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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4129/2015 & CM Nos.7494/2015, 39794/2016

UNIVERSAL HUMAN RIGHTS COUNCIL Petitioner

Through: Mr Prabodh Kumar, Advocate.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr Vikram Jetly, CGSC for R-1.
Mr Shailesh Madiyal, Mr Deepak
Agarwal and Ms Shivani Srivastava,
Advocates for R-2.
Mr Devesh Singh, ASC (Civil),
GNCTD with Ms Neelam Kholiya,
Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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01.09.2017

1. The petitioner - Universal Human Rights Council - has filed the present petition impugning an a communication dated 02.04.2013 issued by the respondent no.1 to respondent no. 3 (the Registrar, Firms Societies), directing the said respondent to decline the permission to use the name 'Universal Human Rights Council' as it violates the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950 (hereafter 'the Act'). The petitioner has also impugned a letter dated 28.01.2015, issued by respondent no.1 calling upon the petitioner to show cause why action should not be initiated on account of the petitioner using the name 'Universal Human Rights Council', on its letterhead sent to National Human Rights Commission.

2. The petitioner is a society *albeit* not registered with respondent no.3. The controversy in the present case involves the adoption of the name 'Universal Human Rights Council' by the petitioner.

3. The learned counsel for the petitioner contended that the petitioner could not be prevented from using the words 'Human' and 'Rights' and the same was not prohibited by any statute. This was countered by the learned counsel for the respondents. He drew the attention of this Court to Section 3 of the Emblems and Names (Prevention of Improper Use), Act 1950 and the schedule thereof, and submitted that use of Universal Human Rights Council was prohibited by Section 3 of the said Act.

4. Section 3 of the Act reads as under:-

"3. Prohibition of improper use of certain emblems and names.—Notwithstanding anything contained in any law for the time being in force, no person shall, except in such cases and under such conditions as may be prescribed by the Central Government, use or continue to use, for the purpose of any trade, business, calling or profession, or in the title of any patent, or in any trade mark or design, any name or emblem specified in the Schedule or any colourable imitation thereof without the previous permission of the Central Government or such officer of Government as may be authorised in this behalf by the Central Government."

5. The name 'National Human Rights Commission' and its abbreviation 'NHRC/nhrc' are included at Serial No. 27 of the Schedule. Whilst the learned counsel for the petitioner may be correct that there is no prohibition for the use of the words 'Human' and 'Rights', however, the name 'Universal Human Rights Council' is, plainly, deceptively similar to 'National Human

Rights Commission'. The propensity of the public at large mistaking the petitioner to be the National Human Rights Commission cannot be under stated. It is apparent that there is a serious possibility of confusion in this regard.

6. It is also relevant to mention that the Secretary General of the Human Rights Commission had also issued a Circular dated 25.09.2009 pointing out the misuse of its name and the logo.

7. It is apparent from the above that the petitioner cannot be permitted to use the name 'Universal Human Rights Council', as that would offend Section 3 of the Act.

8. In view of the above, the relief as sought for in the present petition cannot be granted.

9. The learned counsel for the petitioner states that to stem any further controversy, the petitioner would suggest five names to respondent no.1 and respondent no.1 may communicate whether any one or all of them would be permissible. Respondent no.1 can have no quarrel with this suggestion.

10. Accordingly, it is directed that the petitioner would submit a list of five alternative names within a period of two weeks from today and the respondent no.1 would communicate its decision whether all or any of the said names would be permissible. The petitioner may use its current name till such decision is communicated.

11. It is clarified that if all of the five names as suggested by the petitioner are found to be impermissible by the respondent no.1, the petitioner would

be at liberty to choose any other name; however, it would forthwith discontinue the use of its current name with effect from the date of receipt of communication from respondent no.1.

12. The petition along with the application is disposed of with the aforesaid directions.

SEPTEMBER 01, 2017
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VIBHU BAKHRU, J