

IN THE HIGH COURT OF DELHI AT NEW DELHI

No. 1775-I DHC/Orgl./IPD

Dated 24-1-25

From:

The Registrar General
Delhi High Court
New Delhi.

To:

OFFICE OF THE
CONTROLLER GENERAL OF PATENTS, DESIGNS
& TRADEMARKS OF INDIA
Email: llc-ipo@gov.in , legal-tmrd@gov.in

C.O. (COMM.IPD- CR) 4/2025

M/S BLUE HEAVEN COSMETICS PVT LTD

.....PETITIONER(S)

Vs


ASHOK KUMAR BHATIA TRADING AS
M/S KANIKA IMPETUS & ORS

...RESPONDENT(S)

Sir,

Please find enclosed copy of order dated **20.01.2025** passed by **HON'BLE MS. JUSTICE MINI PUSHKARNA** of this Court for information and necessary compliance in terms of order passed by Hon'ble Ms. Justice Prathiba M. Singh dated 23.11.2023 in case C.O.(COMM.IPD-TM) 154/2021. The relevant part of the same reads as under:-

"The office of CGPDTM shall take steps to ensure that in future, whenever cancellation petitions are filed and notice is being issued by the High Court, the same is duly reflected in the website of the IPO."


Adm. Officer (J.) (IPD)
for Registrar General
RR

Encl. : 1) Copy of the order dt: 20.01.2025.
2) Copy of Memo of Parties



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

+ C.O.(COMM.IPD-CR) 4/2025 & I.A. 1396 /2025, I.A. 1397 /2025,
I.A. 1398/2025, I.A. 1399 /2025, I.A. 1400/2025

M/S BLUE HEAVEN COSMETICS PVT LTDPetitioner

Through: Mr. Sanjay Aggarwal, Mr. Rishabh
Srivastava, Mr. Sahil Gupta, Ms.
Yasheswini Sharma, Advocates
(M:9737708556)

versus

ASHOK KUMAR BHATIATRADING AS M/S KANIKA IMPETUS
& ORS.Respondents

Through: Mr. Sumit Nagpal, Ms. Aastha Sood,
Advocates for R-2 and 3
(M:9911995000)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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20.01.2025

I.A. 1399/2025 (Exemption from filing original and clear copies of documents)

1. The present is an application under Section 151 of the Code of Civil Procedure, 1908 ("CPC"), on behalf of the petitioner, seeking exemption from filing the documents without translation and legal proceedings certificate of some of petitioner's trademarks.
2. Exemption is granted, subject to all just exceptions.
3. Petitioner shall file legible, clear, and translated copies of the documents along with the legal certificates, on which the petitioner may seek to place reliance, before the next date of hearing.
4. Accordingly, the present application is disposed of.



I.A. 1400/2025 (Application seeking leave to file additional documents)

5. This is an application under Order XI Rule 1(4) read with Section 151 CPC as amended by the Commercial Courts Act, 2015, seeking leave to file additional documents.

6. The petitioner, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.

7. The application is disposed of, with the aforesaid directions.

I.A. 1397/2025

8. The present is an application under Section 151 CPC for directing the respondent no. 2 to provide a colored copy of the impugned copyright registration certificate.

9. Respondent no. 2 is directed to file the colored copyright registration certificate before this Court.

10. With the aforesaid directions, the present application is disposed of.

I.A. 1398/2025

11. The present is an application under Section 151 of CPC for directing the respondent no. 3 to provide a copy of the documents pertaining to the TM-C application no. 112853 of respondent no.1.

12. Respondent no. 3 is directed to file the same before this Court.

13. With the aforesaid directions, the present application is disposed of.

C.O.(COMM.IPD-CR) 4/2025 & I.A. 1396/2025

14. The present petition has been filed under Section 50 of the Copyright Act, 1957 read with Section 151 CPC for rectification of Copyright Register by expunging the copyright registration for the artistic work titled as "T.E. MEGNET REAL EYELINER" under registration no. A-141419/2022.



15. Learned counsel for the petitioner submits that the impugned copyright registration for artistic work under registration no. A-141419/2022, is an exact replica of the petitioner's prior adopted, used and registered well-known trademark. Side by side comparison of the copyright/artwork of the petitioner, as well as that of respondent no. 1, as given in the petition, is reproduced as under:

Petitioner's Copyright	Respondent No.1's Copyright

16. Issue notice. Notice is accepted by learned counsel for respondent nos. 2 and 3.

17. Issue notice to respondent no. 1 by all modes.

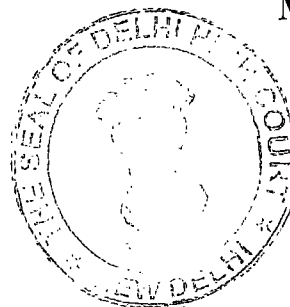
18. Let reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.

19. Re-notify on 21st March, 2025.

MINI PUSHKARNA, J

JANUARY 20, 2025

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IN THE HIGH COURT OF DELHI AT NEW DELHI
(INTELLECTUAL PROPERTY DIVISION - ORIGINAL CIVIL JURISDICTION)

CATEGORY CODE: 48006
CO. (COMM-IPD/CR) 4 of 2024

IN THE MATTER OF:-

M/s. Blue Heaven Cosmetics Pvt. Ltd.

PETITIONER

VERSUS

Ashok Kumar Bhatia

Trading as: M/s. Kanika Impetus & Ors.

RESPONDENTS

MEMO OF PARTIES

M/s. Blue Heaven Cosmetics Pvt. Ltd.
B-104/5, Naraina Industrial Area, Phase-1,
New Delhi-110 028 India
Email:-admin@raguellaw.com

ALSO AT

Plot no 15, Sector 4, Imt Manesar,
Gurugram, Haryana 122050

ALSO AT

1st Floor, 101 D 5
Marol Midc, Road No. 20,
Marol, Mumbai,
Maharashtra, India - 400093.

PETITIONER

VERSUS

Ashok Kumar Bhatia
Trading as: M/s. Kanika Impetus
At-Plot No. 79, Pocket-M
Sector-5, Industrial Area, Bawana
Delhi-110 039.
Email: pofieplantlite@gmail.com

RESPONDENT NO.1

The Registrar of Copyrights,
Copyright Office, D.P.I.I.T,
Ministry of Commerce and Industry,

**Boudhik Sampada Bhawan,
Plot No. 32, Sector 14, Dwarka,
New Delhi-110078
Email: registrar.copyrights@gov.in
copyright@nic.in**

RESPONDENT NO.2

**The Registrar of Trade Marks,
Trade Marks Registry
Boudhik Sampada Bhavan,
Plot No. 32, Sector 14, Dwarka,
New Delhi – 110078.
Email: delhi.tmr@nic.in
parm.tmr@nic.in
mumbai.tmr@nic.in**

RESPONDENT NO.3

THROUGH

Place: New Delhi

Date:31/12/2024


**Rishabh Srivastava/Sanjay Aggarwal
Enroll. No. (D/2166/2018)/(D/114/1994)
Advocates for the Petitioner
RAGUEL LAW
R-8, LGF, (Basement), Nehru Enclave,
New Delhi-110 019
Mobile No.9810748529/9873262006
Email-admin@raguellaw.com**

**Note:-Respondent No. 1 is the main contesting party, while
Respondent No. 2 & 3 are Necessary parties.**

