

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: 1453355 (Reference IRDI No allotted to this international registration by the TMR India)... 4109289	
III.	Name of the holder (or other information enabling the identity of the international registration to be confirmed): Shantou Chenghai Longjun Toy Factory	
IV.	Provisional refusal based on an opposition  The following person(s) have filed opposition to protection of the trademark in India-  1. LEGO Juris A/S, Koldingvej 2, DK - 7190 Billund, Region of Southern Denmark	
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: 18/07/2019	
XI.	Signature or official seal of the Office making the notification: FOR REGISTRAR OF TRADEMARK Sonali N. Morey Designation: EXAMINER Mumbai	

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

**Receipt No.:** 2270368  
**Date:** 18/07/2019  
**Amount:** Rs.2700/-  
**Ref No:** A-4109289 Form  
**No:** 997162

**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**

<b>REQUEST</b>	NOTICE OF OPPOSITION
<b>FEE</b>	2700
<b>APPLICANT OR REGISTERED PROPRIETOR/OPPONENT/THIRD PARTY MAKING THE APPLICATNION/REQUEST</b>	
<b>Opponent Name</b>	LEGO Juris A/S
<b>Trading As</b>	
<b>Address</b>	Koldingvej 2, DK - 7190 Billund, Region of Southern Denmark
<b>Service Address</b>	RAHUL CHAUDHRY & PARTNERS RCY HOUSE C-235, Defence Colony, New Delhi - 110024
<b>Mobile No</b>	9899449240
<b>Email address</b>	mail@rahulchaudhry.com
<b>AGENT OF THE APPLICANT OR REGISTERED PROPRIETOR/OPPONMENT/THIRD PARTY AS THE CASE MAY BE(if any)</b>	
<b>Agent Name</b>	RAHUL CHAUDHRY & PARTNERS
<b>Address</b>	RCY HOUSE, C-235, DEFENCE COLONY, NEW DELHI-110024
<b>Mobile No</b>	9899449240
<b>Nature of the Agent</b>	Advocate
<b>Registration No</b>	
<b>REQUEST OPPOSITION/APPLICATION IN THE MATTER OF</b>	
<b>DETAILS OF APPLICATION NUMBER</b>	4109289
<b>CLASS</b>	28
<b>REQUEST</b>	NOTICE OF OPPOSITION
<b>GROUND OF OPPOSITION</b>	Grounds of opposition are attached separately
<b>Date</b>	18-07-2019 03:47 PM

Digitally Signed By

RAHUL CHAUDHRY

for RAHUL CHAUDHRY & PARTNERS

[Attorney]

FORM TM - O  
NOTICE OF OPPOSITION  
THE TRADE MARKS ACT, 1999

Attorney's Code No.: 24020

Proprietor's Code No.: Nil.

IN THE MATTER OF Application no. IRDI - 4109289 in class 28 in the name of Shantou Chenghai Longjun Toy Factory of the address No. 4, East National Road, Zhulin Village, Lianshang Town, Chenghai District, Shantou City Guangdong, China, in respect of "*Intelligent toys; toys started by laser; toy models; toy vehicles; controllers for toys; scale model kits [toys]; toys; building blocks [toys]; scale model vehicles; radio-controlled toy vehicles*".

We, LEGO Juris A/S, of the address Koldingvej 2, DK- 7190 Billund, Region of Southern Denmark (*hereinafter referred to as the "Opponent", which term shall include the predecessors in interest, in title and rights, affiliated companies, subsidiaries, and/or licensees*) hereby give notice of our intention to oppose the above said application for the registration of the trade mark



'LEPIN (DEVICE)' advertised under application number IRDI - 4109289 in class 28 in the Trade Marks Journal no. 1893-0 dated and made available to the public on 18/03/2019.

