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

+ C.A.(COMM.IPD-TM) 29/2025

SIGNATUREGLOBAL (INDIA) LTD.Appellant

Through: Ms. Ridhima Sharma, Advocate.

versus

THE REGISTRAR OF TRADE MARKSRespondent

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

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER
20.04.2026

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1. This appeal is filed on behalf of the Appellant under Section 91 of the Trade Marks Act, 1999 ('1999 Act') read with Rule 156 of the Trade Marks Rules, 2017 ('2017 Rules') for setting aside the impugned order dated 22.05.2025 passed by the Respondent.

2. To the extent necessary, the facts as pleaded in the appeal are that the Appellant filed an application bearing no. 5317451 on 07.02.2022 for

registration of trademark  **SIGNATURE GLOBAL** MAKING INDIA AFFORDABLE in Class 37 in respect of goods '*Building construction; repair; installation services*' on user basis. Application was examined and First Examination Report was issued on 11.03.2022, to which reply was filed by the Appellant on 04.03.2023. After hearing the Appellant, Respondent passed the impugned order on 22.05.2025 refusing registration of the trademark on the ground



that the applied mark was visually and phonetically similar to cited marks ‘SIGNATURE’ and ‘SIGNATURE’ with various suffixes for identical/similar goods, recording the submission of the Appellant that the applied mark was not different from the cited marks.

3. Learned counsel for the Appellant submits that the impugned order is illegal and deserves to be set aside on multiple grounds. The finding of the Respondent that the applied mark was deceptively similar to certain cited marks containing the word SIGNATURE is wholly erroneous and discards the settled principles of Trade Mark Law as also detailed submissions and evidence on record. Appellant is a reputed real estate developer incorporated in the year 2000 and operates pan India. Appellant is a registered proprietor of several trademarks incorporating the element SIGNATURE GLOBAL including in Classes 36 and 37.

4. Respondent has erred in holding that there is visual and phonetic similarity between the applied and the cited marks overlooking that the applied mark is a composite, coined and distinctive mark comprising the terms SIGNATURE GLOBAL AND MAKING INDIA AFFORDABLE in a stylised device format with a unique colour scheme and artistic logo representing the letters ‘S’ and ‘G’ intertwined and cannot be dissected for comparison for determining deceptive similarity with the cited marks and must be seen as a whole. Such fragmented comparison is contrary to the test laid down in ***Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd., (2001) 5 SCC 73***, which mandates a holistic assessment of similarity based on visual, phonetic and conceptual factors. This principle was reinforced in ***Muneer Ahmad v. Registrar of Trade Marks, 2023 SCC OnLine Del 7345***, where this Court held that a composite device mark cannot be broken down



for comparison and must be considered as a whole. Respondent has dissected the applied mark SIGNATUREGLOBAL into SIGNATURE and GLOBAL, which is erroneous method of comparison and cannot be sustained. Taken as a whole, the applied mark is structurally and visually different from the cited marks in terms of shape, colour, style of writing, colour combination and scheme.

5. It is argued that Appellant is a proprietor of multiple registrations incorporating SIGNATUREGLOBAL even in Classes 36 and 37, which are valid and subsisting and these prior registrations are evidence of distinctiveness of the mark. In response to the ER, Appellant had given a list of 44 marks incorporating SIGNATUREGLOBAL which have been registered by the same Registry in favour of the Appellant, but Respondent has not even looked at this crucial aspect.

6. It is urged that SIGNATUREGLOBAL is a unique mark and distinctive for the services offered by the Appellant and capable of distinguishing the services of others, leaving no scope of confusion. The mark has no indirect or direct reference to kind, quality or nature of services offered and assuming for the sake of argument that it is suggestive, even then suggestive marks are registrable. Respondent has overlooked that there is no similarity in the services offered under the applied mark and those under the cited mark and mere registrations of the cited marks in the same class is of no consequence, in light of the settled law that no proprietor can claim monopoly over the entire class.

7. The impugned order suffers from non-application of mind and mis-recording of submissions of counsel for the Appellant. It is recorded in the impugned order that counsel for the Appellant submitted that the applied



mark was not different from the cited mark. This recording is demonstrably false as the counsel, who was seeking to argue that the mark was distinctive and coined and emphasizing on registration, could not have made a submission that the applied mark was not different from the cited mark. It is trite that mis-statement or mis-recording of counsel's submission constitutes a material irregularity and renders an order perverse. Accordingly, the applied mark qualifies for registration and the impugned order deserves to be set aside.

