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

+ **C.A.(COMM.IPD-TM) 58/2025 & I.A. 22064/2025**

VIPUL JAIN

.....Appellant

Through: Mr. Utkarsh Gupta, Advocate.

versus

THE REGISTRAR OF TRADEMARKS

.....Respondent

Through: Mr. Om Ram, Advocate for Ms.
Nidhi Raman, CGSC.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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20.02.2026

I.A. 22065/2025

1. This application is filed on behalf of the Appellant under Section 151 CPC seeking condonation of delay of 138 days in filing the present appeal.
2. Issue notice.
3. Mr. Om Ram, learned counsel appearing for Ms. Nidhi Raman, learned CGSC for the Respondent accepts notice.
4. For the reasons stated in the application, the same is allowed, condoning the delay of 138 days in filing the present appeal.
5. Application stands disposed of.

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6. This appeal is filed on behalf of the Appellant under Section 91 of the Trade Marks Act, 1999 ('1999 Act') challenging order dated 20.12.2024 passed by the Respondent and for a direction to the Respondent to advertise



the mark in question in the Trade Marks Journal.

7. Appellant is stated to be the proprietor of M/s Jain Jewel Printers and is engaged in the business of manufacturing, marketing, selling and distributing goods i.e. Playing Cards under the brand name ANCHOR



(label) . Appellant filed an application bearing No. 4780435 dated 14.12.2020 for registration of the said mark in Class 28 “*Playing Cards Only*”, claiming user since 01.06.2002. Examination Report was issued by the Respondent on 26.12.2020 raising objection under Section 11(1) of 1999 Act stating that the applied mark was identical with or deceptively similar to the cited marks.

8. It is stated that Appellant replied to the Examination Report on 08.01.2021, whereafter Respondent issued a hearing notice. Appellant attended several hearings but could not attend online hearing on 16.12.2024 since he had no intimation of the date. In the absence of the Appellant, Respondent passed the impugned order refusing registration of the applied mark under Section 11(1) of 1999 Act.

9. Learned counsel for the Appellant submits that without prejudice to the contention on merits that the cited marks are not identical, similar or deceptively similar to Appellant’s applied mark, the matter deserves to be remanded back to the Respondent on a limited ground that no notice was received for the hearing scheduled on 16.12.2024. It is urged that Appellant had appeared before the Respondent in all the previous five hearings and had no reason not to attend the hearing on 16.12.2024, more particularly,



since the Appellant is interested in having its trademark registered.

10. Mr. Om Ram, learned counsel appearing for Ms. Nidhi Raman, learned CGSC for the Respondent, on the other hand, submits that hearing notice was sent to the Appellant and in support relies upon Document-1 filed with the written submissions. On a pointed query by the Court, as to whether there is any proof of receipt of the notice by the Respondent, it is submitted that the record only indicates dispatch of the notice.

11. Having heard learned counsels for the parties, I am of the view that the matter deserves to be remanded back to the Respondent for reconsideration of the application for registration of the applied mark. Appellant has taken a categorical stand in the appeal that hearing notice for 16.12.2024 was not received by him. In response, Respondent has filed written submissions appending therewith a document, which shows that notice was sent on 13.11.2024, however, there is no document to evidence service of the notice on the Appellant. This Court finds no reason to disbelieve the Appellant that the notice was not received considering that the Appellant is interested in registering the trademark and also considering that he had attended previous five hearings, a fact uncontroverted in the written submissions.

12. Accordingly, this appeal is allowed setting aside order dated 20.12.2024, passed by the Respondent refusing registration of Appellant's



mark . It is directed that Respondent shall re-examine the application bearing no. 4780435 filed for registration of the said mark in



Class 28 for “*Playing Cards Only*”, claiming user since 01.06.2002. After granting opportunity of hearing to the Appellant and permitting the Appellant to file written submissions, Respondent shall take a decision and pass an order within eight weeks from today.

13. It is made clear that this Court has not expressed any opinion on the merits of this case.

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

JYOTI SINGH, J

FEBRUARY 20, 2026/YA