



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

% *Judgment delivered on: 28.03.2026*

+ **C.O.(COMM.IPD-CR) 770/2022**

**BOMBAY METALS PVT LTD**

.....Petitioner

versus

**TARA SINGH AND ANR**

.....Respondents

**Advocates who appeared in this case**

For the Petitioner : Mr. Sachin Gupta, Ms. Prashansa Singh, Ms. Mahima Chanchalani, Mr. Rohit Pradhan, Ms. Diksha Tekriwal & Mr. Ajay, Advocates.

For the Respondents : Ms. Nishi Ranjan Singh, Advocate for Respondent Nos.1A and 1B.

**CORAM:  
HON'BLE MR. JUSTICE TEJAS KARIA**

**JUDGMENT**

**TEJAS KARIA, J**

1. This is a Petition filed under Section 50 of the Copyright Act, 1957 (“Act”) seeking removal / rectification of Copyright Registration No. A-76602/2006 (“**Impugned Registration**”).

**FACTUAL BACKGROUND:**

2. The Petitioner, Bombay Metal Works (P) Ltd., is a company engaged in the business of manufacturing and marketing bicycle parts. The Petitioner



claims that the said parts are marketed under a Trade Mark comprising a Trade Dress / Packaging, which has a distinctive colour combination, layout, arrangement of features and get-up to distinguish the products of the Petitioner from those of others in the market.

3. One such cycle part marketed by the Petitioner is Ball Head Racer. The Petitioner is the owner of copyright in various packaging of Ball Head Racer products. The details of the said registrations are as under:

Artistic Work	Copyright Registration No.
BM Ball Head Racer Packaging	A-11136/74
BM Screw Racer Packaging	A-11138/74
BM Ball Head Racer Packaging	A-55236/98
BM Ball Head Racer Packaging	A-55238/98
BM Screw Racer Packaging	A-55214/98

4. It is claimed in the Petition that along with the said packaging, the



Petitioner also introduced a square sticker ‘’ (“**Petitioner’s Sticker**”) comprising a yellow circle on a golden background and text in black lettering around the circle, and the center of the circle comprises of the colour combination of red background and yellow lettering for the Trade Name Logo of the Petitioner.

5. The Petitioner owns the copyright in the Petitioner’s Sticker, registered under No. A-74419/2005 (“**Petitioner’s Copyright**”). It is



claimed in the Petition that on account of prior adoption, long and continuous use, quality control and extensive marketing network, the Petitioner's Sticker has acquired enviable goodwill and reputation amongst the members of the public and the trade.

6. Respondent No. 1, Mr. Tara Singh, the proprietor of M/s R.S. Industries (P) Ltd., carried on a similar business of manufacturing and trading in Ball Head Racers.

7. The Petitioner has submitted that it came to know in January 2002 that Respondent No. 1 is infringing Petitioner's Copyright by using various packaging which were colourable imitation of and deceptively similar to the Petitioner's packaging. Accordingly, the Petitioner filed Civil Suit No. 127/2002 before this Court along with I.A. No. 537/2002 seeking interim injunction restraining Respondent No. 1 from dealing in cycle parts using packaging that is deceptively similar to or substantial reproduction of the Plaintiff's Sticker.

8. *Vide* order dated 12.02.2002 passed in I.A. No. 537/2002 in Civil Suit No. 127/2002, this Court granted interim injunction restraining Respondent No. 1 from selling, offering from sale, advertising, or dealing in cycle parts bearing packaging that is deceptively similar to or substantial reproduction of the Plaintiff's Sticker.

9. The Petitioner claims that at the time of filing the Civil Suit No.



127/2002, Respondent No. 1's sticker ' (**Impugned**



**Sticker”)** was not present in the market, and the same was only subsequently discovered in 2004.

10. It is also claimed by the Petitioner that in September 2006, when Respondent No. 1 filed a set of documents in the aforesaid Civil Suit, the Petitioner came to know that Respondent No. 1 was still infringing the Petitioner’s Copyright by using the Impugned Sticker which is deceptively similar to the Petitioner’s Sticker.

11. The Petitioner has further claimed that the Impugned Registration, by virtue of which the artistic work in Respondent No. 1’s Impugned Sticker is registered, was relied upon by Respondent No. 1 in support of its alleged proprietary claim before this Court in the aforesaid Civil Suit. The Petitioner claims that the Impugned Registration is wrongly remaining on the Register of Copyright and is liable to be cancelled and removed from the Register.

12. Accordingly, the present Rectification Petition has been filed by the Petitioner.

**SUBMISSIONS ON BEHALF OF THE PETITIONER:**

13. The learned Counsel for the Petitioner advanced the following submissions:

13.1. The Impugned Registration has been obtained by Respondent No. 1 in disregard and violations of the provisions of Section 45 of the Act as it is not possible that the Petitioner’s Copyright did not come across when the search certificate was obtained by Respondent No. 1.