8. Ms. Nidhi Raman, learned CGSC defends the impugned order and



submits that the applied mark was rightly refused for registration under Section 11(1) of the 1999 Act being deceptively similar to the cited marks referred to in the ER dated 11.03.2022 in respect of identical/similar description of services since there is a likelihood of confusion amongst members of the public. The applied mark has a striking visual and phonetic similarity with the cited marks and there are only minor differences in the suffixes or stylization, which are insufficient to enable a consumer with average intelligence and imperfect recollection to distinguish between the competing marks. The dominant and essential vocal element in the applied mark is the word SIGNATURE and addition of the word GLOBAL does not diminish the strong phonetic identity with the cited mark. Moreover, even if the two words SIGNATURE and GLOBAL are written together without space, they will be pronounced in the same manner, if they are written separately. It is further urged that there is also similarity between the rival services which enhances the

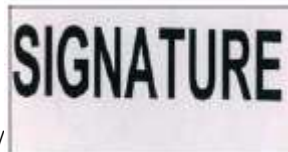


likelihood of confusion and thus the mark was rightly refused for registration.

9. It is urged that no doubt it is a well settled principle of Trade Mark Law that the mark must be compared as a whole, however, it is equally settled that greater weightage has to be given to essential and prominent features of the mark since these are the ones which create an impression on the minds of an average consumer. Seen from this perspective, when the

cited

trademarks



are compared with Appellant's trademark



, the dominant element is SIGNATURE and this is common to all and the word GLOBAL is a common laudatory adjective and lacks distinctive character. The applied mark thus falls



squarely within the ambit of Section 11(1)(b) and cannot be registered.

10. The argument of the Appellant that the services offered under the applied mark and the cited marks are different, is wholly incorrect. Appellant's services under the applied mark are related to building construction, repair and installation services, while many cited marks relate to aviation maintenance, industrial boilers, turbines or even IT hardware/software installation and the common thread across all these is rendering of repair, maintenance, construction and installation service within Class 37. There is thus an overlap in the services. The other argument that many of Appellant's marks incorporating SIGNATUREGLOBAL are registered is of no consequence as each mark has to be separately examined keeping in mind several factors such as identity/similarity with cited marks and the goods/services involved etc. and in the instant case, Appellant is unable to cross the threshold of similarity with the cited marks as also similarity in the services offered and the applied mark cannot proceed to registration.

11. Heard learned counsels for the parties and examined their submissions.

12. Appellant filed an application bearing no. 5317451 for registration of



trademark in Class 37 in respect of goods such as '*Building construction; repair; installation services*'. Respondent refused to register the mark on the ground that the mark was visually and phonetically similar to many cited marks and there was identity/similarity in the goods. The contention of the Appellant is that the applied mark is neither



visually nor phonetically deceptively similar to the cited marks and the error has occurred in dissecting the applied mark and then making a comparison, which is against the settled law that composite mark cannot be dissected and should be considered as a whole with its different element. It is also urged that there is no similarity in the services for which the cited marks are registered and the services offered by the Appellant and merely because the Class is common, registered proprietors of the cited marks cannot claim monopoly over the services in the entire Class 37. It is also strenuously urged that in response to the ER, Appellant had given a list of as many as 44 marks incorporating the words SIGNATUREGLOBAL registered in favour of the Appellant which is pointer to the distinctiveness of the mark and the distinctiveness is enhanced since in the cited mark the words SIGNATUREGLOBAL are used as a part of a composite mark with special elements such as the logo, colour combination, the settings as also inclusion of the words 'MAKING INDIA AFFORDABLE' and there is absolutely no scope of confusion amongst the members of public with the cited marks. Respondent has apparently not even considered these issues, while passing the impugned order, which is considered as per law would have had a significant bearing on the correct adjudication of the application for registration.

13. In my view, Appellant is right in its submission that Respondent has not even considered the above issues highlighted by the Appellant in response to the ER. The fact that the applied mark is a composite mark with several elements combined together in addition to 'SIGNATUREGLOBAL' or that Appellant has as many as 44 marks previously registered in its favour incorporating the word SIGNATUREGLOBAL or even that the services



offered by the Appellant may or may not overlap considering that the Appellant has applied for the mark for building construction, repair and installation services, while the cited marks are registered for services such as aviation maintenance, industrial boilers, turbines, IT hardware/software installations and it may not be correct to say that there is an overlap with the repair and maintenance and/or construction or installation services but the more important flaw in the order is that the alleged similarity of services is not even considered by the Respondent. Therefore, the matter needs to be remanded to the Respondent for consideration of Appellant's application afresh.

14. Accordingly, without entering into the merits of the case, impugned order dated 22.05.2025 is quashed and set aside, directing the Respondent to consider the application for registration bearing no. 5317451 in Class 37 for



trademark , without being influenced by this order or the impugned order. The decision will be taken by the Respondent within two months from today after giving opportunity of hearing to the Appellant and consider all points raised in the reply to ER.

15. Appeal stands disposed of in the aforesaid terms.

JYOTI SINGH, J

APRIL 20, 2026/VP