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

CNR No. DLHC010637242024

+ **C.O. (COMM.IPD-TM) 190/2024**

BASANT LAL

.....Petitioner

Through: Mr. Amique Khalid and Ms. Tanzeela
Farheen, Advocates.

versus

SHAKTI HYDRAULIC ENGINEERS & ANR.

.....Respondents

Through: None for R-1.

Ms. Nidhi Raman, CGSC with Ms. Nikita Singh,
Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **03.09.2026**

1. This petition is filed on behalf of the Petitioner under Sections 47 and 57 of the Trade Marks Act, 1999 ('1999 Act') seeking cancellation of registration bearing No. 3373300 in respect of trademark "LNK" (Word) in Class 11.
2. It is the case of the Petitioner that he is a registered proprietor of the trademark "L & K Waterman Since 1948" (Device) and is actively involved in the business of manufacturing sanitary materials, metal taps, cocks and allied products. History of the mark dates back to 1948, when Petitioner's father created and adopted the mark. Over a passage of time, products under the said mark gained immense popularity and the device marks including 'L&K' became synonymous with the high quality sanitary products, sold by the Petitioner, establishing strong reputation in the market.
3. It is stated that Respondent No. 1 obtained registration of the impugned word mark LNK in Class 11 on 27.09.2016 for identical sanitary



products despite prior user of Petitioner's "L & K Waterman Since 1948" (Device) marks since 1948 and its registration since 2005. Petitioner has made huge investments towards robust and extensive advertising, publicity, marketing and brand building of the trademark, which led to exponential growth in goodwill and sales. Petitioner has immense social media presence on various platforms such as Instagram and has also received the "Make in India Icon ICOL Award" and several Bollywood celebrities have endorsed the products under the L&K marks.

4. Learned counsel for the Petitioner submits that Respondent No. 1 has adopted the impugned mark LNK, which is visually and phonetically nearly identical/deceptively similar to "L&K", which is the dominant part of the registered mark/device of the Petitioner for identical sanitary products. Petitioner's L&K mark is an earlier registered mark and therefore, registration of the impugned mark is violative of Section 11(1)(b) of the Trade Marks Act, 1999 ('1999 Act') as the use of the impugned mark is likely to cause confusion and deception amongst consumers owing to its deceptive similarity and registration for identical products.

5. Learned CGSC appearing for Registrar of Trademarks/Respondent No. 2 submits that the impugned mark proceeded to registration since Petitioner's mark, which is a device mark, was not similar to impugned mark LNK and was not cited as a conflicting mark. During examination, the examination report was issued citing earlier marks LINK, bearing application numbers 448550 and 1026823. The device mark of the Petitioner has to be viewed as a whole and Section 17(1) of 1999 Act provides that when a trademark consists of several matters, its registration confers exclusive rights to use the mark as a whole. Petitioner cannot dissect the device mark into its individual parts so as to claim monopoly on the letters



L&K, *sans* registration in the letters' combination. When seen as a whole,



the device mark of the ' is different from the impugned mark LNK and hence no ground for cancellation of registration is made out.

6. Heard learned counsels for the parties and examined their submissions.

7. This petition is filed by the Petitioner seeking cancellation of registration of the impugned trademark LNK (Word) in Class 11 granted in favour of Respondent No. 1. Notice in this petition was issued on 23.09.2024 to both the Respondents. Respondent No. 1 did not appear despite service and vide order dated 26.05.2025, it was set *ex parte*. No steps have been taken for setting aside the order and Respondent No. 1 did not join proceedings thereafter. Hence, there is no contest to this petition by Respondent No. 1, whose registration is in question.

8. Petitioner is the registered proprietor of various trademarks under different classes including Class 11 wherein L&K is a part of every device mark. Details of registration are as follows:

TRADE MARKS	TM No.	Class	Status
L & K WATERMAN SINCE 1948 	1368493	06	Registered w.e.f. 01.07.2005
L & K WATERMAN SINCE 1948 (Device)	1368494	11	Registered w.e.f. 01.07.2005 Active Go to Se



			
L & K BATHROOM FITTINGS BY B.L. AND COMPANY (DEVICE)	5426506	19	Registered w.e.f. 27.04.2022
L & K BATHROOM FITTINGS BY B.L. AND COMPANY (DEVICE)	5426508	35	Registered w.e.f. 27.04.2022
L & K BATHROOM FITTINGS BY B.L. AND COMPANY (DEVICE)	5426510	9	Registered w.e.f. 27.04.2022
L & K BATHROOM FITTINGS BY B.L. AND COMPANY (DEVICE)	5426511	1	Registered w.e.f. 27.04.2022
L & K BATHROOM FITTINGS BY B.L. AND COMPANY (DEVICE)	5426512	6	Registered w.e.f. 27.04.2022
L & K BATHROOM FITTINGS BY B.L. AND COMPANY (DEVICE)	5426514	16	Registered w.e.f. 27.04.2022

9. Insofar as Class 11 is concerned, Petitioner has registration for the



device marks L & K Waterman Since 1948 and
and has been using the mark since 1948 for sanitary products, continuously
and extensively. The goodwill and reputation earned by the Petitioner by
sale of products under the said marks is indicated from the exponential sales,
brand endorsements and social media presence etc.

10. Respondent No. 1 has adopted the impugned mark LNK for identical



sanitary products and the registration was granted in Class 11 with effect from 27.09.2016. Petitioner's registration goes back to 01.07.2005 and the user goes back to 1948 and hence, the gap is of decades. It is true that Petitioner does not have word mark registration for L&K. It is settled that marks must be compare as a whole but it is equally settled that the dominant mark test is not antithetical to the anti-dissection rule, as held by the Division Bench of this Court in *M/s South India Beverages Pvt. Ltd. v. General Mills Marketing Inc. & Anr., 2014 SCC OnLine Del 1953* and recently by the Supreme Court in *Pernard Ricard India Private Limited and Another v. Karanveer Singh Chhabra, 2025 SCC OnLine SC 1701*. On a bare perusal of the device marks of the Petitioner, it is evident that L&K is the dominant part of the marks and in fact, L&K is a part of all registered marks of the Petitioner.

11. Respondent No. 1's registered mark LNK is deceptively similar, visually and phonetically, to the dominant part of Petitioner's registered device mark and the rival goods are identical. Registration of the impugned mark thus violates Section 11(1)(b) of 1999 Act and cannot be sustained as there is every likelihood of confusion of amongst members of public as also likelihood of association with Petitioner's earlier trademark. Respondent No. 1, the contesting Respondent has chosen not to contest the petition despite service and on this score, the averments in the petition are deemed to be admitted.

12. For the aforesaid reasons, this petition is allowed. Impugned registration bearing No.3373300 in Class 11 in respect of the trademark 'LNK' is cancelled. Registrar of Trade Marks shall remove the entry of the mark from the Register and rectify the same within 8 weeks from today, for the sake of purity of the Register of Trade Marks.



13. Petition stands disposed of in the aforesaid terms.

SEPTEMBER 3, 2026
S.Sharma

JYOTI SINGH, J