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

+ **W.P.(C)-IPD 41/2025 & CM APPLs. 178/2025, 179/2025**

M/S NATURE MAGIC WORLD

.....Petitioner

Through: Mr. Aruni Poddar, Advocate.

versus

THE REGISTRAR OF TRADEMARKS & ANR.Respondents

Through: Ms. Radhika Bishwajit Dubey, CGSC
with Ms. Gurleen Kaur Waraich, Mr. Kritarth
Upadhyay and Mr. Vivek Sharma, Advocates for
R-1.

Mr. Rishabh Srivastava and Mr. Sahil Gupta,
Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

21.07.2025

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1. This writ petition is filed on behalf of the Petitioner under Articles 226 and 227 of the Constitution of India being aggrieved by the action of Respondent No. 1/Registrar of Trademarks in not giving effect to Deed of Assignment dated 30.09.2016, whereby two trademarks viz., 'COLORESSENCE' bearing TM No. 1541623 in Class 05 and 'COLORESSENCE eyes spy' bearing TM No. 3112008 in Class 03 had been assigned in favour of the Petitioner, amongst other reliefs.

2. As per the case set up in the petition, Petitioner is a Partnership Firm engaged in field of marketing of cosmetic products. Predecessor of Respondent No. 2, namely, M/s Nature Essence Pvt. Ltd., was the owner and Proprietor of the two trademarks viz., 'COLORESSENCE'



in Class 05 and 'COLORESSENCE eyes spy' in Class 03. The trademark 'COLORESSENCE' was registered vide Certificate bearing No. 933257 dated 10.02.2011, while 'COLORESSENCE eyes spy' was registered vide Certificate bearing No. 1541479 dated 01.05.2017. Subsequently, by a Deed of Assignment dated 30.09.2016, both the trademarks were assigned in favour of the Petitioner. To give effect to the assignments, TM-23 dated 22.02.2017 and TM-16 dated 22.02.2017 were filed with respect to Trademarks 'COLORESSENCE' and 'COLORESSENCE eyes spy', respectively. Details of the assignment are as follows:-

TM No. and trademark	Registration No. and Date	Date of Assignment	TM-23 / TM-16 filed on
1541623 COLORESSENCE	933257 10/02/2011	30.09.2016	22.07.2017
3112008 COLORESSENCE eyes spy	1541479 01/05/2017	30.09.2016	22.02.2017

3. It is averred by the Petitioner that name of M/s Nature Essence Pvt. Ltd., changed to M/s Esme Consumer Private Limited i.e., present Respondent No. 2 and while filing TM-P for updating proprietor details and registered address with respect to all the trademarks owned by predecessor company, Respondent No. 2 included the two trademarks, which was an error since both the trademarks in question have already been assigned and transferred in favour of the Petitioner much prior to the change of name and address of Respondent No. 2. Due to this error, records of Respondent No. 1



show Respondent No. 2 as the registered owner of the two trademarks. Petitioner is stated to have filed several representations for correcting and updating the record by revoking and cancelling the current status reflecting the two trademarks in the name of Respondent No. 2 and updating the online trademark status by recording the Petitioner as the proprietor of the two trademarks, but to no avail.

4. Issue notice.

5. Counsels, as above, accept notice on behalf of the respective Respondents.

6. Mr. Rishabh Srivastava, learned counsel for Respondent No. 2, on instructions, submits that Respondent No. 2 has already given its 'no objection' to Registrar of Trademarks for correcting the record showing the Petitioner as the proprietor of the said marks.

7. Learned Central Government Standing Counsel for Registrar of Trademarks submits that the pending representations of the Petitioner shall be considered and decided within a period of four weeks from today.

8. Without entering into the merits of the case at this stage, this petition is disposed of, directing Registrar of Trademarks to consider the representations dated 29.06.2025 and 05.07.2025 filed by the Petitioner for cancellation/revocation of the current status of the two trademarks in question as also for updating the status in light of the Deed of Assignment, assigning the trademarks in favour of the Petitioner and the 'no objection' rendered by Respondent No. 2. Decision will be taken within four weeks from today and communicated to the Petitioner within a week from the date of the decision.



9. Needless to state, in case of any surviving or further grievance, Petitioner may take recourse to appropriate legal remedies.
10. Pending application stands disposed of.

JYOTI SINGH, J

JULY 21, 2025/S.Sharma