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WP(IPD) No. 37 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

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THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

WP(IPD) No. 37 of 2025

Rajesh Rangwani
Trading as M/s.Bonie Collections
Shop No.4 and 6, Paradise Complex
P.G. Road, Secunderabad 500 003

Petitioner(s)

Vs

The Registrar of Trade Marks
Office of The Trade Marks Registry
Intellectual Property Buildings
GST Road, Guindy, Chennai 600 032

Respondent(s)

PRAYER

Calling for records of the Respondent pertaining to the impugned Letter No TMR/CASH/2025/77 dated 14.02.2025 and quash the same and consequently direct the Respondent to Renew the Trade Marks Registration no.1758382 in Class 35 by processing the Renewal Application dated 11.02.2025 along with requisite fee submitted by the petitioner.

For Petitioner(s): Mr.Hemant Daswani

For Respondent(s): Mr.K.Subbu Ranga Bharathi
Central Government Counsel

ORDER

This writ petition has been filed challenging the impugned letter No.TMR/CASH/2025/77 dated 14.02.2025 and for a consequential direction to



the respondent to renew the trade mark registration No.1758382 in Class 35 by processing the renewal application dated 11.02.2025 along with the requisite fee submitted by the petitioner.

2.The case of the petitioner is that the petitioner had originally applied for registration of the trade mark “Bonie Collections” on 27.11.2008. This trade mark was eventually registered only on 06.04.2023, after the opposition proceedings were decided in favour of the petitioner. The specific case of the petitioner is that the Registration Certificate and the Order dated 17.03.2023, were never served on the petitioner nor was the mandatory renewal notice issued on the petitioner. Hence, the petitioner was unaware of the registration status and had attempted renewal only upon becoming aware of the same in January 2025. The grievance of the petitioner is that even after filing of the renewal application along with requisite fee, the respondent has rejected the request, on the ground of delay. Aggrieved by the same, the present writ petition has been filed before this Court.

3.When the writ petition came up for hearing on 22.01.2026, this Court on hearing the learned Central Government Standing Counsel, passed the following order:

“Learned Central Government Standing Counsel appearing on behalf of the respondent, on instructions, submitted that the petitioner



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had submitted the application on 27.11.2008. Opposition was filed and the same was rejected and the Registration Certificate was granted on 06.04.2023. It was further submitted that the petitioner has not received the registration certificate and the time limit fixed under Rule 57 of the Trade Mark Rules, 2017, had expired. Hence, the respondent is not in a position to renew the registration of the Trade Mark.

2. Learned counsel for petitioner seeks some time to take instructions.

Post this petition under the caption ‘for orders’ on 29.01.2026.”

4. Learned counsel for the petitioner submitted that in the case in hand, neither the Registration Certificate nor the Order dated 17.03.2023, was served on the petitioner and the petitioner was kept in dark on the status of registration. It was further submitted that admittedly, notice in form RG-3 has not been issued to the petitioner. Hence, there is no justification on the part of the respondent to reject the application submitted by the petitioner, on the ground of delay.

5. Learned counsel for the petitioner to substantiate his submissions, relied upon the earlier order passed by this Court in W.P.(IPD) No.37 of 2025 dated 13.08.2024, the relevant portions are extracted herein:

“10. From the above discussion, the conclusions that follow are that there is a statutory obligation on the Registrar of Trade Marks to issue notice under sub-section (3) of Section 25 read with sub-rule (1) of Rule 58 in case an application for renewal is not received in terms of sub-section (2) of Section 25 read with subrule (1) of Rule 57. Given the right of a registered proprietor to renew the registration for blocks of 10 years at a time, the obvious object and purpose of the notice is to inform



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the registered proprietor that the time limit for expiry of the registration is approaching and to take necessary action to renew the registration, if so intended. Indeed, even after removal, sub-section (3) of Section 25 read with Rule 59 prescribes that the removal should be advertised in the Trade Mark Journal. Once again, the object and purpose is to put the registered proprietor and the public on notice about the removal of the trade mark so as to enable such registered proprietor to take action for restoration in terms of subsection (4) of Section 25 read with Rule 60, as also to enable any person interested in or affected by the trade mark to take consequential action.

11. In this case, as adverted to earlier, the trade marks have not been removed from the Register of Trade Marks. While the respondent asserts that notice in Form RG-3 was sent to the registered proprietor under dispatch No.5567145, the respondent is unable to place on record acknowledgment of receipt of such notice. Without such acknowledgment, it cannot be concluded that the registered proprietor of the trade marks/assignor of the petitioner received such notice. The consequences of the above, including non-removal, warrant consideration next.

12. As stated at the outset of this discussion, a trade mark is a form of intellectual property which may be registered and renewed in perpetuity for blocks of ten years at a time. The earliest date for seeking renewal is prescribed in sub-rule (1) of Rule 57, but not the end date. Such end date is only prescribed for restoration in sub-section (4) of section 25 read with Rule 60. The sequitur is that an application for renewal may be made at any time after the start date prescribed in Rule 57(1) if the trade mark has not been removed from the register. The rationale for prescribing an end date for restoration is that the removal of a trade mark is advertised and third party rights, including by way of conflicting registrations, may be created thereafter. Up to the prescribed end date for restoration, the creation of adverse or conflicting third party rights is mitigated by the legal fiction in section 26 that the removed trade mark will be deemed to be on the register for one year after removal unless it falls within the exceptions specified therein.

13. Hence, the failure of the respondent to put the registered proprietor on notice with regard to the impending expiry of registration and remove the trade marks from the register thereafter opens the door for such registered proprietor or his successor-in-interest to seek renewal. In this connection, the order of the Delhi High Court in *Irvinder Kaur Chadha* is distinguishable inasmuch as notice under sub-section (3) of section 25 was duly served in that case on the registered proprietor. For reasons set out above, I concur with the conclusion of the Division Bench of the Bombay High Court in *Motwane*. ”



6.This Court carefully considered the submissions made on either side and the materials available on record.

7.In the case in hand, there is absolutely no material to substantiate that neither the Order dated 17.03.2023 dismissing the opposition nor the registration certificate was served on the petitioner. Even in the present writ petition, what has been filed by the petitioner at page No.31 of the paper book is, the online copy that is available in the website of the respondent and till date, the physical copy of the registration certificate has not been served on the petitioner.

8.It is also not in dispute that the respondent has not issued relevant notice in the prescribed form, seeking for the renewal of the certificate. In such a scenario, the above order that was relied upon by the learned counsel for the petitioner, will squarely apply to the facts of the case. If the trade mark has not been removed from the Register of Trade Marks, obviously, the rejection for renewal cannot take place, unless the notice in Form RG3 is served on the petitioner. This mandatory requirement has not been satisfied in this case. In view of the same, this Court is in complete agreement with the above judgment relied upon by the learned counsel for the petitioner.



9. In the result, the impugned letter No.TMR/CASH/2025/77 dated 14.02.2025 issued by the respondent, is hereby quashed. There shall be a direction to the petitioner to apply for the renewal of the registration of the trade mark within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent shall process the same and grant renewal within a period of four weeks thereafter.

This writ petition is accordingly allowed. No costs.

29-01-2026

gya

Index : Yes/No

Neutral Citation : Yes/No



To

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The Registrar Of Trade Marks
Office of The Trade Marks Registry
Intellectual Property Buildings
GST Road, Guindy, Chennai 600 032

WP(IPD) No. 37 of 2018





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N. ANAND VENKATESH, J.

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