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

+ **W.P.(C)-IPD 13/2026 & CM 79/2026**

M/S EPICUREAN HOSPITALITY

.....Petitioner

Through: Mr. Ayush Mittal, Mr. Pradyum Chaudhary, Ms. Mehak Sharma, Mr. Mokesh Kataria and Ms. Muskan Rawley, Advocates.

versus

UNION OF INDIA & ANR.

.....Respondents

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

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

07.04.2026

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W.P.(C)-IPD 13/2026

1. This is a writ petition under Article 226/227 of the Constitution of India, 1950 seeking issuance of writ, order or directions of certiorari to quash/set aside the impugned Examination Report dated 20.02.2026 passed by the respondent no.2/ Registrar of Trade Marks.
2. Learned counsel appearing for the petitioner draws attention of this Court to page 47 of the petition which is the impugned Examination Report dated 20.02.2026.
3. Learned counsel for the petitioner states that while the Examination Report does not indicate any objection at all apart from only specifying the "Objected Class:30,43". He states that other than this there is no objection raised so far as the other parameters are concerned. He further submits that there is no clarification as to what is the nature of objection in Class 30 and 43 of the trade mark application required to be answered. He further submits that without any substantial reason or objection, the Examination Report states that the application is liable to be refused.



4. Further, he also submits that out of the three cited marks, two cited marks are abandoned or expired. Thus, there is no sustainable objection on which the Examination Report states that the application is liable to be refused. He states that the Examination Report is unsustainable in law, since it does not clearly specify as to what is the nature of objection actually raised.

5. *Per contra*, Ms. Nidhi Raman, learned CGSC submits that though the objection as to Class is mentioned as 30, 43 has been raised, yet it appears that the objection raised is in the respect of the provision of Section 11 of the Trade Marks Act, 1999 (hereinafter referred to as 'the Act') which can be answered by the petitioner while filing its reply to the said Examination Report. Ms. Raman, learned CGSC also states that the petition is premature and the petitioner has enough opportunity to answer the objections in its response.

6. The controversy involved in the present case is only in respect of as to whether any clear objection has been raised by the Trade Marks Registry in the impugned Examination Report.

7. It would be appropriate to extract the impugned Examination Report hereunder:



DOCUMENT-P4

From: The Registrar of Trade Marks, DELHI

Dated: 20-02-2026

सेवा में/To,

EPICUREAN HOSPITALITY
120/5 KM Stone,GT Road, Kamal, Haryana - 132001

आवेदन संख्या/Application No: 6739647

वर्ग में/ In Class/Classes: 30, 43

आवेदन तिथि/Application Date: 04-12-2024

उपयोग की तिथि/Used Since: PROPOSED TO BE USED

आवेदक का नाम/Name of Applicant: EPICUREAN HOSPITALITY,120/5 KM Stone,GT Road, Kamal, Haryana - 132001

Sir/Madam,
महोदय/महोदया,

उपर्युक्त आवेदन का परीक्षण व्यापार चिह्न अधिनियम, 1999 और व्यापार चिह्न नियम, 2017 के प्रावधानों के अधीन किया गया है और जिस व्यापार चिह्न के लिए आवेदन किया गया है उस पर निम्नलिखित कारणों के आधार पर आपत्ति उठाई गई है:

The above mentioned application has been examined under the provisions of Trade Mark Act,1999 and Trade Mark Rules, 2017 and the trade mark applied for is open to objection on the following grounds :

Formality Examination :

Formal Examination is completed. No objection raised.

Substantive Examination :

Substantive Examination is completed. No grounds of objection raised.

Prohibition Under Section :

None

Other Objection/Requirement/Conditions/Restrictions :

None

Objected Class : 30,43

Additional String to Search : by WordMark Search and Search String is %DOUGH%

अतः, उपर्युक्त आवेदन अस्वीकार किये जाने योग्य है। तदनुसार, आपसे अनुरोध है कि इस परीक्षण रिपोर्ट की प्राप्ति की तारीख से एक महीने के भीतर सहायक दस्तावेजों के साथ अपनी प्रतिक्रिया/प्रस्तुतिकरण, यदि कोई हो, प्रस्तुत करें या आप सुनवाई के लिए आवेदन कर सकते हैं।

Hence, the above application is liable to be refused. Accordingly, you are requested to submit your response/submissions, if any, along-with supporting documents,with in ONE MONTH from the date of receipt of this Examination Report or you may apply for a hearing.

