



2026:DHC:3341



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

% Judgment reserved on: 09.04.2026  
Judgment delivered on: 22.04.2026

+ C.A.(COMM.IPD-TM) 56/2025

MODI WOODSPACE PRIVATE LIMITED .....Appellant

versus

THE REGISTRAR OF TRADE MARKS .....Respondent

**Advocates who appeared in this case:**

For the Appellant : Mr. Rohan Rohatgi and Ms. Muthu Praba,  
Advocates.

For the Respondents : Mr. Gaurav Barathi, SPC with Mr. Chirantan  
Priyadarshan, Advocate.

**CORAM:**  
**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**J U D G M E N T**

**TUSHAR RAO GEDELA, J.**

1. Present appeal has been filed under Section 91 of the Trade Marks Act, 1999, challenging the impugned order dated 21.05.2025 passed by the respondent/the Registrar of Trade Marks, in application no.6087367 filed by the appellant.

2. Shorn off all unnecessary details, the facts germane to the present dispute, are as under:

a. The appellant filed a trademark application no.6087367 for the mark KAMA CASA (word) in Classes 20 and 35 on a



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‘Proposed to be used basis’ on 29.08.2023. Subsequently, *vide* the examination report dated 19.10.2023, the Trade Marks Registry raised objections under Section 11(a) of the Trademarks Act, 1999 (hereinafter referred to as the “*the Act*”). Pursuant thereto, the appellant filed its response dated 27.10.2023 to the Examination Report issued by the respondent.

- b. On 24.07.2024, the first hearing notice was served upon the appellant scheduling the date of hearing on 01.10.2024, to which the appellant filed an application under Form TM-M seeking extension of time, which was allowed. Similarly, various other hearing notices were served, however, the hearing was adjourned for some reason or the other.
- c. Finally, by the fourth hearing notice dated 04.03.2025, the hearing was scheduled on 15.04.2025. The counsel for the appellant had appeared on 15.04.2025 and addressed arguments. *Vide* the impugned order dated 21.05.2025, the respondent recorded its refusal of the trademark application filed by the appellant.
- d. The present appeal has been filed against the said impugned order.

3. In order to make good his submissions, Mr. Rohan Rohatgi, learned counsel for the appellant contended that the fundamental flaw committed by the Registrar lies in comparing the composite mark “KAMA CASA” of the appellant with two separate and distinct registered marks “KAMA” on



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the one hand and “CASA” on the other. He also submitted that the appellant had applied for the wordmark “KAMA CASA”, whereas the two cited marks “KAMA” and “CASA” are both device/label marks. He stated that there is no principle of law which permits the comparison of two distinct device marks with one composite wordmark to refuse registration of the wordmark.

4. Even otherwise, learned counsel would submit that the device marks are to be considered as a composite mark and, to that extent, cannot be made the basis for refusal of registration of the composite wordmark “KAMA CASA”. He stated that a mere visual inspection would clearly show the distinction between both sets of marks.

5. That apart, he relied upon the written submissions dated 03.02.2026 filed by the appellant in support of the contentions raised in the present appeal. Alongwith the said written submissions, learned counsel placed on record a search report of the Trademark Registry running into 19 number of pages. While referring to the said search report, learned counsel emphasized that there are numerous registrations containing the word “CASA” in the same or similar Classes which already stand registered with the Registrar of Trade Marks. He would stoutly contend that in case other marks containing the word “CASA” have already been registered, there is no impediment or rational basis for refusing registration of the wordmark “KAMA CASA”. He fairly admitted that the said search report was not placed before the Registrar for his consideration and has been filed along with the written submission in support of the present appeal.



