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The Deputy Registrar of Copyrights
Boudhik Sampada Bhavan
Plot No. 32, Sector 14, Dwarka,
New Delhi-110078
Email : copyright@nic.in; llc-ipo@gov.in.

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Dear Sir,

We act for

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, who is the Petitioner
in the above captioned matter.

On behalf of the Petitioner, we had filed a Cancellation Petition against Copyright Registration no. A-116084/2017 before the Intellectual Property Division of Delhi High Court.

We draw your attention to the order dated 25th August 2023 as passed by Justice Pratibha M. Singh, wherein the Copyright Registration no. A-116084/2017 has been cancelled under Section 50 of the Copyright Act. The relevant portion of the order is reproduced herein below:

“11. Therefore, the copyright registration in favour of the Respondent bearing no. A-116084/2017 dated 10th February 2017 is, accordingly, cancelled in terms of Section 50 of the 1957 Act.

12. The office of the CGPDTM shall give effect to this order and reflect the same on the website of the CGPDTM/ Copyright Office within four weeks. A copy of this order shall be communicated to the CGPDTM/ Copyright Office at llc-ipo@gov.in."

A copy of the order passed by the Hon'ble Delhi High Court is enclosed herewith.

In light of the aforesaid, we request the learned Registrar _____

Yours sincerely,



Sandhya Singh

[Enrolment No.: D/1882/2005]

Encl: As stated above



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

+ **C.O.(COMM.IPD-CR) 855/2022**

TOYOTA JIDOSHA KABUSHIKI KAISHA Petitioner

Through: Mr. Pravin Anand & Ms. Sandhya
Singh, Advs. (M:9810055641)

versus

**TOYOTA INTERNATIONAL BRANDS AND
ANR**

..... Respondents

Through: Mr. Shailen Bhatia, Mr. Amit Jain,
Mr. Arnav Chatterjee, Ms. Zeba
Tarannum Khan & Ms. Ekta Nayyar
Saini, Advs. (M: 9810631027) with
Mr. Mahendra Nathani (litigant)

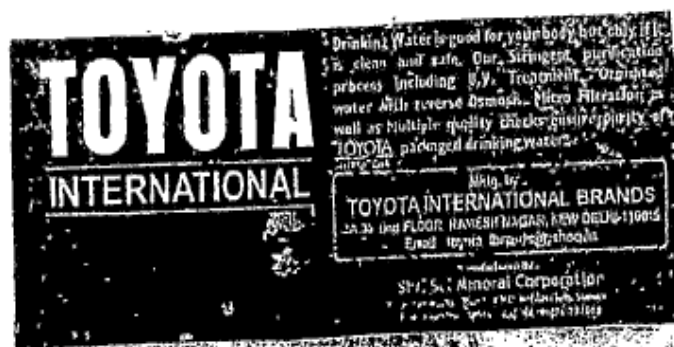
CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 25.08.2023

1. This hearing has been done through hybrid mode.
2. The present petition for rectification of copyright under Section 50 of the Copyright Act, 1957 been filed by Petitioner-M/s. Toyota Jidosha Kabushiki Kaisha seeking rectification of the Respondent's copyright registration bearing no. 'A-116084/2017' dated 10th February 2017 for a label set out below:





3. The Respondent No. 1 is also known as Toyota International Brands.
4. On the last date of hearing i.e., 8th August 2023, after some arguments considering the nature of the matter, the Respondent- Mr. Mahendra Nathani was directed to be present in person. Vide the said order 8th August 2023, it was directed as follows:

“2. On the last date of hearing, the Court had directed the Respondents to seek instructions in the matter.

3. Ms. Shreya Sethi, Id. Counsel submits that she has been engaged recently by the Respondents. She has not filed her vakalatnama. Let the same be filed by the next date of hearing.

4. Considering that the registered copyright, of which cancellation is sought, consists of the word mark TOYOTA, Mr. Mahendra Nathani, shall remain present in Court on the next date of hearing.

5. Written submissions of the Petitioner be brought on record. Delay, if any, be brought on record.”

5. Today, the Respondent No.1 and Mr. Nathani are represented by Id. Counsels Mr. Shailen Bhatia and Ms. Shreya Sethi. On a query from the Court, Mr. Nathani submits that he has been using the mark ‘TOYOTA’ since 2008 as it means ‘**fertile rice paddy**’ in Chinese, for manufacturing of gin and whiskey. He submits that his turn over is less than Rs. 1 crore annually.

6. On the other hand, Mr. Anand, Id. Counsel brings to the notice of this Court a book titled ‘*The Mutiny*’ authored by one Ms. Shalini Vaid where references have been made to the present cancellation petition filed by the Petitioner, and derogatory remarks have been made against the Petitioner. Mr. Anand, Id. Counsel for the Petitioner refutes this submission and



submits that the Chinese word 'Toyoda' means rice paddy and not 'Toyota', and thus the stand of the Respondent is incorrect.

7. The Petitioner and the Respondent No. 1 are also contesting against each other in six other trademark related matters including rectification petitions claimed to be filed by the Petitioner.

8. Mr. Bhatia, Id. Counsel upon instructions then submits that the Respondent No. 1 is willing to withdraw the impugned copyright registration, without prejudice to the outcome of other litigations pending between the parties, as the impugned copyright registration pertains to drinking water, and the Respondent No. 1 is not using the label which is registered, at present.

9. Respondent No. 1's copyright work - Toyota International label is claimed as an artistic work under Section 2(c) of the Copyright Act, 1957 ('1957 Act'), first published in terms of Section 3 of the 1957 Act in 2008, but Respondent No. 1 applied for a registration in terms of Section 45 of the 1957 Act for the said artistic work in 2017.

10. Considering the submissions made on behalf of the Respondent No. 1 upon instructions, that the said artistic work/label 'TOYOTA INTERNATIONAL' is not being used by the Respondent No. 1, and the Respondent No. 1 has no objection if the same is cancelled as per Section 50 of the 1957 Act, thus at this stage, the merits of the matter are not being gone into by this Court.

11. Therefore, the copyright registration in favour of the Respondent bearing no. A-116084/2017 dated 10th February 2017 is, accordingly, cancelled in terms of Section 50 of the 1957 Act.

12. The office of the CGPDTM shall give effect to this order and reflect



the same on the website of the CGPDTM/ Copyright Office within four weeks. A copy of this order shall be communicated to the CGPDTM/ Copyright Office at lc-ipo@gov.in.

13. The present petition, along with all pending applications, is disposed of.

PRATHIBA M. SINGH, J.

AUGUST 25, 2023

dj/dn