
INTEL	15	1186132
INTEL	16	803796
INTEL	16	804849
INTEL	16	768179
INTEL	17	1186133
INTEL	18	768180
INTEL	19	1186134
INTEL	21	768181
INTEL	22	1186136
INTEL	23	1186137
INTEL	24	1186138
INTEL	25	768182
INTEL	26	1186139
INTEL	27	1186140
INTEL	28	761996
INTEL	29	1186141
INTEL	30	1186142
INTEL	31	1186143
INTEL	32	1186144
INTEL	33	1186145
INTEL	34	1186146
INTEL	35,36,37,38,39,40,41,42	1240068

The said registrations are valid and subsisting on the Register and are therefore, in full legal force conferring on the Opponent the right to their exclusive use and the right to stop use of any identical or deceptively similar marks by unauthorized persons. In addition to those listed above, the Opponent is also the proprietor of a family of INTEL marks around the world and in India, including the famous INTEL INSIDE trade mark as well as *inter alia* INTEL, INTEL REALSENSE, INTEL XEON, INTEL CORE, etc.

14. The Opponent has invested and continues to invest substantial amounts of money and efforts in advertising and promoting its goods and services under the INTEL mark. By virtue of long and continuous use, consistent superior quality, trade mark registrations, extensive promotional initiatives, the Opponent's name/ house mark INTEL have earned significant goodwill and reputation among members of the trade and public; who associate INTEL with the Opponent exclusively. As a result, the INTEL mark serves as the exclusive designation of origin of Opponent's products and services and is symbolic of quality and immense goodwill.

15. Although the Opponent formally established its operations in India in 1988 with the opening of its branch office in Bangalore, the Opponent has been exporting products to India since 1972. Presently, the Opponent's products are marketed and promoted by its branch office and wholly owned subsidiaries in India trading as Intel Asia Electronics Inc. and Intel Technology India Pvt. Ltd., respectively. The Opponent's Indian companies have set up branch offices in Ahmedabad, Bangalore,

Chandigarh, Chennai, Delhi, Hyderabad, Kochi, Kolkata, Mumbai, Pune and a network of dealers and distributors throughout India. The Opponent's subsidiary company and branch offices have spent millions of Rupees to popularize its INTEL branded products in India. With the advent of the Information Technology (IT) revolution in India and widespread use of computers in every field, the INTEL mark has become a household name in India; particularly as large volume of computer software is developed and exported by Indian companies. In addition, a large number of Indians working in the USA and Europe in the IT sector have contributed to the popularity of INTEL as a brand name. The Opponent employs thousands of Indian nationals in its various companies in USA and Europe and many more second generation Indians. These factors act as a catalyst in transcending the overall recognition of brand name INTEL amongst consumers in India, who are obviously influenced by their friends, families and relatives working abroad either at the Opponent's company and/ or who are aware of the brand name INTEL. Thus, it may be inferred that the Opponent's brand INTEL *per se* has become a well-known and household name in India.



