

IN THE HIGH COURT OF DELHI AT NEW DELHI

No.....10931-2.....DHC/Orgl./IPD

Dated...18-4-26.....

From:

The Registrar General
Delhi High Court
New Delhi.

To:

Office off the Controller General of
Patents, Designs and Trade Marks
Email : llc-ipo@gov.in

C.O.(COMM,IPD-CR) 770/2022

BOMBAY METALS PVT LTD.

.....PETITIONER(S)

Vs

TARA SINGH AND ANR.

.....RESPONDENT(S)

Sir/ Madam



2026:DHC:2595



* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on: 28.03.2026

+ C.O.(COMM.IPD-CR) 770/2022

BOMBAY METALS PVT LTD

.....Petitioner

versus

TARA SINGH AND ANR

.....Respondents

Advocates who appeared in this case

For the Petitioner : Mr. Sachin Gupta, Ms. Prashansa Singh, Ms. Mahima Chanchalani, Mr. Rohit Pradhan, Ms. Diksha Tekriwal & Mr. Ajay, Advocates.

For the Respondents : Ms. Nishi Ranjan Singh, Advocate for Respondent Nos.1A and 1B.

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

JUDGMENT

TEJAS KARIA, J

1. This is a Petition filed under Section 50 of the Copyright Act, 1957 ("Act") seeking removal / rectification of Copyright Registration No. A-76602/2006 ("Impugned Registration").

FACTUAL BACKGROUND:

2. The Petitioner, Bombay Metal Works (P) Ltd., is a company engaged in the business of manufacturing and marketing bicycle parts. The Petitioner

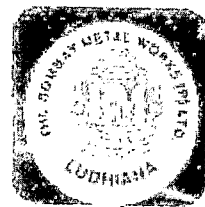


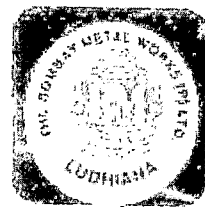
claims that the said parts are marketed under a Trade Mark comprising a Trade Dress / Packaging, which has a distinctive colour combination, layout, arrangement of features and get-up to distinguish the products of the Petitioner from those of others in the market.

3. One such cycle part marketed by the Petitioner is Ball Head Racer. The Petitioner is the owner of copyright in various packaging of Ball Head Racer products. The details of the said registrations are as under:

Artistic Work	Copyright Registration No.
BM Ball Head Racer Packaging	A-11136/74
BM Screw Racer Packaging	A-11138/74
BM Ball Head Racer Packaging	A-55236/98
BM Ball Head Racer Packaging	A-55238/98
BM Screw Racer Packaging	A-55214/98

4. It is claimed in the Petition that along with the said packaging, the



Petitioner also introduced a square sticker ‘’ (“**Petitioner’s Sticker**”) comprising a yellow circle on a golden background and text in black lettering around the circle, and the center of the circle comprises of the colour combination of red background and yellow lettering for the Trade Name Logo of the Petitioner.

5. The Petitioner owns the copyright in the Petitioner’s Sticker, registered under No. A-74419/2005 (“**Petitioner’s Copyright**”). It is



2026:DHC:2595



1. In the Petition that on account of prior edentia long and



2026:DHC:2595



Sticker”) was not present in the market, and the same was only subsequently discovered in 2004.

10. It is also claimed by the Petitioner that in September 2006, when Respondent No. 1 filed a set of documents in the aforesaid Civil Suit, the

Petitioner



another artistic work. The artistic work, which is the subject matter of the Impugned Registration, cannot be considered as an original work as it is an imitation of the artistic work in the Petitioner's Sticker.

- 13.3. The similarity of the artistic work in the Impugned Registration with that of the artistic work in the Petitioner's Sticker, is not a mere coincidence. Apart from the overall colour scheme, Defendant No. 1 has imitated the overall layout of the



2026:DHC:2595



SUBMISSIONS ON BEHALF OF THE RESPONDENTS:

14. The learned Counsel for Respondent Nos. 1A and 1B advanced the following submissions:

14.1. The title of the artistic work in the Petitioner's Sticker is 'BM LIMITED', whereas the title of the Respondents' work in the Impugned Sticker is 'RAJIS QUALITY AND QUANTITY'. The distinctiveness in the respective titles is clearly evident and self-explanatory, both in terms of actual content and overall phonetic identity, and that there is no resemblance either visual, structural or conceptual between the two.

