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

+ **W.P.(C)-IPD 14/2024 & CM 49/2024**

HINDUSTAN DISTILLERIES

..... Petitioner

Through: Mr. Anshuman Upadhyay, Mr.
Naveen, Mr. Rahul Singh and Ms.
Apoorva Sharma, Advocates.

versus

**CONTROLLER GENERAL OF PATENTS DESIGNS AND TRADE
MARKS & ANR.**

..... Respondents

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Mr. Alexander Mathai Paikaday, Mr.
Lakshay Gunawat and Mr. Krishnan
V., Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

10.05.2024

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1. Through this writ petition, a mandamus is sought to direct the Respondents to decide Petitioner's application for issuance of the certificate under Rules 22(1) of the Trade Mark Rules, 2017, which is required as per the proviso to Section 45(1) of the Copyright Act, 1957¹, for preferring an application for registration of their copyright.

2. It is submitted that the Petitioner had applied for this certificate on 18th August, 2021 and there has been inordinate delay in issuance of the said certificate. This delay has resulted in causing severe prejudice to the Petitioner as they are not able to process their application for copyright

¹ "Act"



registration.

3. It is further pointed out that although a hearing had been held on 25th April, 2023, however till date, the Respondents have not passed appropriate directions/orders. The Petitioner also submitted representations for disposal of their application twice, with the last one being on 5th June, 2023, but to no avail.

4. Mr. Harish Vaidyanathan Shankar, CGSC for Respondents, points out that this delay has occurred on account of some technical error at the end of the Respondents. Nonetheless, he assures that the application shall be decided in the timelines set by this Court.

5. In view of the above, the present writ petition is disposed of with a direction that the Appellant's application under Rule 22(1) of the Trade Marks Rules, 2017, filed on 18th August, 2021, be disposed of within a period of four weeks from today.

6. Accordingly, the writ petition is disposed of.

SANJEEV NARULA, J

MAY 10, 2024

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