The mark intended to be opposed is represented in the Trade Marks Journal as under:



The grounds of opposition are as follows: -

1. The Opponent and its affiliated companies under the LEGO Group carries on an established and reputed business as a manufacturer and merchant of *inter alia* toys of all kinds. The Opponent started its business under the name of LEGO A/S. The trade mark rights subsequently got assigned to LEGO Schweiz AG who further assigned these rights to the Opponent, LEGO Juris A/S. The Opponent is the world's largest toy manufacturer and its flagship products LEGO consist of colorful interlocking bricks and an accompanying array of gears, mini-figures and various other parts. The toys have achieved an international appeal, with an extensive subculture that supports LEGO movies, games, competitions and six LEGO themed amusement parks.
2. Founded in the year 1932 by Ole Kirk Kristiansen, the Opponent Company has passed

from father to son and is now owned by Kjeld Kirk Kristiansen, a grandchild of the founder. It was in the year 1934 that the company name LEGO was coined. The name 'LEGO' is an abbreviation of the two Danish words "leg godt", meaning "play well". It has come a long way over 85 years, from a small carpenter's workshop to a modern, global enterprise that is now, in terms of sales and market value, the world's largest toy company since the first half of the year 2014.

3. In 1949, the Opponent began producing different types of plastic and wooden toys, including Automatic Binding Bricks, a forerunner of the LEGO bricks we know today. In the year 1973, in order to unify all of the Opponent companies' products under one



banner, a single new logo




(hereinafter referred to as the "LEGO label"), remains the most recognizable version of the Opponent's brand identity. Today the Opponent is one of the world's leading manufacturers of play materials for children, employing approximately 14,762 people globally as of the year 2014. LEGO products can be purchased in more than 140 countries and are used throughout the world including India and have garnered it credibility, which is unparalleled in its line of business. The Opponent's trademark LEGO and the LEGO label are hereinafter together referred to as the "LEGO marks" wherever appropriate.

4. Since it began producing plastic bricks, the Opponent has released thousands of play sets themed around a variety of topics. The LEGO range has expanded to encompass accessory motors, gears, lights, sensors and cameras designed to be used with LEGO components. There are even special bricks, like LEGO NXT that can be programmed with a PC or a Mac to perform very complicated and useful tasks. These programmable bricks are sold under the name LEGO MINDSTORMS. There are several robotic competitions which use LEGO bricks. The Opponent owns part of Merlin Entertainment, the company that today operates six LEGOLAND amusement parks across the world, including the original in Billund, Denmark; and others in Windsor, England; Gunzburg, Germany; California; Florida and Malaysia. The Opponent has a large list of video games that appeal to a wide age range with titles such as LEGO Star Wars: The Complete Saga, LEGO Indiana Jones and LEGO Batman.
5. On January 28, 2008, LEGO celebrated the 50th anniversary of the LEGO brick with a worldwide building contest. In October 2010, the Opponent launched LEGO Universe, a so-called MMOG (mass multiplayer online game). In the year 2013, the Opponent opened offices in Beijing, China and Singapore and its LEGO Brand Retail Store number 100 in White Plains, USA. In 2013, the LEGO Group entered into a Climate Savers

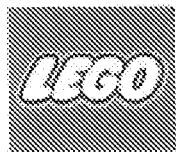
partnership with the World Wildlife Fund (WWF). The LEGO name celebrated its 80th birthday in the year 2014 and the LEGO Movie premiered in a number of countries in the same year. Double-digit growth across all regions delivered a turnover of 11,504m DKK in the first half of 2014, fueled by the success of The LEGO Movie products. In less than 10 years, the company has quadrupled its revenue.

6. Information pertaining to the Opponent's products bearing the **LEGO marks** is advertised and displayed on a number of websites including [www.lego.com](http://www.lego.com), [www.flipkart.com](http://www.flipkart.com), [www.amazon.in](http://www.amazon.in), [www.firstery.com](http://www.firstery.com), giving easy access to information pertaining to price and quality of the goods under the **LEGO marks** to customers/purchasers/ traders and people at large. The aforesaid websites further provide for on-line selling of products which even extends to overseas supply/shipments to consumers and traders.
7. The trade mark **LEGO** has been in continuous use as a part of the Opponent's corporate name and trading style since its adoption in the year 1934 and the Opponent has been using the **LEGO marks** in India since the year 1987 when the first (duty free) order was delivered. The products under the **LEGO marks** are available in all the premium toy stores in Mumbai, Delhi, Chennai, Bengaluru, Kolkata, Hyderabad and all the chain outlets viz. WESTSIDE, SHOPPERS STOP, CROSSWORD, LANDMARK, LIFESTYLE, and CENTRAL MALL across the country.
8. The Opponent is the registered proprietor of the world-famous **LEGO marks** in India as per the following details. Detailed information of the aforesaid trade mark registered in the name of the Opponent in India is given below:

S. No.	Trade mark	Registration No.	Class	Date of registration	Journal no.	Registration Date
1	LEGO	240430	28	05/07/1969	470	07/02/1967
Goods: Games and playthings (not being ordinary playing cards)						
2		293298	28	31/01/1977	620	03/01/1974
Goods: Games and playthings (not being ordinary playing cards)						
3	LEGO	405480	28	27/02/1997	882	12/05/1983

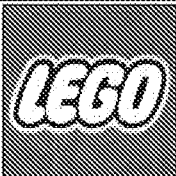
**Goods:**

Toys, games and playthings, (other than playing cards), all being goods included in class-28.

4		582806	28	30/06/2003	1269	12/10/1992
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**Goods:**

Games and playthings (not being ordinary playing cards)

5		1308962	9, 16, 20, 25, 28, 41	27/07/2007	1350	15/09/2004
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**Goods:**

[Class: 9] Game Cartridges for Computer Video Games, Computer Game Cassettes, Computer Game Programs, Computer Game Tapes, Video Games Without Display, CD ROM-Games and DVD- Games without Display, Computer Video Games without Display, Tapes, Discs and Records Recorded with Sound and/or Images; Exposed Cinematographic Films, Programmable Micro-Computers for Building and Controlling Motorized Toys, Computer Programs for Designing and Controlling Motorized Toys, Remote Control Units for Controlling Programmable Toys included in Class 9.

[Class: 16] Printed Matter, Books, Magazines, Newsletters, Printed Manuals and User Guides, Stickers, Trading Cards, Books for Collecting Stickers, and Trading Cards, Pamphlets, Postcards, Greeting Cards, Posters, Calendars, Writing Paper, Envelopes, Writing and Drawing Pads, Notebooks, Pens and Pencils, Pen and Pencils Cases, Pencil Sharpeners, Erasers, Instructional and Teaching Material (Other Than Apparatus) included in Class 16.

[Class: 20] Furniture included in Class 20.

[Class: 25] Clothing, Footwear, Headgear included in Class 25.

[Class: 28] Toys, Games and Plaything, Video Games with Display, CD ROMS-Games and DVD-Games with Display, Computer Video Games with Display included in Class 28.

[Class: 41] Theme Park and Amusement Park Services, Education, Providing of Training, Entertainment, Sporting and Cultural Activities, School, Learning Centres, Kindergartens, Holiday Camp Services (Entertainment) Sport Camp Services, Arranging and Conducting of Seminars, Play Rooms, Party Planning (Entertainment), Publication of Books, Magazines, Manuals and Texts; Production of Radio and



Television Programmes, Video Tapes, Sound Recordings, CD-ROMS And Cinema Films included in Class 41.

The aforesaid registrations which have been renewed from time to time and are valid and subsisting on the register, confer upon the Opponent the statutory right to use of the **LEGO marks** to the exclusion of all others and to restrain the use and/ or registration of any trade mark that is identical and/ or deceptively similar to the Opponent's prior registered trade mark within the meaning of **Section 28 (1)** of the Trade Marks Act, 1999 (*hereinafter referred to as "the Act"*).