16. The Applicant has applied for registration of the label mark (also referred to as 'the impugned label mark') under application no. **IRDI-3881415** in Class **09** which contains the Opponent's well-known and registered mark INTEL in its entirety. The impugned label mark is deceptively similar to the Opponent's well-known name/house mark **INTEL** and mere addition of common dictionary word such as 'craft' do not help to distinguish the Applicant's deceptively and confusingly similar mark from the Opponent's well recognized mark **INTEL** which is the distinctive part/element of the impugned label mark. Given the long and extensive use and promotional initiatives undertaken by the Opponent, it is incomprehensible that the Applicant was not aware of the Opponent's goodwill and reputation associated with the mark **INTEL**. Also, the goods covered under the impugned mark in class 09 are similar and/or allied in nature to those of the Opponent's goods. The impugned label mark, therefore, cannot qualify for protection as a trade mark under any circumstance as members of the trade and public would invariably associate the same with the Opponent. Thus, the impugned label mark is incapable of distinguishing the Applicant's goods/ services from those of the Opponent and its registration therefore ought to be refused in terms of Section 9(1)(a) of the Act.
17. In view of overall deceptive similarity of the Applicant's impugned label mark with the Opponent's **INTEL** trademark, it is likely to create an unmistakable impression in the minds of consumers that goods of the Applicant belong to or are somehow associated with the Opponent, which is absolutely false. Therefore, the likelihood of confusion being caused amongst members of the public at large cannot be ruled out. The members of the trade and public may perceive that the Applicant is authorized/ licensed by the Opponent to use the impugned label mark on its products, which is absolutely not the case. Such assumption is inevitable since a nearly identical mark has been adopted and allegedly used in the impugned label mark. It is, therefore, tantamount to being an encroachment of the Opponent's Intellectual Property rights in the mark/ name **INTEL**. Over the years, the **INTEL** mark/ name has grown to become a source identifier of the Opponent which is

attributable to its extensive use and promotional campaigns. Therefore, the Applicant's adoption and/or alleged use of the impugned label mark are in bad faith and aimed at causing confusion and deception in the course of trade. The confusion is likely to be intensified in view of the fact that the Opponent's mark **INTEL** is a well known mark. It is humbly submitted that if the subject application is allowed, it would permit the Applicant to derive illegal pecuniary benefit and also irreparably damage the Opponent's business and reputation. **The registration of the impugned label mark containing the word INTEL is therefore contrary to the provisions of Sections 9(2)(a) and 11(1)(a) and (b) of the Act.**

18. As stated in the preceding paragraphs, the Opponent's INTEL mark has been extensively used since the year 1968 and is a well-known mark. The Applicant has no plausible reason for adoption of the deceptively similar impugned label mark which would take unfair advantage of the Opponent's reputation and goodwill or be detrimental to distinctive character of the prior adopted **INTEL** mark. **The application for the impugned label mark must be rejected in view of Section 11(2) of the Act.**

19. As a result of the inevitable deception, the customers are likely to erroneously assume that the Opponent has either licensed, invested or is somehow associated with the goods and business operations of the Applicant. It is humbly submitted that the application for the impugned mark, if allowed, would lend legal sanctity to the Applicant's attempt to pass off its goods and business as and for those of the Opponent. Apart from the dishonest adoption of the impugned label mark, the adoption of the corporate name of the Applicant Company i.e. LLC IntelKraft Oborudovanie also shows its malafide intention to pass off its business as that of the Opponent. Not only will it seriously injure public interest, it will also irreparably damage the Opponent's goodwill and reputation associated with the **Intel** mark. Therefore, the Applicant's attempt to ride on the goodwill and reputation of the Opponent's well known mark **INTEL** and thereby making illegal commercial gains ought to be curtailed at any cost. **The application for the impugned label mark should therefore be disallowed under Section 11(3) of the Act.**

20. It is humbly submitted that in view of the Opponent's:-

- a) long and consistent use of the mark **INTEL** since the year 1968;
- b) massive sale of products under the **INTEL** mark (as also indicated in the annual turnovers);
- c) extensive promotional initiatives undertaken; and
- d) more than 1200 trade mark registrations world over in respect of the **INTEL** and other **INTEL** formatted marks;

the mark **INTEL** is extremely well-recognized amongst the public and members of trade. Also given that India has developed as a global force in the information technology (IT) sector, the mark **INTEL** clearly qualifies for protection as a well-known mark as envisaged under the provisions of Section 2(1)(zg) and also relevant provisions of Section 11(6) of the Trade Marks Act, 1999, which is further corroborated by brand rankings by independent publications as outlined above. In consequence thereof, a number of courts worldwide, including India have

