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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ C.A.(COMM.IPD-TM) 9/2025 with I.A. 6794/2025 and
I.A. 6795/2025

MENSA BRAND TECHNOLOGIES
PRIVATE LIMITED

.....Appellant

Through: Mr. Aditya Gupta, Mr. Siddharth
Varshney and Ms. Akriti Bansal,
Advocates

versus

REGISTRAR OF TRADE MARKS

.....Respondent

Through: Ms. Nidhi Raman, CGSC with
Mr. Akash Mishra and Mr. Arnav
Mittal, Advocates for R-1

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER
23.04.2025

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1. This appeal has been filed under Section 91 of the Trade Marks Act, 1999, challenging the order dated 13th June, 2024, passed by the Registrar of Trade Marks in trademark application no.4488111.
2. On the last date of hearing i.e., 17th March 2025, Mr. Aditya Gupta, counsel appearing for the appellant, submitted that the mark which was cited in the impugned order and was the basis of refusal had been assigned in favour of the appellant, and the assignment deed was duly filed before the Trade Marks Registry.
3. Notice in the appeal was issued on the said date, and counsel for the respondent was asked to take instructions.
4. Ms. Nidhi Raman, CGSC, appearing on behalf of the respondent, has



returned with instructions and submits that the Registry has raised certain objections with regard to the assignment of the mark in favour of the appellant, and the same is pending adjudication.

5. Counsel for the appellant submits that the appellant had also filed the No Objection Certificate ('NOC') executed by the proprietor of the cited mark in favour of the appellant's predecessor-in-interest, which has not been considered in the impugned order.

6. A perusal of the impugned order would show that the application of the appellant has been rejected by stating as under:-

"The mark applied for registration is identical with /similar to earlier trademarks on record, as mentioned in the Examination report and by similarity of marks as well as similarity of goods and services covered under such marks, there exists a likelihood of confusion in the mind of public. As such the registration of the mark is objectionable under Section 11(1) of the Trade Marks Act 1999."

7. Clearly, there is no discussion or reference to the NOC referred to above.

8. In my considered view, the respondent was bound to consider the NOC given by the registered owner of the cited mark and which was placed on record by the appellant before the respondent.

9. In view of the above, the impugned order is set aside and the matter is remanded back to the Trade Mark Registry with a direction to consider the matter afresh after taking into account the NOC filed on behalf of the appellant.

10. The appeal, along with pending applications, is disposed of with the aforesaid directions.



11. Needless to state that no observations with regard to the merits of the case have been made.

12. The Registry is directed to send a copy of this order to the Trade Marks Registry on email llc-ipo@gov.in for compliance.

AMIT BANSAL, J

APRIL 23, 2025/ds