9. Apart from the aforesaid registrations in India, the Opponent's earliest registration for the **LEGO label** dates back to September 17, 1974 under Registration Number 1026871 in the United States. The Opponent has also obtained registration for the **LEGO marks** in several other jurisdictions of the world including registrations in countries throughout Europe, South America, Asia and Africa.
10. By virtue of long use, vast publicity and excellent quality of the goods, the **LEGO marks** have acquired tremendous reputation and goodwill amongst the purchasing public and the members of the trade. Thus, the members of the trade and public associate and consider any trade mark consisting of or containing the word **LEGO** or the **LEGO label** exclusively with the Opponent and no one else. A vast amount of money and effort has been spent in the promotion of the various products being sold under the mark. Thus, the **LEGO marks** when used in isolation or in any combination of words/ devices is believed by the public to be the Opponent's mark and the use of the same by the Applicant only disturbs the vast reputation of its mark enjoyed by the Opponent.
11. The **LEGO marks** are well-known/ famous on a global footing and has attained tremendous reputation and goodwill internationally and also in India, through vast publicity, dissemination of information about the marks and products thereunder by the means of articles, advertisements, news items, etc. The **LEGO marks** have gained popularity and attained the status of well-known trademarks within the meaning of the provisions of **Article 6 bis of the Paris Convention** and **Section 11 (6-7)** of the Act. In the country of the Applicant's origin, China, the Opponent's mark **LEGO** has been recognized as "well-known" trade mark by the Beijing Higher Court in China. The Opponent's aforementioned trade mark **LEGO** has been recognized as a well-known mark by the Assistant Registrar of the Trade Mark Registry in India, vide order dated February 16, 2017, in the proceedings under Opposition No. 258768 filed against Trademark Application No. 999048.
12. It is pertinent to note that the Opponent has initiated legal action against many Chinese companies against the misuse of the **LEGO marks** and have got favorable orders as well.

The Opponent has also initiated legal action against the Applicant and its related Chinese companies for manufacturing and selling products bearing the Applicant's impugned trademark LEPIN. The Court adjudicating the matter confirmed the allegation of counterfeiting and held that the Applicant and its related companies have infringed the Opponent's copyright in LEGO artwork as well as for carrying unfair competition acts. The court ordered the Applicant and its related companies to cease producing, selling, exhibiting or in any way promoting the infringing products, and to pay damages to the Opponent. The Opponent just obtained a favorable decision on 24 May 2019 in the opposition against the Applicant's Chinese trademark application No. 21693052 for the



mark "乐拼" in class 28. The Applicant's Chinese application No. 21693052 for the



mark "乐拼" is the basic application of the IR No. 1453355 as well as the impugned



mark "乐拼" in India under Application No. IRDI-4109289.

13. The Opponent has also initiated and prevailed legal actions against various international trademark applications of the Applicant, including successful opposition and invalidation actions against the impugned mark in South Korea, Chile and United Kingdom. The Opponent obtained favorable decisions in opposition proceedings against the Applicant's impugned mark in South Korea in proceedings under Trademark Opposition No.40-2016-9995 to Application no. 40-2016-32932 vide order dated August 25, 2017 and Chile in proceedings under Ruling No. 182592 dated May 30, 2017. The Opponent was further successful in the invalidation action initiated against the Applicant's Registration No. 3236070 in the United Kingdom in proceedings under O/142/19 vide order dated March 19, 2019.

14. The Opponent reserves its right to adduce any additional evidence in support of the statements and submissions made herein at the relevant stage of the opposition proceedings.

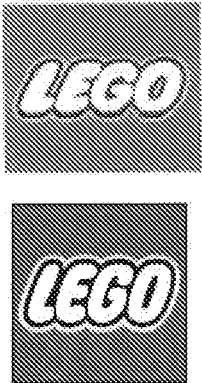



15. The present opposition is against the impugned mark '乐拼 LEPIN (Device)' under Application No. IRDI-4109289 in class 28 in the name of Shantou Chenghai Longjun Toy Factory, advertised in Trade Marks Journal no. 1893-0 dated and made available to the public on 18/03/2019.



16. The Applicant has filed the application for the impugned mark '乐拼 LEPIN' on

23/11/2018, on a proposed to be used basis. It is pertinent to note that the Applicant was aware of the Opponent's **LEGO marks** at the time of filing the application for the impugned mark as the aforementioned order from Beijing Higher Court had already been passed as well as due to the popularity of the Opponent's trademark internationally and specially in China which is the Applicant's country of origin. Hence, the Opponent has reasonable cause to believe that the Applicant was aware of the Opponent's **LEGO marks** at the time of adoption of the impugned mark and the impugned mark had been filed in bad faith and with a dishonest intention to ride upon the goodwill and reputation of the Opponent. A pictorial depiction of the rival marks clearly brings out the virtual identity between the rival marks:-

