

To,
The Registrar of Trademark,
Trademark Registry, DELHI

Date: 04/03/2021

Sub: REPLY TO EXAMINATION REPORT(MIS-R) Dated on: 19/01/2021 08:36:18

Ref: Application Number: 4824753

In case of hearing, your preferred mode of attending the hearing is: VIDEO CONFERENCING

Sir,

With reference to the above application, the point wise reply is as under: -

**THE REGISTRAR OF TRADE MARKS,
NEW DELHI**

Subject: Application no. 4824753 in Class 35 for registration of trademark.

Our mark is 'Aaj Pharmacy 24*7 People need our priority'

Reference: Your Examination report.

Dear Sir,

We are very much pleased to receive the Examination Report sent by you. We submit our reply for the same as under:

1. We, most respectfully submitted that the objection rose under Section 11 and Section on the ground of no distinctiveness is respectfully denied.
2. The subject mark is unique combination of words created with considerable efforts by the applicant for use in respect of the goods/services falling under above mentioned Class.
3. The subject mark is an invented mark and creation of intellect of the Applicant, being an invented mark/label, it has no descriptive or laudatory significance as for as the goods specified in the application are concerned.
4. As regards objections raised under paragraph 1 of your Examination, we submit that the mark of the applicant is highly distinctive in character. It is further submitted that the applicant has designed and adopted the mark for its exclusive use. Further, we submit that the mark of the applicant is inherent distinctive and has not direct reference to the quality of characteristic of the goods for which the registration is sought.
5. Further, it is submitted that the mark of the applicant is visually, orally and structurally is of distinct nature and it will not deceive or cause any confusion to the public.
6. As regards objections raised under paragraph 2 of your letter, we submit that the mark is highly distinctive from among the cited marks. Further, we submit that the applicant's mark is not at all identical or deceptively similar to the cited marks when it is compared as whole, Therefore, there could be no question of confusion between the applicant's mark and the cited marks.
7. The cited mark 4649139 is different in entirety, the cited marks deals in Trade Consultancy and the applicant purely deals in ONLINE PHARMACY as also reflects from our name AAJ PHARMACY in very specific design.
8. It is also significant that no conflict has been raised under the relative grounds of refusal the trade mark. The learned Examiner is requested to satisfy that there is no conflicting marks exist in the register.
9. It is well settled law that the resignation of trade mark of certain types of goods of a particular class does not essentially extend the same goods of the same class. In view of the submissions made herein, Section 11 and 12 of the Act state that no bar to registration and applicant is entitle to the benefit and registration under Section 12(3) of the Act.
10. Our mark is 'Aaj Pharmacy 24*7 People need our priority'.
Our mark is coined/ invented word/ fancy word/.
Our mark as a whole is not a dictionary word/ Dictionary sense.
It is neither a Geographical Significance.
It does not refer to the character or quality of the goods.

Sir, our mark is Prima-Facie Distinctive.

11. The Applicant has filed with due care and thoroughly after doing proper Trademark Search.

12. The applicant states and submits that the applicants 'Aaj Pharmacy 24*7 People need our priority' is not identical with or deceptively similar to the cited trade mark and the applicant application should be ACCEPTED for registration under the provision of Section 11(5) of the Trade Marks Act, 1999, at an early date.

Section 11 (5) provides 'A Trade Mark shall not be refused registration on the grounds specified in sub section (2) and (3) unless objection on any or more of those grounds is raised in a opposition proceeding by the proprietor of the earlier trademark'.

Applicant are using mark 'Aaj Pharmacy 24*7 People need our priority' and because of use and quality of services it acquired a goodwill and well-known among the public and students, our application is register able under the provision of section 11(6) to 11(10)

13. The applicants' adoption of the mark is bonafide and honest hence applicant's application is register able under the provision of Section 12 of the Trade marks Act, 1999.

Section 12 provides 'the registrar may permit the registration by more than one proprietor of the trade marks which are identical or similar goods'

The applicant states and submits that the devised 'Aaj Pharmacy 24*7 People need our priority' was coined and adopted by the applicant uniquely in relation to their goods and business.

We submit that the mark 'Aaj Pharmacy 24*7 People need our priority', taken as whole, does not have any descriptive or laudatory significance as far as the services specified in the application are concerned.

Therefore, the mark applied for, is inherently of a distinctive character, and in as much as, it is inherently capable of distinguishing the services in respect of which the applicants are seeing registration thereof. It is not indicative of the kind or quality of the services in respect of which the registration is being sought. Also by virtue of its usage, it had acquired factual distinctiveness as on the relevant date.

In view of the above, you are requested to waive the objection and accept the application for advertisement in the Journal.

Yours truly,

Lucknow Law Office

ABBAS QUAISER

Attorney [21245]



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FORM TM - 48

THE TRADE MARKS ACT, 1999

Form of authorization of an agent

[Section 145; Rule 21]

(to be stamped as per rules for the time being in force)

I/we **Aarif Jameel S/o Mr. Jameel Ahmad Farooqui Proprietor**, Partner and Authorised Signatory +
Director of **M/s AAJ ENTERPRISES** whose address is **323, Farooqui House, Qazipura South,**
Bahraich UP 271801 (Indian) hereby authorize **M/s Lucknow Law Office, 220 Murli Bhawan, 10-A**
Ashok Marg, Lucknow 226001 to act as my/our agent for proceedings relating to registration,
oppositions, renewals, revocations, withdrawal of application, restorations and to do all that

Aarif



सुदृष्टे प्रवेश्यते IN Airmail with SH Trademark and request that all **17AF, 688108** and

communications relating thereto may be sent to such advocate at the above address.

I/we hereby revoke all previous authorizations, if any, in respect of the proceeding.

All communications relating to this application may be sent to the following address in India:

LUCKNOW LAW OFFICE
220 Murlī Bhawan, 10-A Ashok Marg, Lucknow 226 001
lucknow.lawoffice@rediffmail.com, Cell # +91-9415101961
Dated this 18th day of January 2021

Aarif
(Aarif Jameel)

Partner

Accepted For and on behalf of

M/s Lucknow Law Office

Quaiser Abbas
Advocate

To
The Registrar of Trade Marks
The Office of the Trade Marks Registry at New Delhi