14.2. The clear dissimilarity in titles highlights that there is no scope for confusion, deception or overlap in the identity of the works. The overall get-up, Trade Dress and presentation of the Respondents' Impugned Sticker is not a slavish imitation of the Petitioner's Sticker, and that the Petitioner's grievance is ~~misconceived and based on isolated and non-significant~~



colour without demonstrating any substantial copying of an original work. The colours cited by the Petitioner are widely used across the relevant industry and no legal entitlement can be claimed by the Petitioner upon their usage.

14.5. The Impugned Sticker is distinct in its textual, graphic and compositional elements, and the superficial overlap in colours cannot form the basis for invalidation of its registration. The use of a yellow colour base with words written in black colour is a common and generic combination, and this colour scheme is not unique to any particular brand or artistic work. Instead, it is a functional choice driven by the need for clear and easily legible text that stands out to consumers as bright yellow background serves as an excellent contrast against black and red text, enhancing the legibility of words from a distance under various lighting conditions.

14.6. In view of the foregoing submissions, it is prayed that the present Petition be dismissed.

ANALYSIS AND FINDINGS:

15. Heard the learned Counsel for the Parties and perused the material placed on record.

_____ present case is whether the



2026:DHC:2595



under Section 50 of the Act, and such Rectification Petition can be filed by
any 'person aggrieved' by the registration. 6



works are compared, the broad features are to be compared and not by putting the two labels side by side. The Supreme Court in Parle Products P. Ltd. v. J.P. & Co., Mysore, (1972) 1 SCC 618 observed as under:

"9. It is therefore clear that in order to come to the conclusion whether one mark is deceptively similar to another, the broad and essential features of the two are to be considered. They should not be placed side by side to find out if there are any differences in the design and if so, whether they are of such character as to prevent one design from being mistaken for the other. It would be enough if the impugned mark bears such an overall similarity to the registered mark as would be likely to mislead a person usually dealing with one, to accept the other if offered to him. In this case we find that the packets are practically of the same size, the colour scheme of the two wrappers is almost the same; the design on both though not identical bears such a close resemblance that one can easily be mistaken for the other. The essential features of both are that there is a girl with one arm raised and carrying something in the other with a cow or cows near her and hens or chickens in the foreground. In the background there is a farm house with a fence. The word "Glucose Biscuits" in one and "Glucose



2026:DHC:2595

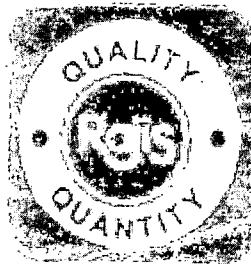


observation of a Sherlock Holmes. We have therefore no doubt that the defendants' wrapper is deceptively similar to the plaintiffs' which was registered. We do not think it necessary, to refer to the decisions referred to at the Bar as in our view each case will have to be judged on its own features and it would be of no use to note on how many points there was similarity and in how many others there was absence of it."

7. Though the above observation has been rendered in the context of comparison of label marks in a passing off action, the tests for comparison of labels which are artistic works, would be the same."

[Emphasis Supplied]

20. A comparison of the artistic works in the Petitioner's Sticker and the Impugned Sticker is as under:

Petitioner's Sticker	Impugned Sticker
	
(A-74419/2005)	(A-76602/2006)

21. From the above comparison, it is clear that the artistic work in the Petitioner's Sticker is deceptively similar to the Impugned Sticker.



2026:DHC:2595



words 'QUALITY' and 'QUANTITY' mentioned in black lettering on the Impugned Sticker, are placed similarly as the name and location of the Plaintiff company on the Petitioner's Sticker, i.e. 'THE BOMBAY METAL WORKS (P) LTD.' and 'LUDHIANA' respectively, which are also mentioned in black lettering. There is a large blacked-out section covering the majority of the lower half of the page.