13.2. For seeking copyright protection, artistic work is required to be original. No copyright subsists in an artistic work, which is a colourable and slavish imitation or substantial reproduction of



another artistic work. The artistic work, which is the subject matter of the Impugned Registration, cannot be considered as an original work as it is an imitation of the artistic work in the Petitioner's Sticker.

- 13.3. The similarity of the artistic work in the Impugned Registration with that of the artistic work in the Petitioner's Sticker, is not a mere coincidence. Apart from the overall colour scheme, Respondent No. 1 has imitated the overall layout of the Petitioner's Sticker.
- 13.4. The Impugned Sticker, similar to the Petitioner's Sticker, is also on a golden background with a yellow circle and text in black lettering. In the center of the yellow circle, Respondent No. 1 has also used the colour combination of red background and yellow lettering for its Trade Name with words 'QUALITY' and 'QUANTITY' written in black text.
- 13.5. The adoption of the Impugned Sticker by Respondent No. 1 is clearly with the sole intention to misappropriate the goodwill and reputation associated with the Petitioner's Sticker. Therefore, it is clear that the adoption of the Impugned Sticker is dishonest and *mala fide* in nature.
- 13.6. In view of the foregoing submissions, it is prayed that the present Petition be allowed and the Impugned Registration be removed from the Register of Copyright.



### **SUBMISSIONS ON BEHALF OF THE RESPONDENTS:**

14. The learned Counsel for Respondent Nos. 1A and 1B advanced the following submissions:

- 14.1. The title of the artistic work in the Petitioner's Sticker is 'BM LIMITED', whereas the title of the Respondents' work in the Impugned Sticker is 'RAJIS QUALITY AND QUANTITY'. The distinctiveness in the respective titles is clearly evident and self-explanatory, both in terms of actual content and overall phonetic identity, and that there is no resemblance either visual, structural or conceptual between the two.
- 14.2. The clear dissimilarity in titles highlights that there is no scope for confusion, deception or overlap in the identity of the works. The overall get-up, Trade Dress and presentation of the Respondents' Impugned Sticker is not a slavish imitation of the Petitioner's Sticker, and that the Petitioner's grievance is misconceived and based on isolated and non-proprietary elements such as colour.
- 14.3. It is well-settled in law that the Petitioner cannot dissect and isolate the generic features to fabricate a claim of infringement or to seek cancellation of the Impugned Registration. The admitted divergence in titles is a crucial factor that negates the Petitioner's claim of copying or deception caused by the Impugned Sticker.
- 14.4. The Petitioner seeks cancellation of the Impugned Copyright Registration solely on the ground of an alleged similarity in the



colour without demonstrating any substantial copying of an original work. The colours cited by the Petitioner are widely used across the relevant industry and no legal entitlement can be claimed by the Petitioner upon their usage.

14.5. The Impugned Sticker is distinct in its textual, graphic and compositional elements, and the superficial overlap in colours cannot form the basis for invalidation of its registration. The use of a yellow colour base with words written in black colour is a common and generic combination, and this colour scheme is not unique to any particular brand or artistic work. Instead, it is a functional choice driven by the need for clear and easily legible text that stands out to consumers as bright yellow background serves as an excellent contrast against black and red text, enhancing the legibility of words from a distance under various lighting conditions.

14.6. In view of the foregoing submissions, it is prayed that the present Petition be dismissed.

#### **ANALYSIS AND FINDINGS:**

15. Heard the learned Counsel for the Parties and perused the material placed on record.

16. The central issue for determination in the present case is whether the Impugned Registration is liable to be rectified / expunged from the Register of Copyright under Section 50 of the Act.

17. An entry that has been made wrongly and continues to remain on the Register of Copyright, can be expunged by filing Rectification Petition



under Section 50 of the Act, and such Rectification Petition can be filed by any ‘person aggrieved’ by the registration of such an entry.

18. In the present case, the Petitioner is clearly a person aggrieved as - *firstly*, the Petitioner is the registered owner of the artistic work in Petitioner’s Sticker, which is the subject matter of Petitioner’s Copyright; and *secondly*, the Petitioner and Respondent No.1 are operating in the same trade, i.e., bicycle parts which includes Ball Head Racer. Therefore, the Petitioner is a person aggrieved as the usage of the artistic work in the Impugned Sticker would dilute the Petitioner’s goodwill in the Petitioner’s Sticker, which is used as an identifier for the Petitioner’s products.

