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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **C.A.(COMM.IPD-TM) 70/2025& IA No. 26491-93/2025**
JYOTI SHARMA (TRADING AS AKHAND BHARAT ENTERPRISES)Appellant

Through: Mr. Devanshu Khanna & Mr.
Partheshwar Singh, Advs.

versus

THE REGISTRAR OF TRADE MARKSRespondent
Through: Ms. Nidhi Raman, CGSC, Mr. Om
Ram & Mr. Mayank Sansanwal,
Advocates

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **26.11.2025**

This matter is taken up today on account of public holiday declared on 25.11.2025 on the occasion of 350th anniversary of 'Guru Teg Bahadur's Martyrdom Day'.

1. The present appeal has been filed under Section 91 of the Trade Marks Act, 1999 ('Act of 1999'), challenging the order dated 29.07.2025 passed by the Registrar of Trademarks refusing registration of TM Application No.

5169491 in Class-9 for registration of device mark '' in respect of goods included in Class-9.

2. Issue notice.
3. Learned counsel for the respondent accepts notice.
4. Ms. Nidhi Raman, learned CGSC states that in view of the fact that the



word 'Akhand Bharat' is a common and generic name, the impugned order is in conformity with law.

5. Learned counsel for the appellant states that the appellant has applied for a device mark and not a word mark however, the impugned order wrongly records that the appellant has applied for a word mark.

5.1 He states that the appellant has applied for the mark in Class-9, which is for goods, however, the order incorrectly records that the mark has been applied for services.

5.2 He further states that while appellant has applied for the mark on a proposed-to-use basis, the impugned order records that the appellant has failed to file any document in support of use of the applied mark. He states that since the application was filed on a proposed-to-use basis, there was no requirement to file the document in support of the applied mark of its use, though the appellant in this case had in fact filed documents showing user since 2021, after having applied for the mark.

6. This Court has considered the submissions of the parties. There appears to be an apparent error in the impugned order since it refers to the applied mark a word mark and misconstrues that the appellant has applied the mark for services, whereas the appellant has applied for goods in Class-9. It also makes an erroneous observation that the appellant has not placed on record the documents in support of use of its mark, whereas it was filed on a proposed-to-be-used basis.

7. The impugned order is replete with factual errors which are indicative of lack of appreciation of the appellant's claim. In addition, the Registrar would have to examine the applied device mark on the touchstone of whether it is distinctive or not, when seen in the background of its artistic work and



additional elements. Presently, the impugned order does not return any finding on these issues.

8. Accordingly, this Court is satisfied that the impugned order is liable to be set aside, and the matter remanded for consideration of the Registrar of Trademarks.

9. It is made clear that this Court has not expressed any opinion on the merits of the appellant's claim for registration and the matter will be heard afresh in accordance with law.

10. Keeping in view of the fact that the application was filed in 2021, the Registrar is directed to grant a hearing, after giving notice to the appellant within a period of three (3) weeks.

11. With the aforesaid directions, the appeal stands disposed of.

12. Pending applications, if any, disposed of.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 26, 2025

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