

Email by Registry-IPD

IN THE HIGH COURT OF DELHI AT NEW DELHI

No.....28978-2.....DHC/Orgl./IPD

28-11-24
Dated.....

From:

The Registrar General
Delhi High Court
New Delhi.

To:

RESPONDENT NO 2

THE REGISTRAR OF COPYRIGHT
DEPARTMENT FOR PROMOTION OF INDUSTRIES AND INTERNAL TRADE,
MINISTRY OF COMMERCE AND INDUSTRY,
BOUDHIK SAMPADA BHAWAN,
PLOT NO. 32, SECTOR 14, DWARKA
NEW DELHI- 110078
EMAIL- registrar.copyrights@gov.in

C.O.(COMM.IPD-CR) 5/2023

S.N BIRI FACTORY PRIVATE LIMITED

....PETITIONER(S)


Vs

MUKESH CHAND KHANDELWAL & ANR

....RESPONDENT(S)

Sir,

I am directed to forward herewith for information and necessary compliance a copy of order dated 19.11.2024 passed by HON'BLE MR. JUSTICE AMIT BANSAL, of this Court.


22.11.24
Admn.Officer(Judl.)(IPD)
for Registrar General
RR

Encl. : 1) Copy of the order dt: 19.11.2024.



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

+ C.O.(COMM.IPD-CR) 5/2023 with I.A.6485/2023

S. N. BIRI FACTORY PRIVATE LIMITEDPetitioner

Through: Mr. Junaid Alam and Mr. S. Nithin,
Advocates.

versus

MUKESH CHAND KHANDELWAL & ANR.Respondents

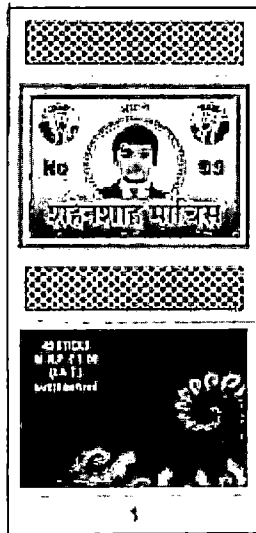
Through: Mr. Shailen Bhatia, Mr. Amit Jain,
Mr. Sumit Kumar, Ms. Deeksha
Gulati and Ms. Simran Kaur,
Advocates.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER
19.11.2024

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1. The present petition has been filed seeking cancellation of the entry pertaining to the impugned artistic work "SHANSHAH/



” registered on 1st August, 2022 vide Registration No.

C.O.(COMM.IPD-CR) 5/2023

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This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 22/11/2024 at 15:46:51



142851/2022 from the Register of Copyrights.

2. When the petition came up for hearing on 10th April, 2023, an *ad interim* order was passed staying the effect of the registration of the impugned copyright.


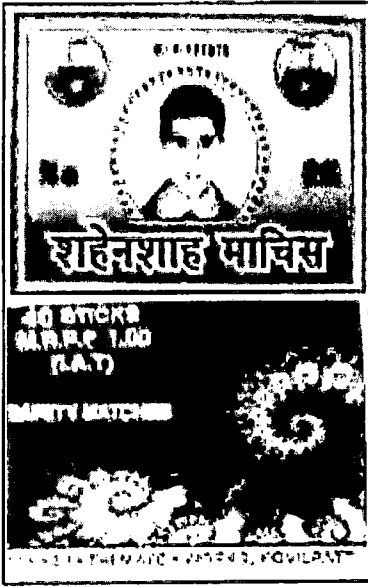

3. Mr. Junaid Alam, counsel appearing on behalf of the petitioner submits that the petitioner has a prior registration dated 8th June, 2017 for



the artistic work _____ titled "SHAHENSHAH MATCHES NO. 99" bearing ROC No. A-117678/2017.

4. Mr. Alam has drawn attention of the court to the comparison of the impugned copyright with the earlier registered copyright work of the petitioner. A comparative table illustrating the similarities between the artistic work of the petitioner and the impugned artistic work of the respondent no.1 is set out below:



PETITIONER'S ARTISTIC WORK	RESPONDENT NO.1' IMPUGNED ARTISTIC WORK
 	

5. The abovesaid comparison categorically shows that the respondent no.1's artistic work is almost identical to the petitioner's artistic work.

6. The registration of a copyright is permissible only in respect of 'original works' in terms Section 13(1)(a) of the Copyrights Act, 1957. In view of the fact that the petitioner and the respondents are engaged in the same line of trade, the petitioner is likely to be prejudiced on account of the



impugned copyright registration held by the respondents.

7. Mr. Shailen Bhatia, counsel appearing on behalf of the respondents submits that he has no objection to the present petition being allowed, subject to the right of the respondents to adopt a new label with a different layout.

8. Accordingly, the copyright registration bearing Registration No. 142851/2022 is directed to be removed from the Register of Copyrights.

9. Copy of this order be sent to respondent no.2/Registrar of Copyright for compliance through e-mail at registrar.copyrights@gov.in

10. Needless to say, the respondent shall have liberty to apply for a copyright registration in respect of a label with a different layout which does not resemble the registered copyrighted work of the petitioner.

11. The petition along with the pending application(s) stand disposed of.

NOVEMBER 19, 2024
kd



AMIT BANSAL, J