19. It is trite law that Copyright protection is granted to an artistic work under the Act, only if the said artistic work satisfies the standard of originality. In *Marico Ltd. v. Jagit Kaur*, 2018 SCC OnLine Del 8488, this Court held that when two labels or artistic works are compared to determine if they are original, the broad features of both the labels / artistic works are to be compared. The Court further held that the colour scheme and the objects used in the labels / artistic works should also be considered for determining substantial reproduction / similarity between such labels / artistic works. The relevant extract of the aforesaid decision is as under:

*“6. A perusal of the labels extracted hereinabove shows that the comparative features of the two labels are so similar that “NIHAL UTTAM” label can safely be termed as colourful imitation or substantive reproduction. Colour scheme between the two labels is the same. The manner in which the coconut tree is arranged is the same, the arrangement of two broken coconuts is similar. Due to the long user in the market, the Appellant's label was quite extensively used and hence the Respondent had access to the Appellant's label. It is the settled position in law that when two labels or artistic*



*works are compared, the broad features are to be compared and not by putting the two labels side by side. The Supreme Court in Parle Products P. Ltd. v. J.P. & Co., Mysore, (1972) 1 SCC 618 observed as under:*

*“9. It is therefore clear that in order to come to the conclusion whether one mark is deceptively similar to another, the broad and essential features of the two are to be considered. They should not be placed side by side to find out if there are any differences in the design and if so, whether they are of such character as to prevent one design from being mistaken for the other. It would be enough if the impugned mark bears such an overall similarity to the registered mark as would be likely to mislead a person usually dealing with one, to accept the other if offered to him. In this case we find that the packets are practically of the same size, the colour scheme of the two wrappers is almost the same; the design on both though not identical bears such a close resemblance that one can easily be mistaken for the other. The essential features of both are that there is a girl with one arm raised and carrying something in the other with a cow or cows near her and hens or chickens in the foreground. In the background there is a farm house with a fence. The word “Glucose Biscuits” in one and “Glucose Biscuits” on the other occupy a prominent place at the top with a good deal of similarity between the two writings. Anyone in our opinion who has a look at one of the packets to-day may easily mistake the other if shown on another day as being the same article which he had seen before. If one was not careful enough to note the peculiar features of the wrapper on the plaintiffs' goods, he might easily mistake the defendants' wrapper for the plaintiffs' if shown to him some time after he had seen the plaintiffs'. After all, an ordinary purchaser is not gifted with the powers of*



*observation of a Sherlock Holmes. We have therefore no doubt that the defendants' wrapper is deceptively similar to the plaintiffs' which was registered. We do not think it necessary, to refer to the decisions referred to at the Bar as in our view each case will have to be judged on its own features and it would be of no use to note on how many points there was similarity and in how many others there was absence of it."*

*7. Though the above observation has been rendered in the context of comparison of label marks in a passing off action, the tests for comparison of labels which are artistic works, would be the same."*

**[Emphasis Supplied]**

20. A comparison of the artistic works in the Petitioner's Sticker and the Impugned Sticker is as under:

<b>Petitioner's Sticker</b>	<b>Impugned Sticker</b>
 (A-74419/2005)	 (A-76602/2006)

21. From the above comparison, it is clear that the artistic work in the Petitioner's Sticker is substantially similar to artistic work in the Impugned Sticker, which forms the subject matter of the Impugned Registration. The centre of both the competing stickers consists of a yellow roundel / circle, with Trade Names of the Petitioner and Respondent No.1 'BM' and 'Rajis' respectively mentioned in yellow lettering on red background. Further, the



words 'QUALITY' and 'QUANTITY' mentioned in black lettering on the Impugned Sticker, are placed similarly as the name and location of the Plaintiff company on the Petitioner's Sticker, i.e. 'THE BOMBAY METAL WORKS (P) LTD.' and 'LUDHIANA' respectively, which are also mentioned in black lettering. Therefore, the above-stated factors suggest that the artistic work in the Impugned Sticker is a substantial imitation / reproduction of the artistic work in the Petitioner's Sticker.

22. In view of the above analysis, the artistic work in the Impugned Sticker lacks originality and therefore, the Impugned Copyright Registration is liable to be expunged from the Register of Copyright. Accordingly, the present Petition is hereby allowed and the Impugned Copyright Registration bearing No. A-76602/2006 is cancelled and expunged from the Register of Copyright.

23. The Registry is directed to supply a copy of this Order to the Office of the Controller General of Patents, Designs and Trade Marks of India at the E-Mail Address – llc-ipo@gov.in for compliance of this Order. Let this Order be reflected on the website of the Controller General of Patents, Designs and Trade Marks of India within four weeks.

24. The present Petition stands disposed of in the aforesaid terms.

**TEJAS KARIA, J**

**MARCH 28, 2026**

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