

IN THE HIGH COURT AT CALCUTTA
Intellectual Property Rights Division
(COMMERCIAL DIVISION)
ORIGINAL SIDE

IPDCR/14/2022

M/S. ANUP KUMAR BISWAS (DIARY NO. 2137/2019/CR/EZ)
VS
M/S. S. H. BIRI FACTORY AND ANR.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 3rd December, 2025

Appearance:

Mr. Sarvapriya Mukherjee, Adv.
Mr. Argha Choudhury, Adv.
Mr. Soham Sanyal, Adv.
...for the applicant.

Mr. Sarosij Dasgupta, Adv.
Mr. K.K. Pandey, Adv.
Mr. Soumya Sen, Adv.
Ms. Sonia Nandy, Adv.
Ms. Mallika Bothra, Adv.
...for the respondent no.1.

The Court: This is an application under Section 50 of the Copyright Act, 1957, inter alia, seeking rectification of the Copyright Registration No.A-123633/2018 dated 31/1/2018 belonging to the respondent.

Briefly, the parties are manufacturers and traders of handmade biris. The petitioner is carrying on business under the trade name "VEER ARJUN BIRI". On the other hand, the private respondent is carrying on similar business under the name "ARJUN BIRI".

The grievance of the petitioner is directed against the impugned registration of a label which the petitioner alleges is deceptively similar to the petitioner's registered label. The case of the petitioner is that the private

respondent has surreptitiously and dishonestly obtained registration of the impugned mark without giving the petitioner any notice.

In this background, the petitioner complains of an infraction of the Copyright Act, 1957 read with Rule 70(9) of the Copyright Rules, 2013.

It is fairly submitted on behalf of the private respondent that since the impugned order was passed without any notice to the petitioner, they have no objection if the same is set aside and the matter remanded back to the Copyright Registrar for hearing afresh in accordance with law after giving an opportunity to both the parties.

In view of the clear stand of the private respondent, the impugned registration dated 31 January, 2018 stands cancelled and/or removed and/or expunged.

The matter is remanded back to the Registrar, Copyright Board for deciding afresh in accordance with law after giving a due notice to both parties.

It is made clear that all other issues on merits raised in this appeal have been kept open and the matter would be decided afresh in accordance with law. As fairly submitted by both parties appropriate steps should also be taken to hear and dispose of expeditiously a connected proceeding between the parties pending before the Trademark Registry.

With the above directions, IPDCR/14/2022 stands disposed of.

(RAVI KRISHAN KAPUR, J.)