




(Tel): 022-24134555
(Email): madrid.tmr@nic.in
(website): www.ipindia.nic.in

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: 1222763 (Reference IRDI No allotted to this international registration by the TMR India) 2881365	
III.	Name of the holder (or other information enabling the identity of the international registration to be confirmed): PayPal, Inc.	
IV.	Provisional refusal based on an <i>ex officio</i> examination	
V.	Provisional refusal for all the goods and/or services	
VI.	Grounds for refusal [(where applicable)]: 11(1) - The objection is raised under S 11 (1) of the Trade Marks Act, 1999, as the mark is identical with or similar to earlier marks in respect of identical or similar description of goods or services and because of such identity or similarity there exists a likelihood of confusion on the part of the public.,	

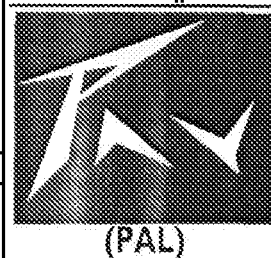
VII. Information relating to an earlier mark
--



AND ACCESSORIES.



2362903	9	PAL (LOGO)		MR. PANKAJ GULATI	SHOP NO 451 452 OLD LAJPAT RAIMARKET DELHI 110006	Objected
---------	---	------------	--	-------------------	--	----------



APPLICATION DATE : 12/07/2012	USER DATE :	Priority Claimed :
GOODS/SERVICE : SPEAKERS, D.J. SPEAKERS, D.J. SYSTEMS, AMPLIFIERS, DOMESVC & P. ADDRESS, COMMERCIAL POWER D.J., P.A. SYSTEMS & AMPLIFIERS, PROFESSIONAL AMPLIFIERS, MIXERS, D.J. MIXERS, MIKES, UNITS & P.A. PRODUCTS		

1418961	---	PAL	0-	RAJEJNDRA SINGH	E-106, FOCAL POINT LUDHIANA (PB)	Registered
---------	-----	-----	----	-----------------	-------------------------------------	------------

APPLICATION DATE : 03/02/2006 15:41:00	USER DATE :	Priority Claimed :
GOODS/SERVICE : ADVERTISING, BUSINESS ADMINISTRATION & BUSINESS MANAGEMENT ACTIVITIES INCLUDING DISTRIBUTION, MARKETING & TRADING SERVICES RELATING TO BICYCLES & ITS PARTS.		

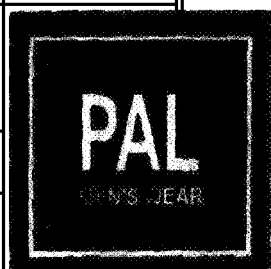
1558578	35	PAL (DEVICE OF LABEL)	1399	S. HARDEEP SINGH	RAHON ROAD, BASTI JODHEWAL CHOWK, LUDHIANA	Registered
---------	----	-----------------------	------	------------------	--	------------

APPLICATION DATE : 15/05/2007 13:54:00	USER DATE :	Priority Claimed :
GOODS/SERVICE : ADVERTISING, BUSINESS, ADMINISTRATION AND BUSINESS MANAGEMENT, DISTRIBUTION, MARKETING, EXPORTING, WHOLESALE & RETAIL SERVICES RELATING TO HOSIERY & READYMADE GARMENTS, SHOES, CHAPPALE, SOCKS, HEADGEAR & TIES, SUITING, SHIRTING & DRESS MATERIAL, BED SHEETS TABLE & PILLOW COVERS TEXTILE PIECE GOODS YARN AND THREADS, COSMETICS, SOAPS & DETERGENTS, CROCKERY ITEMS, HOME UTENSILS & HOME APPLIANCES, STATIONERY GOODS, GROCERY, JEWELLERY & WATCHES, LEATHER & LIMITATIONS OF LEATHER & ARTICLES FOR PUNJAB ONLY.		