OPPONENT'S MARKS	IMPUGNED MARK
	

It is clear that the Applicant has adopted the impugned mark incorporating the color combination and stylization of the Opponent's well-known LEGO trademarks, specially the red color background which is deceptively similar to the Opponent's well-known **LEGO label**, to give the impression of an association with the Opponent. Since the Opponent's **LEGO label** having a red color background was adopted internationally in the year 1973, and has been in use in India since the year 1987, it is abundantly clear that the impugned mark has been adopted only with an intention of riding off the goodwill and reputation of the Opponent's earlier and well-known **LEGO label**. An average person of imperfect recollection is very likely to confuse the Applicant's products bearing the impugned mark with those of the Opponent under its well-known **LEGO label** on account of the deceptive similarities between the rival marks.

17. The Applicant has filed the application for registration of the impugned mark on 23/11/2018 on proposed to be used basis. On the other hand, the Opponent has been

continuously and extensively using the **LEGO label** since 1973, all across the globe and in India since the year 1987. Thus, it is evident that the Applicant's adoption of the impugned mark is subsequent to the Opponent's adoption, use and registrations for the well-known **LEGO label**. Thus, it is submitted that the Applicant has adopted a deceptively similar impugned mark with the sole intention of free-riding and encashing upon the enviable and wide spread goodwill and reputation subsisting in Opponent's famous **LEGO label** by creating a misplaced association between the impugned mark and the Opponent and its well-known trade mark. The Applicant is thus called upon to provide a justification as to how it came to conceive the deceptively similar impugned mark, particularly when the Opponent's well-known mark **LEGO label** is already existing on the Register of Trade Marks and the goods thereunder have been sold and publicized extensively in India and internationally.

18. The Opponent is the prior and honest adopter, registered proprietor and legitimate user of the **LEGO label** and had thus filed the application for the registration of its said trade mark as early as the year 1974, whereas, the Applicant has dishonestly applied for registration of the impugned mark on 23/11/2018 on proposed to be used basis. The use, if any, of the impugned mark by the Applicant will cause confusion in the minds of the general public as the Applicant's mark is deceptively similar to the Opponent's earlier and well-known **LEGO label**. The goods under the Opponent's earlier **LEGO label** conform to a very high standard of quality and use of the deceptively similar impugned mark for any goods would cause members of the trade and public alike to be deceived and/or confused into believing that these goods are originating from the Opponent and therefore, possess the same quality, reliability and other positive traits that subsist in the Opponent's goods. Thus, any use of the impugned mark for any goods will undoubtedly cause confusion amongst the public and may lead to wrongful association of the Applicant's goods with the business of the Opponent. Therefore, the impugned mark should be refused registration under the provisions of **Section 9(2) (a) of the Act**.

19. The Applicant has filed the present application for the impugned mark which is deceptively similar to the Opponent's prior registered, in use and well-known **LEGO label** of the Opponent and for same goods in class 28, namely "*Intelligent toys; toys started by laser; toy models; toy vehicles; controllers for toys; scale model kits [toys]; toys; building blocks [toys]; scale model vehicles; radio-controlled toy vehicles*". The goods of the Applicant shall be sold through the same trade channels and will have the same customer base which are associated with the Opponent's products under the Opponent's **LEGO label**. Both the Applicant's and Opponent's products shall be available to an average consumer through common stores and e-retail outlets. Therefore, the impugned mark is likely to cause confusion on the part of the public including the likelihood of association with the Opponent's earlier **LEGO label**, in particular:

➤ That the impugned mark is the same and/or a variant of the Opponent's earlier

trade mark;

- That the impugned goods under the impugned mark originate from the Opponent and/or being sponsored, affiliated, approved or endorsed by the Opponent;
- That the Opponent has set up a new unit or venture for providing goods under the impugned mark;
- That the Opponent has granted a license to or entered into a franchise agreement with the Applicant.

The use and registration of the impugned mark would lead to the dilution of the reputation of the Opponent's well-known **LEGO label**, would cause unwarranted hardship on the Opponent and cause irreparable harm/injury to the goodwill and reputation of the Opponent. In view thereof, the impugned mark should be refused registration under **Section 11(1)** of the Act.

