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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **C.O.(COMM.IPD-CR) 843/2022**

M/S NEW BHARAT OVERSEASPetitioner
Through: Mr. Neeraj Grover, Ms. Kashish
Sethi, Advocates
versus

**M/S BHAGWATI LACTO VEGETARIAN EXPORTS PVT LTD
AND ORS**Respondents
Through: Mr. Galib Kabir and Mr. Sandeep
Bisht, Advocates for R-1.

Mr. Sumit Nagpal, SPC, Advocates
for R-2 and R-3.

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
% **08.09.2025**

1. This Rectification Petition has been filed under Section 50 of the Copyright Act, 1957 ('Act of 1957'), against the registration of the impugned Copyright No. A-130837/2019 dated 06.09.2019 in respect of Artistic work "GARIMAA GOLD", granted in favour of Respondent No. 1.

Submissions by Petitioner

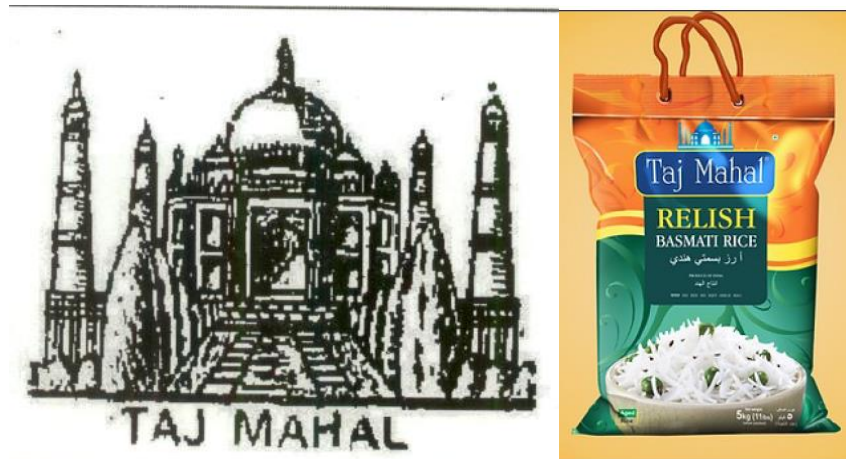
2. Mr. Neeraj Grover, learned counsel for the Petitioner, states that the Petitioner is inter alia engaged in the business of processing, selling, marketing, and/or exporting of various kinds of 'rice' since 1978.

2.1 The Petitioner is the registered proprietor of the Trade Mark "TAJ MAHAL" under Trade Mark No. 338004, registered on 30.11.1981, and of the mark "TAJ MAHAL" with the device of the Taj Mahal under Trade Mark No. 387177, registered on 15.12.1989, both in Class 30.

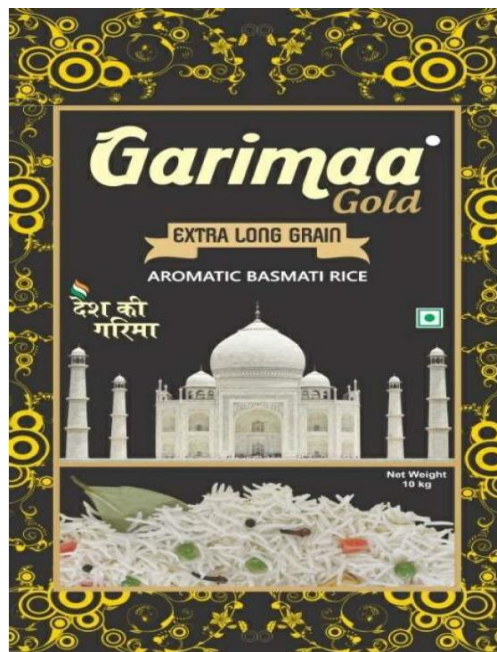


2.2 The Petitioner also holds Copyright Registration for its artistic work of “TAJ MAHAL” bearing Copyright Registration No. A-50558/1990.

2.3 The Petitioner claims to be the original creator of the artistic work embodied in the device/packaging label titled “TAJ MAHAL”, which is depicted as follows:



2.4 The Petitioner’s grievance arises from the grant of copyright registration No. 130837/2019 dated 06.09.2019 in favour of Respondent No. 1 herein, which is depicted as below:





2.5 It is stated that Respondent No.1 deliberately started using a similar packaging comprising substantially the device “TAJ MAHAL” for selling an identical product ‘rice.’

