

IN THE HIGH COURT OF DELHI AT NEW DELHI

No. 192-IDHC/Orgl./IPD

Dated. 8-1-25

From:

The Registrar General
Delhi High Court
New Delhi.

To

TRADEMARKS REGISTRY
E-MAIL 11c-ipo@gov.in

C.O (COMM.IPD.CR) 754/2022

M/S AMIR CHAND JAGDISH KUMAR (EXPORTS) LTD

...PETITIONER(S)

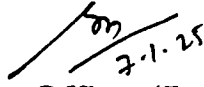
Vs

MR. BHUPINDER JAINAA AND ANR

...RESPONDENT(S)

Sir,

I am directed to forward herewith for information and necessary compliance a copy of order dated **10.12.2024** passed by **HON'BLE MS. JUSTICE MINI PUSHKARNA** of this Court.


Admn.Officer(Judl.)(IPD)
for Registrar General
RR

Encl. : 1) Copy of the order dt:10.12.2024
2) Copy of Memo of Parties



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

+ C.O.(COMM.IPD-CR) 754/2022

M/S AMIR CHAND JAGDISH KUMAR (EXPORTS)

LTD

.....Petitioner

Through: Mr. Sudarshan Bansal with Mr. Arpit
Dudeja, Advocates.

versus

MR BHUPINDER JAINAA AND ANR

.....Respondents

Through: Mr. NK Manchanda, Advocate for
respondent no. 1.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

10.12.2024

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1. The present petition has been filed under Section 50 of the Indian Copyright Act, 1957, for cancellation/rectification of the registered copyright under A-74496/2005, in favour of respondent no. 1.

2. The case, as canvassed on behalf of the petitioner in the petition, is as follows:-

2.1 Petitioner's company is engaged in the business of processing, marketing and selling of rice. Further, the petitioner has also expanded its business and is exporting all kinds of rice to various countries.



trade mark AEROPLANE LABEL in relation to said goods.

2.3 The art work in AEROPLANE BRAND LABEL is a unique and very distinctive get-up, make-up, composition, illustration and as such having distinctive features. It being new and original in character, the petitioner enjoys Copyright in the said art work under Indian Copyright Act, 1957.

2.4 The details of the copyright registrations in favour of the petitioner are as follows:-

(a) Trade Mark Registrations

1. No.439849 in Class-30 for AEROPLANE BRAND LABEL WITH DEVICE OF AEROPLANE registered since 05.07.1985.
2. No.588262 in Class-30 for AEROPLANE BRAND LABEL WITH DEVICE OF AEROPLANE registered since 08.01.1993.
3. No.1007672 in Class-30 for AEROPLANE BRAND LABEL WITH DEVICE OF AEROPLANE registered since 04.05.2001.

(b) Copyright Registrations

1. A-64116/2003 - AEROPLANE BRAND LABEL - Registered.
2. A-83512/2008 - AEROPLANE LA-TASTE LABEL - Registered.
3. A-86877/2009 - SUPER AEROPLANE PRIORITY LABEL - Registered.

2.5 In the year 1982, petitioners adopted, created and invented series of various AEROPLANE LABEL having distinctive artistic features therein. All the said artistic features are original in character and the petitioner claims to be owner thereof.

2.6. The respondent no. 1 is also engaged in the business of processing and marketing of rice. The respondent dishonestly and fraudulently adopted the artistic work FLYKING LABEL WITH DEVICE OF AEROPLANE in relation to their products.



2.7 The respondent no. 1 with the ulterior motive and *malafide* intention adopted the alleged trade mark/art work FLYKING LABEL WITH DEVICE OF AEROPLANE in relation to rice.

2.8 The impugned artwork i.e. the DEVICE OF AEROPLANE is identical and exact copy to the petitioner's art work in AEROPLANE BRAND LABEL art work in each and every aspect, including, get-up, make-up and artistic manner etc.

2.9 Thus, the present petition has been filed.

3. Today, Mr. NK Manchanda, learned counsel appearing for the respondent no. 1, submits that the respondent no. 1 has already stopped user of the DEVICE OF AEROPLANE since the year 2010, when injunction order was passed against the respondent no. 1 in proceedings pending between the parties in District Court, Saket.

4. Learned counsel appearing for the respondent no. 1 further submits that on account of the respondent no. 1 having stopped the user of the DEVICE OF AEROPLANE, he has no objection, if the present petition is allowed.

5. The aforesaid statement is taken on record.

6. Accordingly, it is directed that copyright registration in favour of respondent no. 1 under registration no. A-74496/2005, in favour of respondent no. 1, is hereby cancelled.

7. The Registrar of Copyright is directed to carry out the requisite rectification in its Register.

8. With the aforesaid directions, the present petition is disposed of.

DECEMBER 10, 2024/c

C.O.(COMM.IPD-CR) 754/2022



MINI PUSHKARNA, J

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IN THE HIGH COURT OF DELHI AT NEW DELHI
(Intellectual Property Division - Original Civil Jurisdiction)

C. O. (Comm. IPD-CR) No. ③② of 2022

IN THE MATTER OF

M/s Amir Chand Jagdish Kumar (Export) LtdPetitioner

Versus

Mr. Bhupinder Jain & Anr Respondents

MEMO OF PARTIES

M/s Amir Chand Jagdish Kumar

Registered Office:

2735/9, Mohan Lal palace

Naya Bazar

Delhi-110006 Tel-91-11-27834570

Email: legal@aeroplanerice.com ①

Corporate Office:

12/14, Libaspur Road

Sameypur

Delhi-110042 Tel-91-11-27834570

Email: legal@aeroplanerice.com ②

.... PETITIONER

Versus

Mr. Bhupinder Jain

Proprietor, Trading as

M/s Mahaveer Rice Traders

1783-A, Naya Bazar

Delhi-110006.

Email: mahavirariceland@gmail.com

.... RESPONDENT NO.1

The Registrar of Copyright

Boudhik Sampada Bhawan,

Plot No. 32, Sector 14, Dwarka,

New Delhi-110078

E-mail: registrar.copyrights@gov.in

E-mail: cgoffice-mh@nic.in

Tele phone No. (91) 11 280 324 91

... RESPONDENT No.2

②

K.G. Bansal
K.G. Bansal & S. K. Bansal

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E-Mail: legal@unitedworld.co.in

Place: New Delhi

Date: 01/05/ 2023