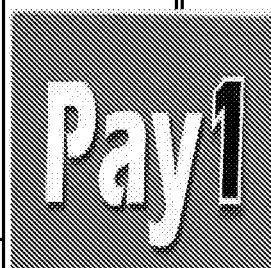
1807011	35	PAL		SAT PAL	BAZAR TOKERIAN AMRITSAR-143001	Objected
---------	----	-----	--	---------	--------------------------------	----------

APPLICATION DATE : 15/04/2009 16:18:53	USER DATE :	Priority Claimed :
GOODS/SERVICE : COMMERCIAL ENTERPRISE DEALING IN READYMADE GARMENTS & TEXTILE FABRICS.		



2365648	35	Pay 1		MINDSARRAY TECHNOLOGIES PVT. LTD.	528, (IJMIMA) RAHEJA METROPLEX, LINK ROAD, MALAD (WEST), MUMBAI-400 064	Objected
---------	----	-------	--	-----------------------------------	---	----------

APPLICATION DATE : 18/07/2012	USER DATE :	Priority Claimed :
GOODS/SERVICE : PROVIDING DISTRIBUTION BUSINESS		



2633058	35	Payp		LOCON SOLUTIONS PVT LTD	# 3RD FLOOR, BHAVANI INDUSTRIAL ESTATES HARE KRISHAN ROAD (NEAR IIT MAIN GATE)	Objected
---------	----	------	--	-------------------------	--	----------

					POWAI MUMBAI 400076		Pay	
APPLICATION DATE : 26/11/2013		USER DATE :		Priority Claimed :				
GOODS/SERVICE : ADVERTISING PUBLICITY RENTAL OF ADVERTISING SPACE, SALES PROMOTION FOR OTHERS, TELEMARKETING SERVICES, OPINION POLLING, BUSINESS MANAGEMENT AND ORGANIZATION CONSULTANCY, PUBLICATION OF PUBLICITY TEXTS, COMMERCIAL INFORMATION AND ADVICE FOR CONSUMERS ORGANIZATION OF EXHIBITIONS FOR COMMERCIAL OR ADVERTISING PURPOSES, MARKETING, MARKET STUDIES AND RESEARCH								
2645058	---	PAL	0-	OREN HYDROCARBO NS PRIVATE LIMITED	NO.28/2B, SARAVANAN STREET, T.NAGAR, CHENNAI - 600 017, TAMIL NADU.	Objected		
APPLICATION DATE : 18/12/2013		USER DATE :		Priority Claimed :				
GOODS/SERVICE : SERVICING IN EXPORTING OF DRILLING CHEMICALS INCLUDING MUD CHEMICALS USED IN OIL AND GAS EXPLORATION.								
1504870	36	PAY (LABEL)	1377	INTELVISIONS SOFTWARE LTD.	STEEL HOUSE,PLOT NO.24,303, #RD FLOOR,MAHAL INDL. ESTATE, OFF.MAHAKAL I CAVES RD.,ANDHERI(E ,MUMBAI.	Registered	PA 24-7 payline	
APPLICATION DATE : 16/11/2006 15:28:00		USER DATE :		Priority Claimed :				
GOODS/SERVICE : "BILL & SUNDRY COLLECTIONS OF TELECOM COMPANIES, ELECTRICITY COMPANIES, UTILITY COMPANIES, INSURANCE COMPANIES, BANKING COMPANIES, FINANCE INSTITUTIONS, TRAVEL, CHARITY & RETAIL BUSINESS COLLECTIONS IN THE FORM OF PREMIUMS, INSTALLMENTS, PAYMENTS, DONATIONS".								
1551434	---	PAYPAL	0-	PAYPAL INC.	2211 NORTH FIRST STREET,SAN JOSE CA 95131,U.S.A.	Registered		
APPLICATION DATE : 19/04/2007		USER DATE :		Priority Claimed :				
GOODS/SERVICE : FINANCIAL SERVICES, NAMELY, ENABLING TRANSFER OF FUNDS AND PURCHASE OF PRODUCTS AND SERVICES OFFERED BY OTHERS, ALL VIA ELECTRONIC COMMUNICATIONS NETWORKS; CLEARING AND RECONCILING FINANCIAL TRANSACTIONS VIA ELECTRONIC COMMUNICATIONS NETWORKS; PROVIDING A WIDE VARIETY OF PAYMENT AND FINANCIAL SERVICES, NAMELY, CREDIT CARD SERVICES, ISSUING CREDIT CARDS AND LINES OF CREDIT, PROCESSING AND TRANSMISSION OF BILLS AND PAYMENTS THEREOF, PAYMENT SERVICES, PROVIDING GUARANTEED PAYMENT DELIVERY, AND MONEY MARKET FUNDS; FINANCIAL SERVICES, NAMELY PROVIDING FINANCIAL FRAUD PROTECTION AND PREVENTION AND DISPUTE RESOLUTIONS SERVICES.								
2218578	36	PAY (LABEL)		INFOTEL ECOMMERCE PVT LTD	D-7 DHAWANDEEP APARTMENTS 6 JANTAR MANTAR ROAD NEW DELHI 110001	Formalities Chk Pass	₹ PA	
APPLICATION DATE : 12/10/2011		USER DATE :		Priority Claimed :				
GOODS/SERVICE : BANKING, EXCHANGING MONEY, FINANCIAL MANAGEMENT, FUND TRANSFER (ELECTRONIC), LOANS (FINANCING), MORTGAGE BANKING, ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE ELECTRONIC PAYMENT, FINANCIAL SERVICES PROVIDED OVER THE TELEPHONE, MOBILE PHONE AND INTERNET OR OTHER ELECTRONIC MEANS IN THE FIELD OF COMMODITIES, EQUITY, FOREX AND FINANCE, FINANCIAL SERVICE RELATING TO BANK CARDS, CREDIT CARDS, DEBIT PREPAID CARDS, CASH DISBURSEMENT, CHEQUE, FINANCIAL SERVICES FOR THE SUPPORT OF RETAILAA/HOLESALE, SERVICES PROVIDED THROUGH DIGITAL INFORMATION, PAYMENT TRANSACTION PROCESSING AND AUTHENTICATION AND VERIFICATION SERVICES, PAYMENT AUTHORIZATION AND PAYMENT SETTLEMENT CREDIT CARD AND DEBIT CARD VERIFICATION								

