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

+ CA (COMM.IPD-CR) 1/2026 & I.A. 2448/2026

M.M.I TOBACCO (P) LTD

.....Appellant

Through: Mr. Sohail Haque, Mr. M.I.A. Lodhi
and Ms. Puspita Basak, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Manisha Agrawal Narain, CGSC
with Ms. Aditi Singh, Government Pleader and
Mr. Divanshu Vajpayee, Advocates for R-1 to R-5.
Mr. Kunal Khanna, Mr. Rishabh Gupta, Mr.
Kaulik Mitra, Mr. Samanyu Bhatnagar and Mr.
Anuj Dhar, Advocates for R-6.

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+ CA (COMM.IPD-CR) 2/2026 & I.A. 2452/2026

M.M.I TOBACCO (P) LTD

..... Appellant

Through: Mr. Sohail Haque, Mr. M.I.A. Lodhi
and Ms. Puspita Basak, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Manisha Agrawal Narain, CGSC
with Ms. Aditi Singh, Government Pleader and
Mr. Divanshu Vajpayee, Advocates for R-1 to R-5.
Mr. Kunal Khanna, Mr. Rishabh Gupta, Mr.
Kaulik Mitra, Mr. Samanyu Bhatnagar and Mr.
Anuj Dhar, Advocates for R-6.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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15.04.2026

1. Matters are taken up today as 14.04.2026 was declared holiday on account of birthday of Dr. B.R. Ambedkar vide Notification No. 71/G-4/Genl.-I/DHC dated 10.04.2026.



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2. By this appeal, Appellant challenges impugned order dated 16.10.2025 passed by Respondent No. 3 in respect of copyright application filed by Respondent No. 6 vide diary No. 7831/2022-CO/A and also seeks setting aside of Copyright Registration Certificate bearing No. AT-20250162008 dated 16.10.2025 issued by Respondent No. 2 and Search Certificate No. TM-C110294 dated 17.03.2022 issued by Respondent No. 5 in favour of Respondent No. 6.

3. As per the case set up in the appeal, Appellant is the prior adopter and prior user of the work 'MUSA KA GUL' from the year 1974 and has several copyright registrations as mentioned in the appeal apart from trademark registrations. Illustratively, one of the registered artistic works of the Appellant is as follows:-



4. It is stated in the appeal that on or around 15.04.2022, Appellant came across a “‘SUPER QUALITY CHACHUKA GUL’ WITH BUST PHOTOGRAPH (LABEL)” of Md. Subedar, an alleged artistic work of Respondent No. 6 in respect of which he has applied for registration under the Copyright Act, 1957 ('1957 Act'). On learning of the same, Appellant filed its objection on 19.04.2022 with Respondent No. 2 on which hearing was scheduled on 29.09.2025, wherein Appellant submitted that Respondent



No. 6 had surreptitiously caused wrongful publication of the impugned work despite existence of Appellant's previously registered and published artistic work under different registration numbers. It is also pointed out that the impugned work was a mirror copy of Appellant's artistic work and should not proceed to registration. However, by impugned order dated 16.10.2025, Respondent No. 3 rejected the objection holding that Appellant's artistic work was not similar to the impugned work and directed that the application should proceed further as per law.

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5. By this appeal, Appellant challenges impugned order dated 16.10.2025 passed by Respondent No. 3 in respect of copyright application filed by Respondent No. 6 vide diary No. 7698/2022-CO/A and also seeks setting aside of Copyright Registration Certificate bearing No. AT-20250162007 dated 16.10.2025 issued by Respondent No. 2 and Search Certificate No. TM-C107672 dated 17.03.2022 issued by Respondent No. 5 in favour of Respondent No. 6.

6. It is averred that on or around 14.04.2022, Appellant came across a title 'HA 1 NO. MOHD MUSA KA GUL' of the alleged artistic work of Respondent No. 6 in respect of which he has applied for registration under 1957 Act. On learning of the same, Appellant filed its objection on 15.04.2022 with Respondent No. 2 on which hearing was scheduled on 29.09.2025, wherein Appellant submitted that Respondent No. 6 had surreptitiously caused wrongful publication of the impugned work despite existence of Appellant's previously registered and published artistic work under different registration numbers. It is also pointed out that the impugned work was a mirror copy of Appellant's artistic work and should not proceed to registration. However, by impugned order dated 16.10.2025, Respondent



No. 3 rejected the objection holding that Appellant's artistic work was not similar to the impugned work and directed that the application should proceed further as per law.

