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

CM 160/2025

IN

+ W.P.(C)-IPD 15/2024

MS JAGAT AGRO COMMODITIES P LTD

.....Petitioner

Through: Mr. Nikhil Kumar Chawla, Advocate.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Piyush Beriwal, Advocate for R-1
to R-3.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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01.07.2025

CM 160/2025 (seeking early hearing)

1. For the reasons stated, the application for early hearing is allowed, and the matter is taken up for disposal today itself.

W.P.(C)-IPD 15/2024

2. The present writ petition has been filed on behalf of the petitioner seeking appropriate directions to the respondents to grant the renewal of the registered trade mark 'JAGAT(DEVICE)' bearing no.01253200 in class 30.

3. It is contended on behalf of the petitioner that Registrar of Trademarks had not issued the mandatory notice, Form O-3, as per the provisions of Trade Marks Rules, 2002, which they were statutorily bound to issue, informing the petitioner (registrant) about the approaching expiry of the trademark registration, before taking any adverse action.



4. Pursuant to the notice issued by this Court on 27th May, 2024, a counter affidavit has been filed on behalf of the respondents.

5. The stand of the respondents in the counter affidavit is that notice in Form O-3 was duly issued to the petitioner on 14th October, 2023, and the same was duly served at the registered office of the petitioner. It is further averred that despite the said notice, the petitioner failed to renew the trademark before the prescribed date.

6. Even though the aforesaid averment has been made in the counter affidavit, the respondents had not filed any documents evidencing proof of service of the said notice in Form O-3 on the petitioner.

7. In view of the above, I am inclined to accept the submission of the petitioner that the petitioner did not receive the statutory notice in Form O-3. Notably, the petitioner had made an application dated 18th November, 2015, to the Registrar of Trade Marks regarding non-receipt of the notice of renewal, and no reply to the said application was received.

8. In ***Epsilon Publishing House Pvt. Ltd. v. Union of India & Ors.*** 2017 (72) PTC 480 [Del], this Court took the view that the proprietor of a registered mark must not be penalized for the lapse of the Registry in failing to follow the procedure prescribed under the Act and the allied Rules. The relevant extracts of the judgment are as follows:

“26. There may be merit in the contention that the Registrar has to follow the procedure as prescribed; however, the essential question is not whether the Registrar has any discretion in the matter, but, what are the consequences of the Registrar not following the established procedure? Plainly, in the facts of the present case, it is apparent that the Trademark Registry has not adhered to the timelines as required. Surely, respondent No. 3 cannot be penalised for the same and would be entitled to pursue



its application for renewal of its trademark.”

9. It is a settled position of law that issuance of Form O-3 is a mandatory requirement under the provisions of the Trade Marks Act, 1999 and Trademarks Rules, 2002. Reference in this regard may be made to **CIPLA Limited v. Registrar of Trade Marks & Ors.**, 2013 (56) PTC 217 [Bom] [DB]; **Union of India and Ors. v. Malhotra Book Depot** 2013 (54) PTC 165 [Del] [DB] and **Gopal Ji Gupta v. Union of India**, 2019 SCC OnLine Del 7670]

10. In another writ petition “**M/S Zine Davidoff S.A v Union Of India And Anr**” bearing W.P.(C)-IPD 57/2021 decided on 22 April, 2025, I had issued directions for issuance of certificates of renewal in similar circumstances.

11. Since no records have been produced by the respondents with regard to the issuance and service of the said notice on the petitioner and taking into account the principles of natural justice, the present writ petition is allowed and the following directions are issued:

- a. Respondents are directed to issue the certificate of renewal of trademark to the petitioner in respect of the trademark application bearing no. 01253200 in class 30 and restore the same, subject to the petitioner paying the requisite fees and complying with the necessary formalities.
- b. Respondents shall make necessary corrections in their database with respect to the renewal status and renewal date of the trademark application bearing no. 01253200.

12. The writ petition is disposed of.

13. 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

JULY 1, 2025

Vivek/-