Payp

PAY
24*7

₹ Pay

ELECTRONIC BANKING SERVICES, ONLINE BANKING, HOME BANKING, MACHINE SERVICES, POINT OF SALE AND POINT TRANSACTION FINANCIAL CLEARING, BILL PAYMENT SERVICES PROVIDED THROUGH A WEBSITE OVER THE INTERNET OR BY USE OF COMPUTER, PROVIDING MOBILE BASED FINANCIAL TRANSACTION SERVICES BEING SERVICES INCLUDED IN CLASS 36							
2633057	36	Payp		LOCON SOLUTIONS PVT LTD	# 3RD FLOOR, BHAVANI INDUSTRIAL ESTATES HARE KRISHAN ROAD (NEAR IIT MAIN GATE) POWAI MUMBAI 400076	Objected	
APPLICATION DATE : 26/11/2013		USER DATE :		Priority Claimed :			
GOODS/SERVICE : FINANCIAL AFFAIRS; MONETARY AFFAIRS; REAL ESTATE AFFAIRS, APARTMENT HOUSE MANAGEMENT, REAL ESTATE AGENCIES, REAL ESTATE MANAGEMENT, HOUSING AGENTS, RENTING OF FLATS/RENTING OF APARTMENTS, LEASING OF FARMS, LEASING OF REAL ESTATE, CAPITAL INVESTMENTS/FUND INVESTMENTS, CLEARING, FINANCIAL/CLEARING-HOUSES, MORTGAGE BANKING TRUSTEESHIP/FIDUCIARY							
2671165	36	PAY1		MINDSARRAY TECHNOLOGIE S PVT. LTD.	726, RAHEJA COMPLEX, (IJIMIMA), MALAD WEST, MUMBAI-400064	Objected	
APPLICATION DATE : 03/02/2014		USER DATE :		Priority Claimed :			
GOODS/SERVICE : PROVIDING SERVICES IN RELATION TO FINANCIAL SERVICES, PAYMENT GATEWAY, MOBILE WALLET IN CLASS 36							
1576116	42	P A L		RAVINDRA KR. GANDHI	KADAMKUA, PATNA, DIST. PATNA, BIHAR, PIN-800001.	Objected	
APPLICATION DATE : 04/07/2007		USER DATE :		Priority Claimed :			
GOODS/SERVICE : PROVIDING OF FOODS AND DRINKS.							
2186736	42	PAY PLUS		VBN GOLLAPUDI	8-7-177/20, SWARNADHAM A NAGAR, OLD BOWENPALLY, SECUNDERABAD, A.P	Objected	
APPLICATION DATE : 05/08/2011		USER DATE :		Priority Claimed :			
GOODS/SERVICE : WEBSITE, EPORTAL, ECOMMERCE WEBSITE, COMPUTER SOFTWARE, DATA RECORDED IN ELECTRONIC FORM, PUBLICATIONS IN ELECTRONIC FORM SUPPLIED ONLINE FROM DATABASES OR FROM FACILITIES PROVIDED ON THE INTERNET							
2671167	42	PAY1		MINDSARRAY TECHNOLOGIE S PVT. LTD.	726, RAHEJA COMPLEX, (IJIMIMA), MALAD WEST, MUMBAI-400064	Objected	
APPLICATION DATE : 03/02/2014		USER DATE :		Priority Claimed :			
GOODS/SERVICE : PROVIDING DESIGNING AND DEVELOPING OF SOFTWARES CONNECTED WITH MOBILE CONTENT, DIGITAL GOODS, SOFTWARE AND MOBILE APPLICATIONS AND OTHER RELATED SERVICES, MOBILE WALLET, PAYMENT GATEWAY, RETAIL DISTRIBUTION OF DIGITAL GOODS SERVICES IN CLASS 42							
VIII.	Corresponding essential provisions of the applicable law [(see text XII)]: Section : 11(1) , of Trade Mark 1999.						

