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

+ **W.P.(C)-IPD 57/2025 & CM 234-235/2025**

GURU SOYA FOODS PVT. LIMITEDPetitioner

Through: Mr. Shravan Kumar Bansal, Mr. Rishi Bansal, Mr. Pankaj Kumar and Ms. Deasha Mehta, Advs.

versus

THE REGISTRAR OF TRADE MARKSRespondent

Through: Ms. Nidhi Raman, CGSC with Mr. Om Ram and Mr. Arnav Mittal, Advs.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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05.12.2025

1. The present petition under Article 226 and 227 of the Constitution of India, has been filed seeking issuance of writ to the Respondent for renewing the trademark 'CRISPRO'(label) bearing registration no. 450944 in class 30.

Case set up by the Petitioner.

2. The Petitioner is stated to be engaged in the business of manufacture and marketing of food products such as Soya Bari, Soya Bari Chura, Soya Snacks, etc and adopted the trademark 'CRISPRO' in relation to its said product in the year 1985 and has been continuously using the same in relation to the said products since 01.10.1985.

2.1 It is stated that the Petitioner is the registered proprietor of the trademark 'CRISPRO'(label) under no. 450944 in class 30 and the said



registration was duly renewed upon filing renewal request and it was last renewed for a period of 10 years from 11.03.2007 i.e., up to 11.03.2017.

Submissions by the Petitioner

3. Learned counsel for the Petitioner states that at the time of initial filing the abovementioned trademark application the Petitioner's trade and business address was 26-B, Madhobari, Nai Basti, Bareilly – 243005 (U.P.)['old address'].

3.1 He states that the Petitioner vide FORM-34 dated 02.04.2001 had duly registered the change of its trade and business address to the present address i.e., H-8, Parsakhera Industrial Area, Bareilly- 243502 ['new address'] and the said application was allowed by the Registrar vide order dated 19.04.2004 and necessary entry was made in the trademark registry on 02.06.2004.

3.2 He states that the renewal of the trademark 'CRISPRO' (label) was due on 11.03.2017, however, the Petitioner failed to apply for renewal and it also did not receive the mandatory notice [i.e, as per FORM RG-3] as required by law under Section 25(3) of the Trade Marks Act, 1999 ('Act of 1999') read with Rule 58 (1) of the Trade Marks Rules, 2017 for renewal of trademark.

3.3 He states that in July 2018, the Petitioner on checking the online records of the Trade Marks office found that the office issued the FORM RG-3 notice on 02.12.2016 but the same was sent to the old address despite the fact that the said address had changed and the new address was taken on record by the Registrar vide order dated 19.04.2004.

3.4 He states that on 05.10.2018, the Petitioner filed an Interlocutory Petition to renew the trademark 'CRISPRO' (label) bearing registration no.



450944 in class 30, but no action was taken by the Respondent and therefore the present writ petition was filed.

3.5 He states that the online status of the aforementioned registration still shows 'Registered' with an alert stating that the said trademark is likely to be removed due to non-filing of Renewal request within prescribed time limit in case of any discrepancy contact TM Registry.

Submissions by the Respondent

4. Learned counsel for Respondent No. 1 states that he has received written instructions which confirms that inadvertently the FORM RG- 3 notice/O-3 notice was sent to the old address of the Petitioner. He has handed over a copy of the e-mail dated 05.12.2025 which read as under:

"Sir/Ma'am

As per record 0-3 notice in trademark application no. 450944 was generated on 02.12.2016 (Copy enclosed) the same was dispatched on the address "*26-B MADHOBARI NAI BASTI, BAREILLY-243005 (UP)*"

It also mentioned here that the applicant has requested to change the address by filing TM-34 dated 02.04.2001 to change address from *26-B MADHOBARI NAI BASTI, BAREILLY-243005 (UP)* to ***H-8. PARSAKHERA INDUSTRIAL AREA, BAREILLY-243502*** and this request was allowed on 19.04.2004. However due to some technical error the service address of the application still shows "26-B MADHOBARI, NAI BASTI, BAREILLY 243005 (UP)" in the record of Trademark application no. 450944 and on this address O3 notice was issued.

Further as hon'ble court decide trademark registry will follow the directions.

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Regards,

Vipin

**Senior Examiner of Trademark, Geographical Indication & Copyright/
Legal In-charge Trademark Registry, Delhi."**

4.1 He states that the Respondent will abide by any further directions



issued by this Court.

Findings and analysis of the court

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

6. The Petitioner herein had duly filed an application for change of its trade and business address, which was allowed by the Registrar vide order dated 19.04.2004 and in this regard the necessary entry was made in the registration on 02.06.2004.

7. It is an admitted position by the Respondent that the Form RG- 3 notice/'O-3 notice' was not sent to the Petition on its new address. The Respondent, also, do not dispute that the 'O-3 notice' was issued upon the Petitioner's old address. The same is evident from the copy of the e-mail dated 05.12.2025 handed over by the learned CGSC, as mentioned above. In these admitted facts, clearly the mandate of Rule 58(1) of the 2017 Rules have been violated.

8. It is observed that Respondent had filed an Interlocutory Petition filed by the Petitioner on 05.10.2018 for renewal of the registration of trademark 'CRISPRO'(label) bearing registration no. 450944 in class 30, which is still pending.

9. It is also undisputed that the Petitioner's trademark has not been removed as yet from the register and therefore the Petitioner is entitled to have its mark renewed. The delay by the Petitioner in approaching the Registrar belatedly, on 05.10.2018 for renewal, in the facts of this case are condoned.

10. Thus, keeping in view of the aforesaid, the relief sought in the petition is granted in the following terms: -



- a. Respondent is directed to process the Interlocutory Petition filed by the Petitioner on 05.10.2018 for renewal of the registration of trademark 'CRISPRO'(label) bearing registration no. 450944 in class 30, within four (4) weeks after giving an opportunity to the Petitioner for hearing. In case, there is any deficiency in the forms or any further application is to be filed, Registrar shall inform the Petitioner promptly so that Petitioner can take appropriate steps. However, the entire process shall be completed within a period of eight (8) weeks.
11. With the aforesaid directions, this petition as well as all pending applications stands disposed of.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 5, 2025/msh/IB