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

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W.P.(C) 2238/2018

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Date of decision : 12th March, 2018

DEVINDER SINGH

..... Petitioner

Through : Mr. A.P. Singh, Mr. V.P. Singh,
Ms. Geeta Chauhan,
Mr. Harshit Bhadauria,
Ms. Pratima Rani and
Ms. Richa Singh, Advs.

versus

THE STATE NCT OF DELHI & ORS

..... Respondents

Through : Mr. Ramesh Singh, ASC-
GNCTD with Mr. Chirag Jain,
Adv. for R-1
Ms. Sakshi Popli, Mr. Ritesh
Kumar and Ms. Aditi Chugh,
Advs. for R-2

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. This writ petition claiming to have been filed in public interest seeks the following prayer :

“(a) Issue a Civil Writ Petition mandamus directing the respondent no.1 to 3 immediately stop by the manufacturing of Beer by name and style of

“God Father Beer” by the respondent no.3, supply, distribution and sale of “God Father Beer” in the authorised shops of respondent no.2 in the territorial jurisdiction of respondent no.1.”

2. Mr. Ramesh Singh who appears on advance notice submits that so far as the use of the mark ‘Godfather’ is concerned, the Trademark Registry has issued a certificate of registration dated 20th January, 2017 to this trademark under Section 23(2) of the Trademark Act, 1999 read with Rule 62(1) of the Rules framed thereunder.

3. We are additionally informed that the Excise Department of the Govt. of NCT of Delhi has approved the said mark under the provisions of Rule 69 of the Excise Rules, 2010.

4. We also find that the writ petitioner has incorrectly depicted the trademark in question. In the trademark which has been registered under the two aforesaid legislations and is being used for the sale of beer ‘Godfather’ appears as one word. The petitioner on the other hand has split the trademark into two words.

5. In any case, given the fact that competent authorities have scrutinised the trademark in accordance with the statutory provisions, this public interest litigation is devoid of any merit and is hereby dismissed.

No order as to costs.

ACTING CHIEF JUSTICE

MARCH 12, 2018/kr

C.HARI SHANKAR, J