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

+ C.O.(COMM.IPD-CR) 5/2025 & I.A. 2459/2025

SAURABH RAWLLEY

.....Petitioner

Through: Mr. P.K. Jain, Advocate.

versus

PAWAN GARG & ORS.

.....Respondents

Through: Mr. M.K. Miglani, Mr. Hardik Gogia
and Mr. Utkarsh Jha, Advocates for R-1.

Ms. Nidhi Raman, CGSC with Mr. Om Ram and
Ms. Nikita Singh, Advocates for R-2 and 3.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
13.03.2026

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1. This rectification petition is filed on behalf of the Petitioner under Section 50 of The Copyright Act, 1957 ('1957 Act') against registration of the impugned copyright under entry no. A-130593/2019 dated 22.08.2019 in favour of Respondent No. 1 in respect of artistic work 'Shahi Dinner'.

2. As stated in the petition, artistic label titled Saahi Dinner was authored by Mr. Mukesh Kumar in February, 2014 and the Author assigned the right to the Petitioner on 09.08.2022. The artistic label consists of color combination of yellow and purple and is used in respect of rice packing. Respondent No. 1 applied for registration of word mark SFSHAHIDINNER on 24.03.2014 claiming user since 19.08.2009. The application was refused registration vide order dated 27.08.2018 owing to as many as 10 trademarks having the word SHAHI with or without suffix being cited. Respondent



No. 1 applied for label mark Shahi Dinner on 16.09.2016. The trademark label contained artistic layout, arrangement, color combination of chocolate and yellow with device of flower and word Royale, which is pending registration.

3. It is stated that Petitioner applied for registration of trademark label SAAHI DINNER on 06.04.2019 claiming user since 01.04.2014. The application was advertised on 20.03.2023 and Respondent No. 1 filed opposition on the ground of impugned copyright registration in its favour as also prior use of trademark Shahi Dinner. Petitioner filed counter statement and the opposition is pending consideration. Impugned copyright registration is assailed by the Petitioner on multiple grounds including but not limited to non-furnishing of notice to the Petitioner at the time of seeking registration as required under Rule 70(9) of Copyright Rules, 2013 ('2013 Rules').

4. Learned counsel for the Petitioner submits that it is a statutory mandate of law that a person applying for registration shall give notice of his application to every person, who claims or has interest in the subject matter of the copyright or disputes the rights of the applicant to it. It is urged that the Coordinate Benches of this Court in *M/s New Bharat Overseas v. M/s Bhagwati Lacto Vegetarian Exports Pvt Ltd and Ors.*, dated 08.09.2025, *C.O.(COMM.IPD-CR) 843/2022* and *Anil Kumar Gera Trading As Alka Food Industries v. Mr Ramesh Chander Trading As Anil Food Industries*, dated 02.05.2024, *C.O.(COMM.IPD-CR) 750/2022*, have quashed and set aside the impugned copyright registrations on ground of lack of notice under Rule 70(9) of 2013 Rules.

5. Learned counsel for Respondent No. 1, on instructions, fairly and



candidly concedes that notice required under Rule 70(9) has not been given to the Petitioner and therefore, the matter be remanded back to the Registrar, for fresh consideration of the original application filed by Respondent No. 1.

6. In light of the fair stand taken by Respondent No. 1 and looking to the mandate of Rule 70(9), this petition is partially allowed setting aside the impugned registration and with the following directions:-

- (i) Impugned copyright registration bearing No. A-130593/2019 dated 22.08.2019 in favour of Respondent No. 1 is revoked/cancelled.
- (ii) Original application filed by Respondent No. 1 seeking registration of the copyright in the artistic work in question will be treated as revived.
- (iii) Petitioner will file the opposition/objections within a period of six weeks from today before the Registrar of Copyrights. In case the objections are not filed within the time granted, learned Registrar will proceed to decide the application of Respondent No. 1 on merits.
- (iv) It will be open to Respondent No. 1 to file response to the objections filed by the Petitioner, within two weeks thereafter.
- (v) Registrar of Copyrights shall adjudicate the application filed by Respondent No. 1 in accordance with law and take a decision within eight weeks from the date of filing of response by Respondent No. 1.

7. It is made clear that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the parties are left open.

8. At this stage, learned counsel for Respondent No. 1 submits that the



suit pending between the parties before the learned Trial Court is at the stage of recording of evidence and since application of Respondent No. 1 for registration of copyright will be revived, Petitioner should request the Trial Court not to proceed with the matter.

9. Learned counsel for the Petitioner, on instructions, submits that a request will be made to the Trial Court to defer the evidence till the decision of the Registrar of Copyrights. Assurance is taken on record.

10. Petition is disposed of along with the pending application.

JYOTI SINGH, J

MARCH 13, 2026
S.Sharma