recognized that **INTEL** is a well-known mark. It is also pertinent to mention that the Indian Trademark Registry has already acknowledged **INTEL** as a well known mark and the Opponent's **INTEL** mark also appears in the list of well known marks compiled by the Trademark Registry on its website <https://ipindiaonline.gov.in/tmrpublicsearch/wellknownmarks.aspx>. In the circumstances, the Applicant has no justification for its adoption of the impugned label mark which contains the identical mark **INTEL** as the prominent part, except to derive unfair commercial advantage of the Opponent's goodwill and reputation in the said mark/name. At the same time, such attempted registration dilutes the Opponent's exclusivity associated with the said **INTEL** mark and will be detrimental to its distinctive character. The Opponent submits that the trademark **INTEL** being a well-known mark in India and abroad, it deserves stronger protection.

In the circumstances, registration of a nearly identical mark would be detrimental to the well-known character and will dilute the uniqueness of the Opponent's mark **INTEL**, causing erosion of its distinctiveness and reputation. **Therefore, the impugned label mark applied by the Applicant is liable to be refused as per the provisions of Sections 11(10)(i) and (ii) of the Act.** The Opponent reserves the right to adduce documentary evidence in respect of its use, promotion, distinctiveness and well-known character at relevant stage of the proceedings.

21. The Opponent further submits that the Applicant has no *prima facie* case for registration of the impugned mark as the application for the same has been filed on "proposed to be used" basis. **Thus the Applicant cannot take the benefit of the provisions of Section 12 of the Act which envisages honesty of adoption and use in special circumstances.**
22. As submitted above, the Opponent's **INTEL** mark enjoys a vast reputation and goodwill on a worldwide basis including India and it was genuinely conceived by them. Therefore, the adoption and/or use of a deceptively similar mark for similar/allied services by the Applicant is illegitimate. As the Opponent is prior user and registered proprietor of the mark **INTEL**, the Applicant cannot assert itself to be *bona fide* proprietor of the impugned mark under the provisions of Section 18(1) of the Act. The Applicant ought to have actual and constructive notice of prior rights in **INTEL** mark accrued in favour of the Opponent. **Hence, the Hon'ble Tribunal ought to disallow registration of the impugned mark in exercise of discretion vested as per the provisions of Section 18(4) of the Act in favour of the Opponent.**
23. Further, by reason of dishonest intention in adoption, no prejudice would be caused to the Applicant if the application is disallowed. However, the subject application, if allowed, would result in substantial damage to the reputation and goodwill of the Opponent and would also injure public interest on account of the potential confusion and evident deception that would follow.
24. The registration of the impugned mark, if conferred, would also be a negation of the scheme and purpose of the Act as embodied in the preamble thereto and contrary to the principle of maintaining purity of the Register.

25. The Opponent craves leave of the Hon'ble Tribunal to amend any information given in the instant Notice of Opposition at any stage of the proceedings.

26. In the circumstances, it is prayed that:

-  **INTELCRAFT**
- a) the impugned label mark in Class 09 under application No. **IRDI-3881415** be refused registration;
 - b) the instant opposition be allowed; and
 - c) cost/s of these proceedings be awarded to us.

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

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Email: info@rnaip.com

Dated this 08th day of October, 2018

Intel Corporation
Through



Rachna Bakhru
Advocate
(Enrl No. D/708/94)
of **RNA, IP Attorneys**

To,
The Registrar of Trade Marks
Office of the Trade Mark Registry
At: **MUMBAI**

VERIFICATION

I, Anita Rawat, Constituted Attorney of the Opponent do hereby verify and declare that the contents of paragraphs 1 to 15 of the above opposition are true and correct to my knowledge which are based on the records of the Opponent company and the contents of paragraphs 16 to 24 are submissions based on legal advice received and paragraph 25 is in form of a request to the Hon'ble Tribunal whereas the statements made in paragraph 26 is a prayer to this Hon'ble Tribunal.

Verified at Gurgaon on this 08th day of October, 2018

FOR OPPONENT



Anita Rawat
Constituted Attorney