



C.M.A.(TM) No.19 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2025

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

C.M.A.(TM) No.19 of 2025

AND

C.M.P.No.17357 of 2025

Cashfree Payments India Private Limited
1st Floor, Essae Vaishnavi Summit
7th Main, 80 Feet Road
Koramangala, 3rd Block
Bangalore 560 034, Karnataka

.. Appellant

Vs.

The Registrar of Trade Marks
Intellectual Property Office Building
G.S.T. Road, Guindy, Chennai 600 032

.. Respondents

Appeal filed under Section 91 of the Trade Marks Act, 1999 and Rule 156 of the Trade Marks Rules, 2017, challenging the order dated 09.04.2025 passed by the respondent in appellant's application No.5845003 for the trade mark 'CASHFREE PAYMENTS' in Class 42.



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For Appellant : Mr.M.V.Swaroop

For Respondent : Mrs.Sushma
Senior Panel Counsel

ORDER

This appeal has been filed challenging the impugned proceedings of the respondent dated 09.04.2025, rejecting the application submitted by the petitioner, under Section 9(1)(b) of the Trade Marks Act, 1999 (in short “the Act”).

2.The appellant applied for registration of the subject trade mark “Cashfree Payments” *vide* application No.5845003 dated 13.03.2023 in Class 42 for design, development and implementation of computer software and hardware, computer software consultancy services, etc., claiming use since 14.02.2019.

3.The respondent issued examination report dated 26.09.2023, in the subject application raising objections under Section 9(1)(b) of the Act, on the ground that the mark consists exclusively of words or indications which may serve



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in trade to designate the intended purpose or other characteristics of the service.

On receipt of the examination report, the appellant filed a reply dated 18.10.2023.

4.The appellant received a show cause notice dated 21.01.2025, fixing the date of hearing on 25.02.2025. The appellant was represented through his counsel and all the relevant materials along with supporting judgments were placed before the respondent.

5.The impugned order dated 09.04.2025 came to be passed by the respondent, refusing the subject application by upholding the objection raised under Section 9(1)(b) of the Act. Aggrieved by the same, the present appeal has been filed before this Court.

6.This Court has carefully considered the submissions made on either side and the materials available on record.

7.Various grounds were raised on either side and it is not necessary for this Court to go into all those grounds. The discussion in this case can be confined to the fact that the very same respondent has passed an order dated 03.03.2025 in



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the appellant's application No.5866458 for the mark "CASH FREE" in Class 36.

WEB COPY Apart from that, the appellant has been granted registration No.5845001 dated 13.03.2023 for the trade mark "Cashfree Payments" under Class 35. If really, there is an absolute ground for refusal under Section 9(1)(b) of the Act, the same objection will apply, even, when the application was submitted by the appellant for the same mark "Cashfree Payments" in Class 35. However, no such objection was raised on the side of the respondent and registration has already been granted under Class 35. If that is so, the respondent cannot raise a new ground by applying Section 9(1)(b) of the Act, when the appellant is seeking for the registration of trade mark "Cashfree Payments" in Class 42. If the same is permitted, it will lead to arbitrariness. In short, if there is an absolute ground for refusal to register under Section 9(1)(b) of the Act, it will apply, even, when the mark was considered under Clause 35. If that objection was not even considered at that point of time, the respondent cannot be allowed to reject the application, when the very same mark is sought to be registered under Class 42.

8.In the light of the above discussion, the impugned proceedings is unsustainable and the same is liable to be interfered with by this Court and accordingly, the same is hereby set aside. There shall be a direction to the



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respondent to process the application submitted by the appellant and pass final orders, within a period of eight weeks from the date of receipt of a copy of this order.

This appeal is allowed with the above directions. No costs. Connected C.M.P. is closed.

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Index : Yes/No

Neutral Citation : Yes/No



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N. ANAND VENKATESH, J.

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