2.6 It is stated that in view thereof, the Petitioner lodged a complaint with the Police, pursuant to which FIR No. 160 dated 11.08.2017 was registered against Respondent No. 1. During the investigation, products bearing the impugned artistic work/package labels were seized, and a charge-sheet dated 09.09.2019 was filed against the Respondent No. 1.

2.7 Subsequently, another FIR, being FIR No. 11/54/2019 dated 28.03.2019, was also registered against Respondent No. 1 arising from continued misuse of the impugned artistic work.

2.8 However, in October 2019, Respondent No.1 instituted a Quashing petition before the Punjab and Haryana High Court, Chandigarh, seeking the quashing of the FIR No. 160/2017; and it was in the course of said proceedings that the Petitioner first became aware of the fact that Respondent No.1 had obtained the impugned copyright registration bearing No. A-130837/2019.

2.9 It is stated that Respondent No.1 has surreptitiously obtained the impugned copyright registration without issuing any notice of his application dated 25.06.2019 to the Petitioner herein. It is pointed out that the application sought registration of the very same label in respect of which the FIR Nos. 160/2017 and 11/54/2019 had already been lodged, thereby directly affecting the Petitioner’s rights and interests.

2.10 He states that the captioned petition contains several averments as to ownership and originality of the artistic labels; however, the principal issue at hand that needs to be addressed, and considered by the Court, pertains to



the sustainability of the impugned registration in violation of Rule 70(9) of Copyright Rules, 2013. He states that the core question before this Court is whether Respondent No.1 fulfilled the statutory requirement of furnishing notice to the Petitioner herein when seeking registration. The relevant statutory provision has been extracted as under:

“Rule 70(9) of the Copyright Rules, 2013

70. Application for Registration of Copyright.

.....

(9) The person applying for registration shall give notice of his application to every person who claims or has any interest in the subject-matter of the copyright or disputes the rights of the applicant to it.”

2.11 He further refers to the prescribed statutory Form-XIV, which under paragraph ‘5’ requires a declaration that there is no claim or interest or dispute regarding the copyright. He states that Respondent No. 1 in the form has failed to disclose the disputes between Petitioner and Respondent No. 1 pertaining to the aforesaid FIRs, where the very same artistic work is in dispute.

Submissions by Respondent No.1

3. Mr. Galib Kabir, learned counsel for Respondent No.1 states that Respondent No.1 is the registered proprietor of the impugned artistic work comprising a composite, colourful logo with the registered trademark GARIMAA GOLD bearing TM No. 2991862 in class 30, date of registration as 24.06.2015, along with the expression DESH KI GARIMAA, with the depiction of Taj Mahal along with rice.

3.1 He states that the Petitioner is not the sole proprietor of the device/image of the Taj Mahal, and consequently has no exclusive right to



the use of the photograph or depiction of the Taj Mahal, which is common to trade.

3.2 He states that during the examination of the application for “GARIMAA & GARIMAA GOLD,” Respondent No. 1 had made full disclosure of its artistic work. On the basis of the mark “GARIMAA,” the Copyright Office conducted a search and inquiry and rightly concluded that no exclusivity can be claimed over the depiction of the Taj Mahal, as per Section 52(s) and (t) of the Act of 1957 expressly prohibit any monopoly over public monuments. Furthermore, the Petitioner cannot isolate common, non-distinctive features of a composite label, which is also barred under Section 17 of the Trade Marks Act, 1999.

3.3 He states that merely because FIR No. 160/2017 and FIR No. 11/54/2019 have been lodged against a party; it will not make a party an ‘interested person’ in terms of Rule 70(9) of the Copyright Rules, 2013, and thus the Petitioner is not entitled to receive any communication before the registration of the impugned artistic work as per the Copyright Rules.

Submissions by Respondent No.3

4. Mr. Sumit Nagpal, learned counsel for Respondent No.3 states that, as per the Copyright Rules 2013, there is a thirty (30) day mandatory waiting period wherein any person claiming an interest in the subject matter, or disputing the applicant’s rights therein, may lodge an objection under 70(10) of Copyrights Rules, 2013 read with Section 45 of Copyright Act, 1957. Since there was no objection from any third party, the Copyright was granted registration in favour of Respondent No. 1.

4.1 He states that Respondent No.1 failed to give notice of his application to Petitioner in the subject matter as mandated under Rule 70(9) of the



Copyright Rules, 2013.

4.2 Respondent No.3 granted the registration of the application in good faith, believing that the declaration vis-à-vis para 5 in Form XIV provided by Respondent No.1 is true and the said provisions had been duly followed.

4.3 That the lapse in furnishing complete particulars and disclosure of interested parties lies solely with Respondent No. 1, and not with Respondent No. 3.

