



2024:DHC:5491



\$~13

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

Date of Decision: 25.07.2024

+ C.O. (COMM.IPD-TM) 38/2024

**GUJARAT COOPERATIVE MILK MARKETING FEDERATION
LIMITED & ANR.Petitioners**

Through: Mr. Abhishek Singh, Mr. J. Amal
Anand, Alisha Sharma, Elvin Joshy,
and Shashwat Tyagi, Advocates
(Through VC)

versus

SMT KRISHNABEN DIPESH GOL & ORS.Respondents

Through: Mr. Kunal Khanna, Adv. for R-1,2 &
3.

M: 9999757185

Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Alexander Mathai Paikaday, Advs.

M: 9810788606

Email: hvscgsdhc@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL)

1. The present petition has been filed under Section 57 of The Trademarks Act, 1999, seeking removal/cancellation of the respondent



no.1's mark 'AMUL' with the device mark , bearing registration no. 1294711 in Class-06, registered on 22nd May, 2007.

2. Learned counsel appearing for the petitioners submits that petitioner

Signature Not Verified

Digitally Signed By: CHARU
CHAUDHARY
Signing Date: 26.07.2024
10:05:24

C.O. (COMM.IPD-TM) 38/2024

Page 1 of 3



2024:DHC:5491



no.1 is a cooperative society and engaged in the marketing of milk and milk products. The petitioner no.2 is a District Co-operative Milk Producers' Union federated to the petitioner no.1, and is the sole, lawful and registered proprietor of the well-known trademark, 'AMUL' and its variant and derivative marks, containing the trademark 'AMUL', as their prominent part.

3. It is submitted that the petitioner no. 2 being the registered proprietor of 'AMUL' trademarks, has licensed petitioner no.1 vide Trademark License Agreement dated 15th January, 2001, a right to use the mark 'AMUL' for milk and milk products, and other foods beverages. Accordingly, the petitioner no.1 has been marketing various products, including milk and milk products using the well-known trademark 'AMUL' throughout the country and abroad.

4. It is submitted that the petitioners have been continuously, uninterruptedly and extensively using the trademark 'AMUL' since the year 1958, which is registered under trademark no. 185698 in Class 29, and is valid and is subsisting, as on date.

5. It is the case of the petitioner that respondent nos. 1 to 3 mischievously obtained registration of mark 'AMUL' in Class-06, which is identical to the petitioners' prior adopted, used and registered well-known trademark and trade name 'AMUL'. Thus, the petitioner is seeking the relief of expunging/removal/cancellation of the said trademark of respondent no.1.

6. It is submitted that petitioners' prior adopted, used and registered trademark and trade name 'AMUL' has been India's largest food brand and has been recognised as a well-known trademark. Thus, it is submitted that the adoption and use of the same mark by the respondent nos. 1 to 3, which



2024:DHC:5491



is identical and deceptively similar to the trademark 'AMUL', amounts to infringement and passing off of the products as those of the petitioners.

7. Mr. Kunal Khanna, learned counsel appearing for respondent nos. 1 to 3 submits that he has instructions that the respondent nos. 1 to 3, are willing to give up and surrender the use of the mark 'AMUL'.

8. Considering the submissions made before this Court and perusing the documents on record, it is manifest that the petitioners' prior adopted, used and registered trademark and trade name 'AMUL', being a well-known trademark, as defined under Section 2 (zg) of the Trademark Act, 1999, is entitled to highest degree of protection across classes, even for dissimilar goods and services.

9. Accordingly, the Trademark Registry is directed to initiate the process for rectification/cancellation of the trademark 'AMUL' with the device



mark, bearing registration no. 1294711, registered in Class-06 on 22nd May, 2007. Rectification in the Register of the Trademarks shall be carried out, expeditiously, preferably, within a period of four months from today.

10. With the aforesaid directions, the present petition is disposed of.

MINI PUSHKARNA, J

JULY 25, 2024/kr