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6. He also relied upon the judgment of the Supreme Court in *Registrar of Trademarks vs. Ashok Chandra Rakhit Ltd.*, reported in *AIR 1955 SC 558* and judgment dated 28.02.2023 of this Court in *Ticona Polymers Inc. vs. Registrar of Trademarks: Neutral Citation no.2023/DHC/001489*, in support of the proposition that a mark cannot be dissected into its individual parts while examining its entitlement to registration. He also relied upon the judgment of this Court in *CA(COMM.IPD-TM) 121/2021* titled “*Grey Matters Educational Trust vs. Examiner of Trademarks*” decided on 21.04.2024 and the judgment of the Supreme Court in *Pernod Recard India P Ltd vs. Karanveer Singh Chhabra* reported in *2025 SCC OnLine SC 1701*, particularly paragraphs 42, 43, 44, 50, 51 and 52.

7. Mr. Gaurav Barathi, learned SPC opposed the contentions addressed on behalf of the appellant. By inviting attention to the written submissions filed on behalf of the respondent, learned SPC contended that even if the words “KAMA” and “CASA” have been separately registered as device marks, it would be relevant to note that both the cited marks and that of the appellant are in the same Class. He would also contend that a mere visual inspection would bring to fore the similarity which would clearly cause deception or confusion in the minds of traders as also consumers. By referring to Section 11 of the Act, learned counsel would state that the relative grounds for refusal clearly stipulate that if there are marks which are already registered, then any subsequent mark seeking registration, if is similar, in its identity with an earlier mark and similarity of goods or services covered by the applied mark or is identical or similar to an earlier registered mark, the subsequent mark, must necessarily be refused



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registration. He relies upon the judgment of this Court in ***Rajkumar Sharma vs. Sandeep Kumar & Anr., Neutral Citation: 2023/DHC/000647*** and the judgment of the Division Bench of this Court in ***Mohammad Talha vs. M/s Karim Hotels Pvt. Ltd., Neutral Citation: 2025:DHC:9713-DB.***

8. This Court has heard the arguments of Mr. Rohan Rohatgi for the appellant as also Mr. Gaurav Barathi, learned SPC for the respondent and perused the records of the case.

9. In order to appreciate the merits, it would be apposite to first consider the reasons for refusal recorded in the impugned order. The same reads thus:

*“Above application has been filed for registration of the trademark KAMA CASA on 29/08/2023 which was examined on 19/10/2023 and examination report was communicated to the applicant at his address for service. A reply to the office objection(s) had been filed on behalf of the applicant but the same was not found satisfactory and the application was set down for hearing and eventually hearing took place before me on 15/04/2025.*

*Drishya Saini Attorney appeared before me and made his/her submissions. I have heard arguments and gone through the records.*

*The mark applied for registration is identical with /similar to earlier trademarks on record, as mentioned in the Examination report and by similarity of marks as well as similarity of goods and services covered under such marks, there exists a likelihood of confusion in the mind of public. As such the registration of the mark is objectionable under Section 11(1) of the Trade Marks Act 1999*

*Adv. Drishya Saini Appeared on behalf of the Applicant. Submission Heard against Section 11 (1) of Trade Marks Act, 1999.*

*Similar valid marks with similar classification of goods vide application no. 3954013 (KAMA), 4969425, 4988481 (CASA) are already on Record. Present mark is deceptively similar to the cited marks. It is phonetically, visually and structurally similar to the prior marks already existing on the register.*



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*The Applied mark contains the terms “KAMA” and “CASA”, both of which already present in earlier marks registered under class 20. The Adoption of the combined form “KAMA CASA” is likely to cause confusion or deception among the public and trader as to the source of origin of the goods.*

*The composite nature of the marks does not sufficiently differentiate if from the cited prior marks in terms of overall commercial impression.*

*The Present Application is filed on Proposed to be used basis whereas the The cited marks have been in Use Since the year 2018, 2013 and 2007 Respectively.*

*Hence, The objection under Section 11 (1) of The Trade Marks Act, 1999 cannot be waived.*

*Accordingly The Present Trademark application is refused under provision of Section 11 (1) of the Trade Marks Act, 1999.*

*After perusal of all the documents on record and submission made by the applicant / authorised agent, it is concluded that applied mark is not registrable because of the reason stated as above. Hence application no 6087367 cannot be accepted and refused accordingly.”*