20. The Applicant has adopted a deceptively similar mark with the sole intention of illegally passing-off its goods as those of the Opponent. By subsequently adopting the impugned mark, the fraudulent intention of the Applicant is apparent which is sufficient to debar its application from proceeding to registration. The Applicant is trying to misappropriate the goodwill and reputation vested in the Opponent's well-known **LEGO label**. Use, if any, of a deceptively similar or nearly identical mark would amount to an offence of passing-off within the meaning of the Act and therefore the impugned application is liable to be refused registration under **Section 11(3)** of the Act.
21. The Opponent, in its capacity as the legitimate owner of the well-known **LEGO label** does not consent to the registration of the impugned trade mark and the Applicant is therefore not entitled to rely upon **Section 11(4)** of the Act.
22. Honesty of adoption and use is the *sine qua non* for considering an application under **Section 12** of the Act. It is well established that if the adoption or subsequent user of the mark is proved to be dishonest, no amount of use will help the Applicant (*P Narayanan, Law of Trade Marks and Passing off, 6th edn., at p. 300*). The adoption of the impugned mark by the Applicant is not honest and is in bad faith with mala fide intention to free ride on the established goodwill and fame of the Opponent's prior well-known **LEGO label** and its long-standing uninterrupted use. Hence, the Applicant cannot claim to be an 'honest concurrent user' and thus the Applicant's impugned mark is liable to be rejected in the interest of justice.
23. The Applicant was well aware of the Opponent's earlier well-known **LEGO label** which has been extensively used globally including China and India. The Applicant has adopted the deceptively similar impugned mark solely with the *mala fide* intention to misappropriate and trade upon the established goodwill and reputation of the Opponent's well-known **LEGO label**. The impugned application has been filed in bad faith and the Applicant cannot claim to be the proprietor of the impugned mark as per the provisions of

**Section 18(1) of the Act.**

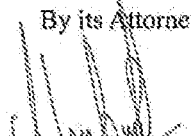
24. Since the Opponent is the registered proprietor of its well-known trade **LEGO label**, any use of a deceptively similar/ nearly identical mark by any person including the Applicant who, not being a registered proprietor or a person using by way of permitted use, in the course of trade, would amount to infringement of the Opponent's registered trade mark as per the provisions of **Section 29** of the Act.
25. Furthermore, the adoption of the impugned mark being fraudulent and dishonest, the registration thereof would be a negation of the mandate enshrined in the preamble of the Act, which reads as follows:
- "An Act to amend and consolidate the law relating to the trade marks, to provide for registration and better protection of the trade marks for goods and services and for the prevention of the use of fraudulent marks".*
26. In view of the grounds and reasons set out above and in order to maintain the purity of the Register and in the interest of general public, the Opponent respectfully submits that it is a fit and proper case for the exercise of the Registrar's decision in favor of the Opponent by refusing registration of the impugned mark. The Opponent will be subjected to grave inconvenience and damage of reputation and goodwill if the deceptively similar impugned mark is allowed to proceed to registration. The registration of the impugned mark would further be contrary to public interest. In fact, refusal of the same would serve to curb the dishonest commercial practice of deliberately adopting prior trademarks with a view to ride on the hard-earned reputation and goodwill of those who have worked hard to popularize the same.
27. The Opponent submits that the registration of the deceptively similar impugned mark would be contrary to the provisions of **Section 9, 11, 12, 18, 28 and 29** of the Act and the Hon'ble Tribunal ought to refuse registration of the impugned mark in exercise of its discretion under **Section 18(4)** of the Act.
28. We crave leave to add, alter or amend the above grounds of opposition at any time during the instant opposition proceedings as per the provisions of **Section 21(7)** of the Act.
29. In the light of the above stated facts and circumstances, it is prayed that:
- i. The impugned mark in class 28 under Application No. IRDI-4109289 be refused registration;
  - ii. The instant opposition be allowed;
  - iii. Costs of these proceedings be awarded to the Opponent;
  - iv. Pass any further order(s) as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case.