4.4 That Respondent No. 1 also failed to disclose pending disputes and litigation at the time of filing the application, which amounts to suppression of material facts. That such non-disclosure and failure to comply with the provision's prima facie reflects mala fide intention on the part of Respondent No. 1.

4.5 That Respondent No. 3 has no objection if this Court is pleased to remand the matter back for reconsideration afresh, or in the alternative, cancel the registration granted vide Registration No. A-130837/2019 dated 06.09.2019.

5. The Court has heard the submissions and perused the records.

6. Firstly, from the aforesaid, it is apparent from the material on record that the parties herein (i.e., Petitioner and Respondent No. 1) were engaged in a long-standing dispute over the use of artistic works depicting the Taj Mahal.

7. Secondly, the fact that no notice was issued to the Petitioner at the time of the scrutiny and registration of the Impugned Copyright is not in dispute.

8. In light of the statutory mandate under Rule 70(9) of the 2013 Rules, it is evident that any person having a claim or interest in the subject matter



of copyright is entitled to notice before registration. The record shows that the Petitioner has long-standing trademark registrations for its mark “TAJ MAHAL”, has been engaged in continuous commercial use of the associated artistic works, and has filed FIRs against Respondent No.1 in respect of the latter’s packaging. A chargesheet has been filed in FIR No. 160/2017, and these proceedings were pending on the date when Respondent No. 1 filed an application before Respondent No. 3. These circumstances clearly establish that the Petitioner is a person who is making a ‘claim’ against Respondent No. 1’s artistic work within the meaning of the Rules.

9. The Court therefore finds merit in the contention of the Petitioner, regarding non-compliance of Rule 70(9) of the 2013 Rules by Respondent No. 1 during the process of application. Despite the ongoing disputes, Respondent No.1 proceeded to secure registration of the Impugned Copyright without notifying the Petitioner.

10. The Court is not persuaded by Respondent No.1’s contention that the Petitioner does not qualify as a “claimant” or “interested person” under the Rules. The Rules clearly mandate that any person seeking copyright registration must give notice to all individuals who may have a claim or interest in the subject matter. In the present case, Respondent No.1 was fully aware that the Petitioner was disputing its claim over the artistic work/copyright, as evidenced by the FIRs and prior proceedings. The failure to issue notice to the Petitioner, who was indisputably contesting Respondent No.1’s rights, therefore amounts to a direct violation of the statutory provisions. Such non-compliance renders the registration of the impugned copyright procedurally invalid.

11. Moreover, this non-compliance undermines the procedural integrity of



the process, rendering the registration of the impugned Copyrights procedurally incorrect. Respondent No.1's attempt to bypass this essential requirement not only contravenes the Rules but also prejudices the Petitioner's ability to contest the registration on valid grounds.

12. This Court, at this juncture, is not delving into the similarity of the trademarks and artistic works or the submission of the Respondent No. 1 that the marks are dissimilar and that the Petitioner cannot claim proprietorship for the depiction of the Taj Mahal, which is a national monument. All these contentions will remain open to Respondent No. 1 before the Registrar.

Instead, the emphasis of this case is on whether there is compliance with the said rules, which requires notification to any person claiming or disputing rights to the subject matter of this copyright.

13. Therefore, this Court concludes that the registration was procedurally flawed due to non-compliance with Rule 70(9) of the 2013 Rules and hence, the said registration would have to be revoked and the application of Respondent No. 1 considered afresh.

14. Accordingly, the following directions are issued:

- i. The Impugned Copyright registration under No. A-130837/2019 dated 05.06.2019 in favour of Respondent No.1, would be treated as revoked/cancelled.
- ii. The original application filed by Respondent No.1 seeking registration of the copyright in the aforesaid artistic works would be treated as revived.
- iii. The Petitioner shall file its objections within a period of four (4) weeks before the learned Registrar of Copyrights. In case objections



are not filed within the time granted, the Registrar shall proceed to decide the application of Respondent No. 1 on merits.

15. The Registrar of Copyright shall adjudicate the application filed by Respondent No.1 seeking registration of the artistic works afresh, in accordance with the law, uninfluenced by any observations made above. All the rights and contentions of the parties are left open. Nothing said in this order shall be construed as an expression on merits of the contentions raised by the Petitioner on the challenge to the registration in favour of Respondent No. 1.

16. The Copyright Office shall endeavour to decide the Respondent No. 1's application within a period of three (3) months from the date of receipt of this order.

17. In view of the above directions, the petition is disposed of.

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 8, 2025/mt/aa