10. It is apparent that the Registrar has invoked the provisions of Section 11(1) of the Act, which set out relative grounds for refusal of registration. The Registrar appears to have refused the trademark application predicated on the fact that the mark applied for contains the terms “KAMA” and “CASA” both of which were present in earlier marks registered under Class 20. Thus, on that basis the Registrar held that the adoption of the combined form “KAMA CASA”, is likely to cause confusion or deception among public and traders as to the source of origin of the goods. It was further noted that the composite nature of the mark does not sufficiently differentiate it from the cited prior marks in terms of overall commercial impression. Lastly, it was held that while on the one hand, the application of the appellant was on a “proposed to be used basis”, the cited marks had



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already been in use since the years 2018, 2013 and 2007, respectively. Predicated thereon, the Registrar passed the impugned order.

11. It is clear that it was incumbent upon the Registrar to have considered the mark of the appellant as a whole and not by breaking it into two separate and distinct parts. In other words, the mark of the appellant “KAMA CASA”, which is a word mark, ought to have been considered as a composite mark and not broken into “KAMA” and “CASA”. In case such dissection is permitted, it would lead to anomalous and incongruous results. Such dissection is also impermissible under the Anti Dissection Rule, which applies to the registration of trademarks etc., in that a mark, for the purposes of registration, has to be considered as a composite mark and cannot be compared with two separate marks which may have been registered earlier, to refuse registration under Section 11(1) of the Act. This would be very anti thesis to the prudence of registration.

12. A Coordinate Bench of this Court in *Grey Matter Educational Trust (supra)* held that when the cited marks are viewed as a whole and compared, the same cannot be said to be similar or deceptively similar to the mark of the appellant. The Court also held that the Anti Dissection Rule is a well-established principle of trademark law that requires trademarks to be viewed as a whole rather than being broken down into their individual components.

13. At this stage, it would be relevant to examine the visual comparison between the two sets of marks which led the Registrar to pass the impugned order. The same is extracted hereunder:



Appellant's Mark	Cited Marks
KAMA CASA	
	
	

14. Two things emerge from the aforesaid comparison. First, that the appellant's mark is a wordmark, whereas the cited marks are device marks; and second, the cited marks, being device marks, cannot be dissected to perceive only the words "KAMA" and "CASA" without the device element placed upon each such device mark. Having regard to the aforesaid two distinctions, it is unfathomable as to how and on what basis, the Registrar compared the composite wordmark "KAMA CASA" of the appellant with two or three cited device marks containing words "KAMA" and "CASA" separately, each with its own distinctive device elements. Even if the Class is common, there is no similarity or deceptive similarity between the two sets of marks.

15. Apart from the above, this Court has also perused the search report placed on record by the appellant along with its written submissions in respect of the word "CASA". This Court finds that in the same or similar Classes as that of the appellant, there are numerous trademarks containing the word "CASA" and yet were proceeded with and registered. It was fairly pointed out by the learned counsel for the appellant, that the search report



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was not placed before the Registrar while the application of the appellant was being processed.

16. In that view of the matter, it is deemed appropriate to remit the matter to the Registrar to also take into consideration the search report filed by the appellant in the present appeal and to pass a fresh order after considering the Search Report too.

17. Since this Court is remitting the matter to the Registrar of Trademarks for *de novo* consideration of the application bearing no.6087367 for registration of the mark “KAMA CASA”, the observations made hereinabove shall not be treated as an expression of opinion on the merits of the application but a consideration only for the purpose of remitting the matter.

18. Thus, as a result, the impugned order dated 21.05.2025 is quashed and set aside and the application bearing no.6087367 is revived for fresh *de novo* consideration by the Registrar in the above terms.

19. The said *de novo* consideration shall be completed within four months from date.

20. Appeal allowed and disposed of with no orders as to costs.

**TUSHAR RAO GEDELA  
(JUDGE)**

**APRIL 22, 2026/anj/rl**