कृपया ध्यान दें: यदि निर्धारित समय के भीतर कोई उत्तर प्राप्त नहीं होता है या सुनवाई के लिए अनुरोध नहीं किया जाता है, तो उक्त आवेदन को व्यापार चिह्न अधिनियम, 1999 की धारा 132 के तहत अभियोजन के अभाव में परित्यक्त माना जाएगा। इसके बाद, कंप्यूटर डेटाबेस में आवेदन की स्थिति वास्तविक स्थिति को दर्शाएगा।

Please Note that: if no reply is received or a request for a hearing is applied for within the above mentioned stipulated time, the said application shall be treated to have been abandoned for lack of prosecution under Section 132 of the Trade Marks Act,1999 and there after the status of application in the computer database shall reflect the factual position.



24/02/2026, 16:02

48 Hearing Notice

सूचना: कृपया ध्यान दें कि उत्तर कॉम्प्रेहेन्सिव ई-फाइलिंग सर्विसेज के माध्यम से मिससेनियस रिप्लाई -- रिप्लाई टू एजाम रिपोर्ट एमआईएस-आर के माध्यम से परीक्षा रिपोर्ट का उत्तर विषय के साथ ऑनलाइन प्रस्तुत किया जाना चाहिए। यदि उत्तर के लिए टीएम-एम दाखिल करना आवश्यक है -- लिपिकीय त्रुटि में सुधार या नियम 3 के अधीन संशोधन, इसके बाद में परीक्षा रिपोर्ट का उत्तर एमआईएस-आर भी दाखिल करना होगा।

Note: The reply should be submitted online via Comprehensive eFiling Services through Miscellaneous Reply to Examination Report M S-R with the subject as RE TO E AM NAT ON RE ORT. If, reply requires filing of TM-M -- correction of clerical Error for Amendments U/r 3 then, subsequently Reply to Examination Report M S-R is also to be filed.

Abhishek Choudhari

परीक्षक व्यापार चिह्न, भौगोलिक उपदर्शन एवं प्रतिलिप्यधिकार

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Authori ed under 2 of TM Act

Trade Mark Search Report

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TRADE MAR S RE ISTR

EXAMINATION SEARCH REPORT

Application Number: 39 4

Trademark: Dough o.

Class: 30, 43

Application ate: 04-12-2024

Examination Report: E M001

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30	pi as, pasta, ravioli, seasonings, spaghetti
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TRADEMARK SEARCH

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https://tmsearch.ipindia.gov.in/status/RegisteredTM/Examreport?APPLICATION_NUMBER=WFlaW1ndLS4qMC0rLhZWItcXQ==

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24/02/2026, 16:02

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Hearing Notice

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ASSOCIATED MARK DETAILS

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(emphasis supplied)

8. It is to be noted that so far as the columns i.e., “Formality Examination”, “Substantive Examination”, “Prohibition Under Section” and “Other Objection/Requirement/Conditions/Restrictions” are concerned, the Trade Mark Registry has not even raised a single objection. Whereas, when it comes to the objection to be raised so far as the Class of goods is concerned, other than mentioning the Class of goods i.e., 30 and 43, there is no reference to any Section or any other objection in particular, *per se*. Apart from that, the only other parameter that the Examination Report specified is regarding “Additional String to Search” against which the Trade Marks Registry has specified ‘By WordMark Search and Search String is %DOUGH%’. Other than that, the Trade Mark Registry has also enumerated three registered Trade Marks as cited marks.



9. It is apparent from the perusal of the Examination Report that the petitioner is not put to exactly what is the objection or the nature of the objection that the petitioner is required to answer. In that view of the matter, it would be impossible for the petitioner to construe as to whether the objection is under Section 11 or any other provision of the Act.

10. When any Examination Report is generated, it is expected that the objections which are raised are set out clearly so as to enable the party to respond in the same clarity which the party would understand.

11. From the perusal of the impugned Examination Report, it is not clear as to what is the exact provision under which the objection has been raised. Except to state as a conclusion that the application is liable to be refused, the grounds of the objections are not clear.

12. In that view of the matter, the impugned Examination Report is quashed and set aside.

13. However, the Trade Marks Registry is permitted to re-issue a fresh Examination Report within four weeks from date with an advance copy thereof to the petitioner within one week thereafter.

14. This Court has not rendered any opinion on the merits of the matter except to make observations regarding the lack of clarity of objections in the Examination Report dated 20.02.2026.

15. The rights and contentions of the petitioner shall remain reserved.

16. The reply of the petitioner to objections, if raised, shall also be decided and disposed of expeditiously.

17. The petition is disposed of alongwith with all pending applications in above terms with no order as to costs.

TUSHAR RAO GEDELA, J

APRIL 7, 2026/Sumit