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(T)OP(TM) No. 375 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

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THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM) No. 375 of 2023

Sugar Brands Pvt. Ltd
(Amendment carried out as per order dated 8.1.26
in (TM) A No.130 of 2025 in (T) OP (TM) 375 OF
2023)
B-1004, Palatial Heights,
Chandivali Farm Road, Andheri East
Mumbai - 400072

..Petitioner(s)

Vs

1. M/s. Sugar Pop Bath And Body LLP
No. 8-3-658/5, Flat No. 201, Hasini Residency,
Jayaprakash Nagar, Yellareddyguda,
Hyderabad - 500073,
Telangana State, India
2. The Registrar of Trademarks,
Trademarks Registry,
Chennai.

..Respondent(s)

PRAYER: Transfer Original Petition (Trade Marks) is filed under Sections 9, 11, 12, 18 & 57 of the Trade Marks Act, 1999, praying that this rectification be allowed and that the entry relating to trademark under no. 4074848 in class 3 be removed/expunged from the Register of Trade Marks and that the cost of these proceedings be awarded to the Applicant.



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For Petitioner(s):

Mr.K.PremChandar
Chitra Subbiah
S.Yeseswini
for M/s. Anand And Anand

For Respondent(s):

Mr.KSubbu Ranga Bharathi, CGSC for R2
R1 – Set *Ex parte* on 22.01.2026

ORDER

The petitioner carries on cosmetics business. In relation thereto, the petitioner obtained registrations for the word mark SUGAR COSMETICS and variants thereof, including S SUGAR. Alleging that the first respondent has wrongfully obtained registration for the following deceptively similar mark





the present petition has been filed to rectify the register by removing Trade Mark No.4074848 from such register.

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2. The first respondent filed a counter statement in response to the petition. Thereafter since counsel for the first respondent submitted that she had no instructions and would no longer appear in the matter, the matter was listed on 22.01.2026 to provide an opportunity to the first respondent to engage a different counsel. On 22.01.2026, the first respondent remained unrepresented. Therefore, said respondent was set *ex parte* and the matter was posted for recording *ex parte* evidence on 05.02.2026.

3. On 05.02.2026, the petitioner examined Mr.Aniket Karkhanis, Authorised Signatory, as P.W.1. In course of his examination in chief Exs.P1 to P18 were marked.

4. Learned counsel for the petitioner invited my attention to Ex.P2 series consisting of legal use certificates obtained by the petitioner for the mark SUGAR COSMETICS, SUGAR STRAND OUT, S SUGAR and variants thereof. He points out that these registrations are in various classes relating to the cosmetics business and trade. He also points out that the user claim therein is from 01.02.2015. As evidence of use, he relies upon online articles about the petitioner's brand (Ex.P4), news articles regarding awards received by the



promoters of the petitioner (Ex.P5) and invoices evidencing the use of the mark by the petitioner (Ex.P12). Referring to the examination report relating to the first respondent's application for registration, learned counsel points out that the application was considered and granted hastily, as evidenced by the search report accompanying the examination report, which shows that there are no conflicting marks. Learned counsel submits that the petitioner had registered multiple word and device marks by the time the examination report was issued. Hence, he submits that the impugned mark was entered in the register without sufficient cause.

5. The petitioner has registered multiple word and device marks. Each mark comprises the element SUGAR. These registrations relate to various classes of relevance for the cosmetics trade and business. The user claim made therein dates from 01.02.2015. Ex.P12 series consists of invoices issued from January 2016. The respondent has applied for registration in the year 2019. In the counter statement of the first respondent, the user claim is made from 2018. Therefore, the conclusion that follows from the evidence on record is that the petitioner is the prior user. The impugned registration is in relation to goods such as soaps, perfumes and cosmetics. Therefore, the parties are engaged in substantially similar if not identical businesses. From the exhibits on record, it appears that the prominent element in the petitioner's mark is the word element



SUGAR. In fact, the petitioner appears to have applied for and obtained registration for the mark SUGAR POP with effect from 25.01.2022.

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6. As contended by learned counsel for the petitioner, it appears that the Registrar of Trade Marks did not exercise due diligence while carrying out a search for conflicting marks. This is evident from the search report annexed to the examination report dated 20.02.2019 (Ex.P10). Considering the marks and the substantially similar businesses, the use of the impugned mark is likely to cause confusion or deception among the public. Hence, I conclude that the impugned mark was entered on the register without sufficient cause. Consequently, rectification is warranted.

7. For reasons aforesaid, this petition is allowed by directing that the entry relating to Trade Mark No.4074848 be removed from the register of trade marks. This action shall be undertaken within *four weeks* from the date of receipt of a copy of this order. There shall be no order as to costs.

25-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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**To**

The Registrar of Trademarks,
Trademarks Registry,
Chennai.

Petitioner's Side Witness:

P.W.1 – Mr.Aniket Karkhanis, Authorised Signatory

Petitioner's Side Documents:

Ex.P1	Original Letter of Authorisation in favour of Mr.Jigar Vyas or Mr.Aniket Karkhanis, Authorised Signatory of the petitioner dated 15.10.2024.
Ex.P2	(Series 9 Nos.) Photocopies of the Trade mark Certificates for Use in Legal Proceedings pertaining to Application Nos.5260465, 5260466, 5505366, 5505367, 5505368, 5592090, 5260447, 5260449 and 5260450. (Compared with the originals)
Ex.P3	(Series 2 Nos.) Photocopies of the Legal Use Certificates pertaining to Trademark Application Nos.2942043 and 2942044. (Online Trade Mark certificate annexed to it is not marked)
Ex.P4	Printouts of the online articles about the petitioner's brand.
Ex.P5	Printout of the new articles featuring the award received by Ms.Vineeta Singh under "Emerging Women Entrepreneur" MAKERS India Awards 2021 and Nomination of Ms.Vineeta Singh under the categories of "Woman Ahead" and "Social Enterprise" for the Economic Times Startup Awards, 2020.
Ex.P6	Printout of various e-commerce platform selling the petitioner's products.
Ex.P7	Printout of advertisements, promotional materials etc., evidencing use of the petitioner's products.
Ex.P8	Printout of extracts of social media pages of the mark "SUGAR" & "SUGAR POP" of the petitioner.
Ex.P9	Printout of the sales return of the first respondent as per the Ministry of Company Affairs in Zaubacorp website.



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Ex.P10	Printout of the copy of examination report under the impugned trade mark application No.4074848.
Ex.P11	Printout of the KIAN Corporation's e-records as available with the California Secretary of the State.
Ex.P12	Photocopy of the invoices evidencing the use of the mark "SUGAR" by the petitioner.
Ex.P13	Photocopy of the Chartered Accountant Certificate specifying sales turnover and advertisement expenses for the year 2015-20.
Ex.P14	(Series 3 Nos.) Photocopies of the legal notice dated 24.09.2022 issued by the petitioner, reply dated 19.10.2020 and rejoinder dated 19.01.2021.
Ex.P15	(Series 2 Nos.) Photocopies of the legal notice dated 31.03.2022 issued by the 1 st respondent and reply sent by the petitioner dated 16.04.2022.
Ex.P16	Printout of the trade mark application of the petitioner for the mark "SUGAR POP" in Class 35 as filed by the 1 st respondent.
Ex.P17	Photocopy of the Trade Mark Registration Certificate of the impugned mark as filed by the 1 st respondent.
Ex.P18	(Series 2 Nos.) Photocopies of the foreign investment letters from KIAN Corporation filed by the 1 st respondent.

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SENTHILKUMAR RAMAMOORTHY, J.

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