



LTE/PRC/ 2020 Chn-9

July 26, 2020

**The Editor
The Times of India
Chennai**

Dear Sir,

We have come across a News Item dated 26.07.2020 in the Times of India, (Chennai Edition) with the caption "Court refuses to stop Cost Accountants from using ICAI acronym".

While stating the said News Report to be totally erroneous and contrary to judgment ; we wish to put the facts and the judgment in the right perspective to appreciate the issues involved. It is also sad that a national daily of repute has gone ahead to publish a distorted version of the judgement.

Please note that the Hon'ble High Court while noting that this Institute is the registered owner of the acronym 'ICAI' under the Trade Marks Act, nevertheless, observed that the Petitioner (Appellant before the Division Bench) has no *locus standi* to pursue the rights while the Institute can do so.

The Writ Appeal was dismissed mainly on the following grounds:

- That the Appellant has no *locus standi* to maintain the Writ Petition. The ICAI is a body corporate established by statute with right to sue or be sued in its name and the Petitioner (Appellant) cannot maintain the Petition.
- As regards the alleged violation of Section 24A of the CA Act, 1949, prosecution can be done under Section 28 of the CA Act only by the Council or the Central Government and not by the Petitioner (Appellant before the Division Bench).
- For the alleged violation of the Trade Marks Act, only ICAI as the Registered Proprietor of Trade Mark can sue for infringement and Appellant has no *locus standi* for such infringement.

In view of the above, we wish to inform that the Report does not carry the entire story and the Judgment is quoted in parts and out of context by giving wrong impression to the Readers that the High Court has permitted the use of 'ICAI' acronym by the Institute of Cost Accountants of India.



THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

(Set up by an Act of Parliament)

It may please be noted that the acronym 'ICAI' is a registered Trade Mark of The Institute of Chartered Accountants of India (Trade Mark Number 2121118). Therefore, this Institute as the registered owner and prior user has exclusive statutory rights over the usage of acronym 'ICAI' and is entitled to protect & enforce its rights under the statute in accordance with Law.

The Institute as the statutory Regulator and as the registered proprietor of Trade Mark is examining all the legal options that are available to it in consultation with its Advocates and would take appropriate action in accordance with Law.

We request you to publish the aforesaid clarification with apology immediately and prominently for the benefit of your Readers failing which we will be moving to Press Council of India to initiate appropriate proceeding against your daily for libellous reporting creating sensation and disrepute to Chartered Accountant Institute who are the exclusive owner of ICAI trade mark .

Yours faithfully,

Rakesh Sehgal

Acting Secretary

The Institute of Chartered Accountants of India (ICAI)

ICAI Bhawan, Indraprastha Marg

New Delhi-110002, India