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

+ **C.A.(COMM.IPD-TM) 32/2025 & I.A.16146/2025**

**STRIDE, INC.**

.....Appellant

Through: Mr. Peeyoosh Kalra, Mr. Gaurav Mukerjee and Ms. Saumya Tripathi, Advocates.

versus

**EDOVU VENTURES PRIVATE LIMITED & ANR.**

.....Respondents

Through: Ms. Soni Singh, Ms. Parkhi Singh and Mr. Vedang Upadhyay, Advocates for R-1.

Mr. Sumit Nagpal, SPC with Mr. Tanmay Saini and Mr. Kunal Khanna, Advocates for R-2.

**CORAM:**

**HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER**

**24.03.2026**

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**I.A. 16147/2025 (Exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**C.A.(COMM.IPD-TM) 32/2025**

3. This appeal is filed on behalf of the Appellant under Section 91 of the Trade Marks Act, 1999 ('1999 Act') seeking setting aside of order dated 12.03.2025 passed by Respondent No. 2, whereby the Opposition filed by



the Appellant to registration of trademark (word *per se*) has been dismissed and/or in the alternative for remanding the matter back to Respondent No. 2 for fresh adjudication after providing opportunity of hearing to the Appellant.



4. Appellant secured registration for domain name 'k12.com' in 1994. In 2000, Appellant secured its earliest registration for the mark K12 in USA. On 28.02.2024, Appellant filed a Notice of Opposition against registration



of the mark **K12 SCHOOLS** by Respondent No. 1 under application bearing No. 6025508. Respondent No. 1 filed its counter statement on 06.04.2024 and on 20.06.2024, Appellant filed its evidence by way of affidavit in support of the Opposition.

5. On 20.06.2024, Appellant sent a letter to Respondent No. 1 expressing willingness to resolve the disputes in the interest of both the parties followed by a reminder on 16.07.2024, but there was no response. On 20.08.2024, Respondent No. 1 filed its evidence in support of the application by way of affidavit with supporting documents and on 23.09.2024, Appellant filed its evidence in reply. After hearing the parties on 03.03.2025, Respondent No. 2 passed the impugned order dismissing the Opposition, which was received by the Appellant's Agent on 28.03.2025.

6. Learned counsel for the Appellant submits that without entering into the merits of the challenge to the impugned order, the matter be remanded back to Respondent No. 2 for fresh adjudication of the Opposition after providing opportunity of hearing to the parties. It is urged that when the matter was fixed for hearing on 03.03.2025, counsel for the Appellant offered to settle the matter and also apprised Respondent No. 2 of its earlier communications for amicably resolving the *inter se* disputes with Respondent No. 1 *albeit* counsel for Respondent No. 1 denied receipt of the communications. Respondent No. 2 accordingly directed the parties to join



the hearing after 15 minutes and address arguments on merits. The hearing was taking place online and the counsels were logged in. However, the online session ended abruptly and counsel for Appellant immediately addressed an e-mail to Respondent No. 2 requesting that the matter be listed again for hearing on merits. Counsel for Respondent No. 1 also sent an e-mail around the same time to rejoin the proceedings. However, counsel for Appellant was unable to rejoin the proceedings and though counsel for Respondent No. 1 could be seen on the screen, he was not audible. As a result, no hearing took place and yet Respondent No. 2 proceeded to pass the impugned order. Learned counsel takes the Court through the two e-mails to support the plea.

7. Learned counsels for the Respondents are unable to dispute that owing to a technical issue, the online hearing was disrupted abruptly and parties could not rejoin for hearing on merits.

8. Having heard counsels for the parties, I find merit in the contention of Mr. Kalra that the impugned order has been passed in violation of principles of natural justice. Indisputably, the hearing was scheduled by Respondent No. 2 on 03.03.2025 and when the parties were asked to attend the hearing after 15 minutes in order to discuss the possibility of amicable settlement of their disputes, they were apparently unable to join as the online hearing ended abruptly. Counsels for parties sent e-mails on the same day to Respondent No. 2, contents of which substantiates the stand of the Appellant. In e-mail sent by Advocate of Respondent No. 1, it is stated that he was online till 01:30 P.M. but no one responded till logout and request was made to rejoin the online hearing. A similar e-mail was sent by Advocates of the Appellant bringing to the notice of Respondent No. 2 that



when they logged back at 12:35 P.M. to commence arguments, the Registrar was calling the opposite counsel, who could be seen on the screen but did not respond and the meeting ended abruptly thereafter. Request was made to list the matter again so that opportunity of hearing could be given before the Opposition could be adjudicated on merits. Despite the two e-mails, Respondent No. 2 did not reschedule the hearing and proceeded to pass the impugned order, which in my view, clearly violates principles of natural justice as opportunity of hearing has been denied to the parties. Appellant has opposed registration of the mark of Respondent No. 1 on multiple grounds and it needs no reiteration that the Applicant may have response to each one of them. Therefore, it is imperative that the matter is remanded back for fresh adjudication so that both parties can be heard.

9. Accordingly, this appeal is allowed setting aside the order dated 12.03.2025 only on the ground that opportunity of hearing was not afforded to the parties but without entering into and/or expressing any opinion on merits of the case. The Registrar shall schedule a hearing and grant opportunity to the parties to make their submissions, whereafter an order will be passed within eight weeks from today. It will be open to the parties to make a request to Respondent No. 2 to file additional documents, if any, and it will be for the Registrar to take a decision on whether to allow the documents or not.

10. Appeal along with pending application stands disposed of in the aforesaid terms.

**JYOTI SINGH, J**

**MARCH 24, 2026/S.Sharma**