

# SATHEESH C



## ADVOCATE

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### **BY EMAIL**

Date: 30/May/2020

To, Ms. Anuradha Salhotra  
M/s. Rahul chaudhury & Partners, Advocates

RCY House C-235, Defence Colony  
New Delhi 110024 , India

Dear Sir/Madam  
Ref.No.: ASA:SWA:PAA:INF 3723

I am writing to you on the instructions of my client Mr. R. Varadaraj Reddy, Proprietor of M/s. Prasad Home Trendz, who has received a legal notice sent by you dated April, 21, 2020, In your notice you have inter alia averred that my client has violated the Trade mark of your client Walmart Inc.

We deny this contention and bring to your attention the following reasons and principles in law.

1. My client is a reputed retailer and wholesaler for the past twelve years and maintains a good reputation of his business over the years
2. My client runs the business under the capacity as a proprietor for the M/s. Prasad Home Trendz, to deal with retailing of electronic items, and services, in and around Kolar district, Karnataka.

3. Being a trading profession and ethics, he is conducting his proprietorship business locally without harm to other business for several year.
4. Doing the business under his own name: M/s. Prasad Home Trendz, assumption that no one has already using or holding the TM rights similar to this business Name and find nothing wrong in the usage of this name M/s. Prasad Home Trendz.
5. My client has merely followed the common practice across the industry under the sole-proprietary business without intention to harm or damage the reputation of others.
6. He used to advertise his proprietorship business name, in various flat-forms, as general business do to increase the foot-fall in the business without intention to harm other brand.
7. He is using the Business name: M/s. Prasad Home Trendz, which is quite unique and differentiate with the TM name used by your client M/s. Walmart "Home Trendz". The business name our client using is in unique name, by keeping his family person name Mr. Prasad and suffix of the Home trendz, which is common in any business without intention to harm or damage the other business or brands.
8. As is explained from the above my client has not indulged in any activity which would be deemed an infringement of Trade Mark law in India.
9. My client without prejudice, from your notice, came to that Home Trendz has been registered under various Trade Mark by M/s. Walmart.

To keep the ethics in the business and good socio-environment, he has taken decision to stop the usage of his business name: M/s. Prasad Home Trendz with immediate effect from this date of communication.

That our client, after came to know that, the usage of the Name M/s. Prasad Homre Trendz may imitate the name of Home Trendz, without prejudice, has decided to taken steps to change his proprietor business name and update at the various advertising platforms.

Our client believes that, from the above action point No 9, the TM name confliction has got resolved, and believes no more required from my client side.

10. Our client look forward to hear the close of this matter from you on or before 29/June/2020.

This email has been sent, without prejudice to our client.

For Team IN Filing – Advocates & Solicitors

Satish Chennabasappa

Sd/-

*Advocate – Bangalore-92*

