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

+ **W.P.(C)-IPD 42/2025 & CM 190/2025, CM 191/2025**

CIPLA LIMITED

.....Petitioner

Through: Ms. Tusha Malhotra and Ms.
Sugandha Yadav, Advocates

versus

**UNION OF INDIA THROUGH DEPARTMENT OF PROMOTION
OF INDUSTRY AND INTERNAL TRADE & ANR.....Respondents**

Through: Ms. Nidhi Raman, CGSC with Mr.
Om Ram, Advocate for R-1

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **21.08.2025**

1. This order is being passed in continuation of order dated 24.07.2025.
2. The present petition under Article 226 and 227 of the Constitution of India, has been filed seeking issuance of the writ to the Respondents to permit the Petitioner to file an application seeking renewal of its trademark 'TRIEXER' registered on 31.08.2007 bearing application no. 1371553.
3. It is stated in the petition that Petitioner has not been served with the mandatory statutory notice i.e., Form RG-3 also known as the 'O3 notice' under Section 25(3) of the Trade Marks Act, 1999 and Rule 58(1) of the Trade Marks Rules, 2017.
4. Notice was issued on 24.07.2025, wherein Respondent was directed to take instructions on the aforesaid submissions.
5. Ms. Nidhi Raman, learned CGSC states on instructions that the 'O3



notice' qua the Petitioner's registered trademark 'TRIEXER' [which was registered on 31.08.2007] could not be traced by the Respondents.

6. She, however, submits that the Petitioner's trademark had expired in 2017 and Petitioner has also failed to make an appropriate application for renewal as per Form TM-R.

7. She, has however, fairly handed over a copy of the order dated 27.09.2024 passed by the Coordinate Bench of this Court in W.P.(C)-IPD 22/2024 titled **Ashok Bhutani v. The Registrar of Trademarks and Another**, where in similar facts, the Court allowed the writ petition in the following terms: -

“10. It is a settled position of law that **issuance of O-3 notice is a mandatory requirement which has to be complied by the Trademark Registry.**

11. In view of the instructions conveyed by the learned CGSC, it appears that O-3 notices have not been issued by the Trademark Registry to the petitioner in the present case.

12. Counsel for the petitioner also points out that the website of the Trademark Registry reflects that the aforesaid trademarks have been renewed only till 1994.

13. The writ petition is disposed of in terms of the following directions:

- a. Respondents are directed to issue the certificates of renewal of trademarks from the year 6th March, 2008 to 6th March, 2018 to the petitioner in respect of the aforesaid trademarks.
- b. Upon the petitioner filing fresh renewal applications and fulfilling the prescribed formalities, respondents shall restore and renew the trademarks bearing nos. 468841 and 468842 for further period of ten years with effect from 6th March, 2018.
- c. Respondents shall make necessary corrections in their database with respect to the renewal status and renewal dates of trademarks bearing nos. 468841 and 468842.”

(Emphasis Supplied)

8. In response, learned counsel for the Petitioner contends that since it is



an admitted fact that ‘O3 notice’ has not been served on the Petitioner; therefore, the Petitioner is entitled to seek a direction for renewal of its trademark. She states that Petitioner’s omission to apply for renewal would not detract from the obligation of the Respondent to issue and ‘O-3 notice’. In this regard, she relies upon the judgment of the Division Bench of High Court of Bombay passed in **Motwane Private Limited vs. Registrar of Trade Marks and Another**¹.

9. This Court has heard the learned counsels for the parties and perused the record.

10. In view of the assertions made in the writ petition by the Petitioner stating that no ‘O3 notice’ was received by it and the submissions of learned CGSC that ‘O3 notice’ is not traceable in the Trademark Registry; the only conclusion this Court can reach is that no ‘O3 notice’² qua the Petitioner’s registered trademark ‘TRIEXER’ [which was registered on 31.08.2007 bearing application no. 1371553] was issued by the Trademarks Registry, New Delhi [i.e., Respondent No. 2] to the Petitioner.

11. It is also undisputed that Petitioner’s trademark has not been removed as yet.

12. Respondents do not dispute that issuance of ‘O-3 notice’ is mandatory.

13. Thus, keeping in view the order passed by the Coordinate Bench in **Ashok Bhutani** (supra), since, it is settled position of law that issues of ‘O3 notice’ is a mandatory requirement, the relief sought in the petition is granted in the following terms: -

¹ 2024 SCC OnLine Bom 661, [paragraph 15]

² Under Section 25(3) of the Trade Marks Act, 1999 and Rule 58(1) of the Trade Marks Rules, 2017.



- a. Petitioner shall file the renewal application fulfilling the prescribed formalities within two (2) weeks.
- b. Upon the renewal application being filed, the Respondent No. 2 shall process the same within four (4) weeks in accordance with law on the Petitioner satisfying other procedural requirements. Respondent shall renew the trademark bearing no. 1371553 for a further period of 10 years w.e.f. 31.08.2017.
- c. Respondent No. 2 shall make necessary correction in their database with respect to the renewal status and renewal dates of the Petitioner's trademark bearing no. 1371553.

13.1. At this stage, the learned counsel for the Petitioner submits that during the pendency of this writ petition; on 12.08.2025 the Petitioner has assigned its mark in favour of Linux Laboratories Private Limited. She states that the renewal application shall be filed making a full disclosure of the said assignment. The said statement is taken on record.

14. With the aforesaid directions, this petition as well as applications stands disposed of.

MANMEET PRITAM SINGH ARORA, J

AUGUST 21, 2025/rhc/MG