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

+ **C.A.(COMM.IPD-TM) 85/2025**

SIS CASH SERVICES LTD.

.....Appellant

Through: Ms. Rima Majumdar, Mr. Kashish Vij, Ms. Anukriti Banerjee, Mr. Vikrant Rana and Mrs. Bindra Rana, Advocates.

versus

THE REGISTRAR OF TRADE MARKS

.....Respondent

Through: Mr. Gaurav Barathi, SPC with Mr. Arnab Mittal and Ms. Rasya Rawal, Advocates for UoI.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

17.02.2026

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1. This appeal is filed under Section 91 of The Trade Marks Act, 1999 ('1999 Act') challenging impugned order dated 19.09.2025 passed by the Respondent as also for a direction to the Respondent to accept and advertise Appellant's Trade Mark Application No. 696714 dated 18.04.2025 in Class 36 for the mark 'myRupee@home' in the Trade Mark Journal.

2. To the extent necessary, the facts are that Appellant submitted a Trademark Application No. 696714 dated 18.04.2025 for the mark 'myRupee@home' in Class 36 on a 'proposed to be used' basis. The mark was examined by the Respondent and Examination Report ('ER') was issued on 29.04.2025, wherein objections were raised under Sections 9(1)(a)

and 11(1) of 1999 Act. Conflicting mark 'MYRUPEES.COM/'  was cited in the ER. Appellant filed a reply to the ER on 21.05.2025 responding



to the objections and bringing forth that the Appellant's mark was inherently an original mark capable of distinguishing itself from other proprietors. The mark comprised of various English words arranged together in a unique juxtaposition. In respect of the objection under Section 11, it was submitted that the cited mark was dissimilar and was deemed to be abandoned and therefore, it cannot stand in the way of registration of the applied mark. After two hearings, the impugned order was passed refusing registration under Section 11(1) of 1999 Act, which led to the present appeal.

3. Learned counsel appearing for the Appellant submits that the impugned order has been passed on the sole ground that the cited mark



'MYRUPEES.COM/' bearing Application No. 6251503 in Class 36 is identical and used for similar goods and therefore cannot be registered owing to the provisions of Section 11(1) of 1999 Act. This, according to learned counsel, is wholly illegal inasmuch as the Appellant had brought forth before the Examiner that in the cited application, as per the record of the Registry, an objection was raised but the proprietor had failed to file reply to the ER within the stipulated time of one month from the date of receipt of ER i.e., 13.01.2024 and hence, the cited Application No. 6251503 should be treated as 'abandoned' for lack of prosecution as per Section 132 of 1999 Act. This crucial submission was completely ignored by the Registrar and hence the refusal is illegal and arbitrary. Learned counsel submits that in light of this, impugned order be set aside and direction be issued to the Respondent to accept and advertise Appellant's trademark application.

4. Be it noted that on 10.12.2025, Court had directed counsel for the



Respondent to take instructions on this aspect as pleaded in paragraph 12 of the appeal. Learned counsel for the Respondent, on instructions, does not dispute the factual narrative that the applicant of the cited application did not file reply to the ER in which objections were raised, as per record.

5. Considering that the only reason for refusal of registration of Appellant's mark 'myRupee@home' is the cited mark



'MYRUPEES.COM/ ', this appeal deserves to be allowed inasmuch as having not responded to the objections raised in the ER, the proprietor of the cited mark would be deemed to have abandoned the application.

6. Accordingly, the appeal is allowed setting aside the impugned order dated 19.09.2025. The application of the Appellant shall proceed for advertisement in the Trade Mark Journal.

7. The Registrar of Trade Marks is directed to advertise the mark within the next two months. It is, however, clarified that the present order shall not bind any opposition proceedings, if instituted by any third party.

8. The appeal is allowed in the aforesaid terms and disposed of.

JYOTI SINGH, J

FEBRUARY 17, 2026/AK