7. Learned counsel for the Appellant submits that *albeit* the impugned orders deserve to be set aside on multiple grounds including on merits, however, the matters be remanded back to the Registrar at this stage on a singular ground that for adjudicating the subject application titled “‘SUPER QUALITY CHACHUKA GUL’ WITH BUST PHOTOGRAPH (LABEL)” with respect to Respondent No. 6's Diary No. 7831/2022-CO/A



, Respondent No. 3 ought to have considered Appellant's correct diary numbers along with their Copyright Registration Nos.18481/2021-CO/A (A-140588/2021), 18200/2019-CO/A (A-13295/2020), 17280/2019-CO/A (A-132586/2020), 18275/2019-CO/A (A-132643/2020) and 1997/2020-CO/A (A-133525/2020), whereas he has erroneously considered artistic work against wrong diary no. 130033/2019-CO/A, which resulted in wrong comparison and consequently, wrong finding that the rival works are not deceptively similar and Appellant's objections have been dismissed.

8. A similar submission is made for artistic work titled “‘SUPER QUALITY CHACHUKA GUL’ WITH BUST PHOTOGRAPH (LABEL)” in respect of Respondent No. 6's alleged work applied vide Diary No. 7698/2022-CO/A that Respondent No. 3 ought to have considered the correct artistic work of the Appellant under Copyright Registration No. 18481/2021-CO/A (A-140588/2021), whereas it has erroneously considered



artistic work against Diary No. 13033/2019-CO/A and hence the whole basis of the comparative analysis is misplaced.

9. Ms. Manisha Agrawal Narain, learned CGSC does not dispute the fact that an error has occurred in the impugned orders since comparison of the impugned artistic works had been made with the wrong artistic work owing to consideration of wrong diary numbers and if the Court is inclined, the matter be remanded back to the Registrar of Copyrights for fresh consideration.

10. Learned counsel for Respondent No. 6 opposes the appeals on several grounds including the *locus* of the Appellant to file the present appeals under Rule 70 of The Copyright Rules, 2013 ('2013 Rules') and in support relies on a decision of the Coordinate Bench of this Court in ***Fornnax Technology Private Limited v. The Registrar of Copyrights*** in **CA (COMM. IPD-CR) 5/2026**, decided on 11.02.2026, more particularly, paragraphs 7, 15 and 16 thereof.

11. I have heard learned counsels for the parties and examined their submissions. Appellant has challenged the impugned orders, whereby its objections to registration of the impugned artistic works have been rejected by Respondent No. 3 with a direction that the impugned applications will proceed further in accordance with law. Respondent No. 6 opposes the appeals on merits as also on the *locus* of the Appellant claiming that the Appellant is not a '*person interested*' as defined under Rule 70 of 2013 Rules *albeit* it must be noted that this objection is not taken in the replies filed.

12. In my considered opinion, this Court need not delve into the merits of the cases since a plain reading of the impugned orders evidences that a manifest error has occurred in comparing the registered artistic works of the



Appellant. Instead of comparing the impugned artistic works with those of the Appellant's registered works against specific diary numbers as brought forth in the objections, Respondent No. 3 has erroneously considered works against different diary numbers resulting in erroneous conclusion that the rival artistic works are not similar. Had Respondent No. 3 considered the correct registered artistic works of the Appellant, the decision on the comparative similarity may have been otherwise. This vitiates the findings in the impugned orders calling for a remand to the Registrar of Copyrights for considering the objections of the Appellant, afresh.

13. Accordingly, without getting into the merits of the cases, the impugned orders, both dated 16.10.2025, are quashed and set aside. Matters are remanded back to Respondent No. 3 for considering the objections afresh and taking a decision within three months from today. Needless to state that before taking a decision, opportunity of hearing shall be given to the Appellant and Respondent No. 6 and as sought. Liberty is granted to both the parties to file additional written submissions, if so required. All rights and contentions of the parties are left open including the right of Respondent No. 6 to question whether the Appellant is a '*person interested*' within the meaning of Rule 70 of 2013 Rules.

14. Appeals stand disposed of in the aforesaid terms along with pending applications.

JYOTI SINGH, J

APRIL 15, 2026/RW