Design cancellations 'B. Braun Melsungen AG' vs. 'Eastern Medikit Limited' Design cancellations of Eastern Medikit

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B. Braun Melsungen AG represented by Anand and Anand filed for a cancellation petition against registered design 208450, whose proprietor is Eastern Medikit Limited. Design number 208450 relates to a 'Safety I.V. Cannula'. After two exhaustive hearings on 27th October 2016 and 14th February 2017, the Controller upheld the cancellation petition and cancelled design number 208450. The Controller held that when the impugned design is compared with the design features of the previously published designs, it is seen that the overall broad features of shape and configuration of the impugned design are the same as that of the earlier design. Not only are the features same but also said features are identically arranged in the impugned design. Thus, the impugned design is encompassing the shape and configuration of the prior design of IV cannula. The application of prior design in the respondent's design is not original as the application of prior designs is made to the same article. Hence the respondent's design cannot be held as new or original being in the public domain before the date of registration. In view of such findings, it is construed that the design is not new or original and not registerable. **Significance:** Registered designs cancelled and helpful to B. Braun Melsungen AG in deciding the IP enforcement strategy. **Team Anand and Anand:** Amita Arora

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