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

+ **C.A.(COMM.IPD-TM) 59/2024 & I.A. 35280/2024**

**VINEET SHARMA**

.....Appellant

Through: Mr. Utkarsh Gupta, Adv.  
M: 8860211682  
Email: [info@99guptassociates.com](mailto:info@99guptassociates.com)

versus

**THE REGISTRAR OF TRADE MARK**

.....Respondent

Through: Mr. Arnav Kumar, CGSC with Ms.  
Gitanjali Vohra, Advocate  
Mob: 9873657406  
Email: [arnav@dglaw.co.in](mailto:arnav@dglaw.co.in)

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**

**04.03.2025**

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1. The present appeal has been filed under Section 91 of the Trade Marks Act, 1999, wherein, the Trademark Application No. 5504578 of the appellant for registration of the trademark 'SACRED HOLIDAY' in Class 43, was refused vide order dated 15<sup>th</sup> March, 2024, passed by the learned Examiner, Registrar of Trademarks.

2. Learned counsel appearing for the appellant submits that during the pendency of the present appeal, the appellant has already been granted trademark registration for the same mark, i.e., 'SACRED HOLIDAY' in the same Class, i.e., Class 43, *vide* Registration Nos. 5504579, 5504580 and 5504581. He has handed over documents pertaining to the same to this



Court, which are taken on record.

3. The trademark registration granted in favour of the appellant for the trademark 'SACRED HOLIDAY' *vide* TM Application No. 5504579, is reproduced as under:

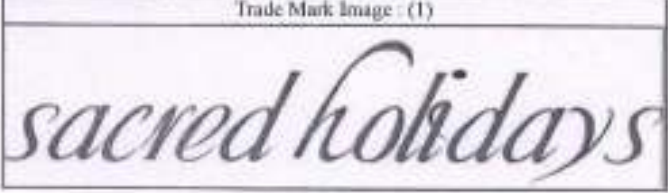
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As on Date : 04/03/2025  
Status : Registered

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|                          |                                                                                                        |
|--------------------------|--------------------------------------------------------------------------------------------------------|
| TM Application No.       | 5504579                                                                                                |
| Class                    | 43                                                                                                     |
| Date of Application      | 25/06/2022                                                                                             |
| Appropriate Office       | DELHI                                                                                                  |
| State                    | DELHI                                                                                                  |
| Country                  | India                                                                                                  |
| Filing Mode              | e-Filing                                                                                               |
| TM Applied For           | SACRED HOLIDAY                                                                                         |
| TM Category              | TRADE MARK                                                                                             |
| Trade Mark Type          | DEVICE                                                                                                 |
| User Detail              | Proposed to be used                                                                                    |
| Certificate Detail       | Certificate No. 3273340 Dated : 17/09/2023<br>Notified in Journal No : 2123                            |
| Valid upto/ Renewed upto | 25/06/2032                                                                                             |
| Proprietor name          | (1) VINEET SHARMA<br>Single Firm                                                                       |
| Proprietor Address       | Trading as M/s. Sacred Holiday by Aureole Pvt. Ltd., 43/15, FF, East Patel Nagar, Central Delhi-110008 |
| Email Id                 | ****pta12@gmail.com                                                                                    |
| Attorney name            | (J.G.GUPTA & ASSOCIATES[25326])                                                                        |
| Attorney Address         | FLAT NO.187, GH-13, PASCHIM VIHAR, NEW DELHI-110087                                                    |
| Goods & Service Details  | [CLASS : 43]<br>Hotel Accommodation Facilities                                                         |
| Publication Details      | Published in Journal No. : 2102-0 Dated : 01/05/2023                                                   |

Trade Mark Image : (1)



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4. This court notes that the present appeal also pertains to the registration of the trademark 'SACRED HOLIDAY' in the same class, i.e.,



Class 43, for which the appellant, has already been granted trademark registration.

5. Considering the aforesaid, this Court is of the view that when the appellant has already been granted trademark registrations for the same mark, in the same class, in other applications, by the Registrar of Trade Marks, there is no impediment for granting registration in favour of the appellant for the trademark in question, in the same class.

6. Accordingly, without going into the merits of the impugned order dated 15<sup>th</sup> March, 2024, and without adjudicating on the entitlement of the appellant for registration of the mark in question in its favour, the impugned order dated 15<sup>th</sup> March, 2024, passed by the Trademarks Registry in Application no. 5504578, is hereby set aside.

7. The Application no. 5504578 filed by the appellant herein before the Trademarks Registry, is revived.

8. The Trademark Registry is directed to proceed with advertising the Application No. 5504578 for the trademark 'SACRED HOLIDAY' in Class 43, forthwith, and registration be granted in favour of the appellant herein, in accordance with law.

9. With the aforesaid directions, the present appeal, along with the pending application, stands disposed of.

10. The Registry is directed to supply a copy of the present order to the Office of the Controller General of Patents, Designs and Trade Marks of India, on E-mail Id: [llc-ipo@gov.in](mailto:llc-ipo@gov.in), for compliance.

**MINI PUSHKARNA, J**

**MARCH 4, 2025/ ak**