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

**RAHUL CHAUDHRY & PARTNERS**  
RCY House  
C-235, Defence Colony,  
New Delhi – 110024  
Phone No: +91 11 43500000, +91 11 43500003/4  
Mobile No: 91-9899449240  
Email: [mail@rahulchaudhry.com](mailto:mail@rahulchaudhry.com)

Dated this 18<sup>th</sup> day of July, 2019.

**LEGO Juris A/S**  
By its Attorney

  
\_\_\_\_\_  
**SHUBNEET PANJETE**  
of **RAHUL CHAUDHRY & PARTNERS**

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

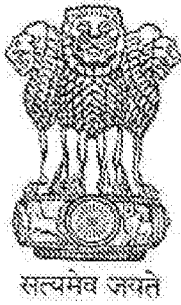
**VERIFICATION**

I, SHUBNEET PANJETE, being acquainted with the facts of this case hereby verify that the contents of Paragraphs 1 to 14 are based on the information received from the Opponent which I believe to be true and correct. Contents of paragraphs 15 to 28 are submissions in support of the opposition and are based on the legal advice and contents of paragraph 29 is a prayer to the Hon'ble Tribunal.

Signed at Delhi

Dated this 18<sup>th</sup> day of July, 2019.

  
\_\_\_\_\_  
**SHUBNEET PANJETE**

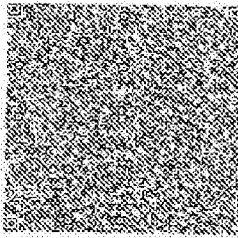


## INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

### e-Stamp

Certificate No.	: IN-DL07732887129973Q
Certificate Issued Date	: 26-Nov-2018 12:17 PM
Account Reference	: IMPACC (IV)/ dl775903/ DELHI/ DL-DLH
Unique Doc. Reference	: SUBIN-DL07759032086380351208690
Purchased by	: LEGO JURIS A S
Description of Document	: Article 48(c) Power of attorney - GPA
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: LEGO JURIS A S
Second Party	: RAHUL CHAUDHRY AND PARTNERS
Stamp Duty Paid By	: LEGO JURIS A S
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



.....Please write or type below this line.....

#### Statutory Alert:

1. The authenticity of the Stamp Certificate should be verified at [www.delhi.gov.in](http://www.delhi.gov.in) or [www.delhi.gov.in](http://www.delhi.gov.in) or by the issuing authority.
2. The issue of providing the legitimacy is on the user of the certificate.
3. The user of the certificate should be aware of the fact that the user is not liable.



FORM TM-M

Agent's Code: 24020

Proprietor's Code:

THE TRADE MARKS ACT, 1999

Form of authorization of an agent

[Section 145; Rule 19]

We, LEGO JURIS A/S of the address DK-7190 BILLUND, DENMARK hereby authorise Mr. Rahul Chaudhry, Ms. Veena Poolakal, Mr. Ravi Chadha, Ms. Mehak Kalsi, Ms. Shubneet Panjate, Mr. Abhishek Sharma, Ms. Christine Chiramel, Mr. Sharjil Ahmed, Advocates all of the law firm **RAHUL CHAUDHRY & PARTNERS**, Attorneys-at-law, RCY House C-235, Defence Colony New Delhi-110024 jointly and severally to act as our agents for all our trade mark matters including applications, registrations, assignments, oppositions, rectifications, registered users, renewals, restorations and any proceedings under the Trade Marks Act, 1999 and all such proceeding before the Registrar of Trade Marks or the Government of India and all acts, to deeds and things (including the appointment of a substitute or substitutes) as the said Agent(s) may deem necessary or expedient all notices requisitions and communications relating thereto may be sent to such Agent(s) at RCY House C-235, Defence Colony New Delhi-110024.

We hereby confirm and ratify all previous acts, if any, done by the said Agent(s) in respect of the matters aforesaid.

Dated 20 November 2018

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

LEGO JURIS A/S  
Name: Robin Lynne Smith  
Designation: Vice President, General  
Counsel, Legal China & APAC

At:

Signature: Robin Lynne Smith

LEGO JURIS A/S  
Name: Jia Zhu,  
Designation: Corporate Counsel,  
Legal China & APAC  
Signature: Jia Zhu