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

+ C.A.(COMM.IPD-TM) 65/2024

PATHKIND DIAGNOSTICS PRIVATE
LIMITED

.....Appellant

Through: Mr. Hemant Daswani, Ms. Saumya
Bajpai, Advs.

versus

REGISTRAR OF TRADE MARKSRespondent

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

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **27.10.2025**

1. The present appeal has been filed under Section 91 of the Trade Marks Act, 1999 read with Section 13 of the Commercial Courts Act, 2015 impugning the order dated 23.04.2024 passed in the Trademark Application no. 5347179 for the registration of the device mark 'PATHKIND LABS' under Class 44.

2. Mr. Hemant Daswani, learned counsel for the Appellant states that the sole basis for rejecting the application was the existence of the cited marks, i.e., the wordmark 'PATHKIND' and the device mark 'Path Kind Labs, bearing application nos. 3365298 and 3507524 both in Class 44, which were considered identical to the mark applied for.

2.1 He states that the proprietor of the said cited marks is Mr. Arjun Juneja, who is the director of the Appellant company.

2.2 He states that the Appellant has placed on record the No Objection Certificate dated 08.07.2024 ['NOC'], issued by Mr. Arjun Juneja. He states



that the said NOC has been taken on record by the Court vide order dated 12.12.2024.

2.3 He states that an Assignment Deed has also been executed by Mr. Arjun Juneja in favour of the Appellant on 05.05.2022 and this Assignment Deed encompasses TM No. 3365298, 3507524 and other additional trademarks. He states that an appropriate Form TM-P¹ was filed on 13.05.2022 with the Registrar for recordal of the assignment, though formal orders recording the assignment are still awaited from the Registrar.

2.4 He, however, fairly states that the fact of the filing of the deed of assignment could not be brought to the attention of the Registrar in these proceedings.

2.5 He states that, nevertheless, in view of the assignment deed and the NOC given by the Director, Mr. Arjun Juneja, the impugned order may be set aside and the Appellant's application seeking grant of the mark as per TM Application 5347179 in Class 44 may be restored to its original number and be directed to advertise.

2.6 In response to a query with respect to a purpose of this fresh application considering the Appellant holds registration in class 44, he states that in this TM application, the Appellant is seeking coverage of further services in addition to the services which are already enlisted in TM No. 3507524.

3. In reply, learned counsel for the Respondent states that it is evident from the submissions of the Appellant that there was no error in the impugned order.

3.1 He states that the sole basis for rejecting the application by the

¹ Reference no. A-3365298 Form, No: 337081



Registrar is the existence of the registration of identical device mark in favour of Mr. Arjun Juneja.

3.2 He states that sufficient time was provided to the Appellant for furnishing the NOC from Mr. Arjun Juneja however, the Appellant failed to file the same on time.

4. Learned counsel for the Appellant has handed over four (4) documents under cover of an index dated 27.10.2025 and has also supplied a copy thereof to learned counsel for the Respondent. He is directed to have the same e-filed during the course of the day. These documents include the assignment deed.

5. This Court has heard and considered the submissions of the parties.

6. In view of the Assignment Deed dated 05.05.2022 executed by Mr. Arjun Juneja in favour of the Appellant in respect of Trademark Nos. 3365298 and 3507524, as well as the NOC dated 08.07.2024, this Court is satisfied that the ground on which the impugned order was passed has now been duly redressed by the Appellant.

7. Although this Court notes that the Appellant was remiss in not bringing to the notice of the Registrar the fact of the Assignment Deed dated 05.05.2022; however, considering that valuable rights of the Appellant are involved in respect of application no. 5347179, this Court deems it appropriate to condone the lapse, subject to the Appellant paying costs of Rs. 10,000/- to the Delhi High Court Legal Services Committee [‘DHCLSC’]. The cost be deposited within four (4) weeks.

8. In view of the above, the appeal is hereby allowed, and the impugned order is set aside. The TM Application No. 5347179 is directed to be accepted and advertised in the Trademarks Journal, preferably within four



(4) weeks in accordance with the rules.

9. In addition, the Registrar is also directed to process Form TM-P filed bearing Reference No. A3365298 Form, No: 337081 of date 13.05.2022 for recordal of assignment in accordance with law, preferably within four (4) weeks from today, subject to the same being complete in all respects.

10. With the aforesaid directions at paragraph nos. 8 and 9, the Appeal is disposed of.

11. Pending applications, if any stand disposed of.

12. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 27, 2025/msh/AM