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

CM APPL.171/2025

IN

+ W.P.(C)-IPD 25/2024

RICKY RUBBER INDUSTRIES

.....Petitioner

Through: Mr. Gaurav Arora, Mr. Kamal
Kishore Arora and Ms. Smriti Arora,
Advocates.

versus

THE REGISTRAR OF TRADE MARKS & ANR.Respondents

Through: Ms. Rukhmini Bobde, CGSC with
Mr. Amlaan Kumar, Mr. Vinayak
Aren and Mr. Jatin Dhamija,
Advocates for R-1 and R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **11.07.2025**

CM APPL.171/2025 (u/S 151 CPC) and W.P.(C)-IPD 25/2024

1. This application has been filed on behalf of the petitioner seeking stay of the hearing scheduled by the respondent/Trade Marks Registry.
2. In my considered view, instead of deciding the application, since only a limited issue has been raised in the writ petition, it is deemed expedient to take up the writ petition itself for hearing.
3. With the consent of the counsel for the parties, the writ petition itself is taken up for hearing.
4. The present writ petition has been filed challenging the impugned



order dated 7th December, 2023 whereby the FORM TM-M filed on behalf of the petitioner seeking rectification of error in the FORM TM-P filed by the petitioner has been rejected, on the ground that FORM TM-M under Rule 37 of the Trade Marks Rules, 2017 can only be filed before the acceptance of the application for registration of the trademark. As per the impugned order, since the impugned mark has already been registered, FORM TM-M cannot be processed.

5. Brief facts leading to filing of the present petition are as follows:

- i. The petitioner firm comprising of two partners filed a trademark application seeking registration of the trademark 'JOCKEY' in FORM TM-1 on 6th August, 2015.
- ii. On 7th March, 2016, the respondents, upon examination of the aforesaid application, accepted and advertised the same in the Trade Marks Journal.
- iii. Subsequently, on 10th December, 2016, the Registration Certificate was issued in favour of the petitioner.
- iv. In the year 2017, the constitution of the petitioner firm was altered in as much as two more partners were inducted in the firm.
- v. Accordingly, the petitioner filed FORM TM-P dated 2nd February, 2023 along with the prescribed fee of Rs.9,000/- for the purpose of recordal of the aforesaid change.
- vi. It came to the notice of the petitioner that on account of a typographical error, the FORM TM-P that was filed by the petitioner carried a wrong Registration Number i.e. 3029529 instead of the correct Registration Number i.e. 3029259.
- vii. On the very next date, i.e., 3rd February, 2023, the petitioner noted the



aforesaid error and sent a communication dated 3rd February, 2023 to the Trade Marks Registry.

viii. On 14th February, 2023, the petitioner out of abundant caution, filed an application in FORM TM-M seeking to amend the FORM TM-P filed on behalf of the petitioner. This was followed by several e-mail communications sent by the petitioner to the respondents calling upon them to act on the said FORM TM-M.

ix. Ultimately, the respondents *vide* the impugned order rejected the FORM TM-M filed by the petitioner on the ground stated above.

6. Counsel for the petitioner submits that the aforesaid FORM TM-M was correctly filed by the petitioner invoking the Rule 37 and Rule 112 of the Trade Marks Rules, 2017.

7. Ms. Rukhmini Bobde, counsel appearing on behalf of the respondents, opposes the said application on the ground that the aforesaid Form TM-M could not be filed in terms of Rule 37 or Rule 112 of the Trade Marks Rules, 2017.

8. I have heard the counsel for the parties.

9. In my considered view, it was only a minor typographical error in the registration number which the petitioner was seeking to rectify by filing FORM TM-M. The said error was detected immediately the day after the FORM TM-P was filed and immediately, the petitioner took steps to rectify the same.

10. In my view, a perusal of Rule 112 of the Trade Marks Rules, 2017 gives enough leeway to the respondents to rectify minor corrections. The procedural provisions cannot be interpreted so rigidly as to result in dilution of substantive rights vested in the citizens.



11. Accordingly, the present writ petition is allowed.
12. The respondents are directed to accept the FORM TM-M dated 14th February, 2023 filed on behalf of the petitioner and make the consequential amendments in the FORM TM-P.
13. The petition along with all pending application(s) stands disposed of.

AMIT BANSAL, J

JULY 11, 2025

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