IX.	Information relating to subsequent procedure :	
	(i)	Time limit for response or for a request to reconsider the provisional refusal: one month from the date of receipt of provisional refusal by the holder of international registration.
	(ii)	Authority to which such request for review or appeal should be made: The response to, or a request for reconsideration of, the provisional refusal must be sent by email at madrid.tmr@nic.in addressing to the Registrar of Trade Marks, Trade Marks Registry Mumbai
	(iii)	Indications concerning the appointment of a representative: The response to, or a request for reconsideration of, the provisional refusal must be filed through an agent or a representative whose address is within the territory of India. The said agent may submit on behalf of the owner of the international registration the response or a request for reconsideration of the provisional refusal, submit the evidence of prior use of the trademark in India by the way of owner's affidavit or may agree to limit the scope of protection, or request for personal hearing.
	(iv)	In further communication with respect to the aforesaid International Registration, the IRDI No written should always be mentioned
X.	Date of the notification of provisional refusal: 27/10/2015	
XI.	Signature or official seal of the Office making the notification: FOR REGISTRAR OF TRADEMARK R.A.TIWARI Designation: ASSTT. REGISTRAR Mumbai	

XII.	<p>Corresponding essential provisions of the applicable law: Trade Marks Act, 1999 Section 9: Absolute grounds for refusal of registration (1) The trade marks - (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; (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; (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, shall not be registered: 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. (2) A mark shall not be registered as a trade mark if - (a) it is of such nature as to deceive the public or cause confusion; (b) it contains or comprises of any matter likely to hurt the religious susceptibilities of any class or section of the citizens of India; (c) it comprises or contains scandalous or obscene matter; (d) its use is prohibited under the Emblems and Names (Prevention of Improper Use) Act, 1950. (3) A mark shall not be registered as a trade mark if it consists exclusively of - (a) the shape of goods which results from the nature of the goods themselves; or (b) the shape of goods which is necessary to obtain a technical result; or (c) the shape which gives substantial value to the goods.</p> <p>Section 11: Relative grounds for refusal of registration (1) Save as provided in section 12, a trade mark shall not be registered if, because of - (a) its identity with an earlier trade mark and similarity of goods or services covered by the trade mark; or (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. 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 No word - (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 (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, 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 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 (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 marks. (2) Where there is an identity or near resemblance of marks that are registered, or are the subject of applications for registration</p>
------	---

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 ***