



\$~1

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

CNR No. DLHC010923322025

+ **C.A.(COMM.IPD-TM) 79/2025**

COBBLE STONE PRIVATE LIMITEDAppellant

Through: Mr. Siddharth Yadav, Mr. Nageshwar Kumhar, Mr. Ayush Dey and Mr. Anmol Pandey, Advocates.

versus

THE REGISTRAR OF TRADE MARKSRespondent

Through: Mr. Satya Ranjan Swain, CGSC with Mr. Debasish Mishra, Govt. Pleader, and Mr. Sanskar Gupta and Mr. Tushar Hazrati, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **09.10.2026**

1. The present appeal has been preferred by the appellant under Section 91 of the Trade Marks Act, 1999 (hereinafter “the Act”) read with Rule 156 of the Trade Marks Rules, 2017 to assail the order dated 06.08.2025 passed by the Registrar of Trade Marks in Trade Mark Application No. 4009557 in Class 19 for the mark “COBBLE STONE”, whereby the subject application was refused under Section 11 of the Act.
2. Mr. Siddharth Yadav, learned counsel appearing on behalf of the appellant, invites attention of the Court to the Form TM-M dated 31.07.2025 to contend that a specific request was made by the appellant to the Trade



Mark Registrar to adjourn the hearing to enable him to adduce in evidence some documents in respect of his application.

3. He submits that the appellant has been using the mark since the year 2011 and the documents which he intended to place on record were the invoices to substantiate the user from the year 2011 onwards.

4. He further contends that the refusal of the application is on the ground that the mark which was applied by the appellant is deceptively similar to the cited mark, i.e., application number 2032749 and 3019529 having user since 18.02.1988.

5. It is submitted that the learned Registrar failed to appreciate that the appellant is an honest concurrent user of the mark “COBBLE STONE” in respect of his goods in Class 19 in terms of Section 12 of the Act. He contends that the learned Registrar ought to have adverted to the said grounds raised by the appellant.

6. He further submits that *vide* order dated 19.02.2026, the learned counsel for the respondent was directed to seek instructions on two issues mainly (i) as to whether the matter can be remanded for a *de novo* consideration of the application of the appellant; and (ii) if the appellant is amenable to limiting its territoriality to only Delhi/NCR region, whether the mark can be accepted with such limitation by inclusion of such disclaimer post considering the extent of usage of the cited mark as enlisted in page 87 of the present appeal.

7. Mr. Satya Ranjan Swain, learned CGSC appearing on behalf of the respondent, has handed over the instructions received by him from the Registrar of Trade Mark, the same are taken on record. The relevant extract from the said instructions reads thus:



“As per the order dated 19.02.2026 two issues were raised and reply of the same are as follow:

1. *Whether the matter can be remanded for a de novo consideration.*

In this regard it is submitted that hon'ble court may remand back the matter for reconsideration and Trademark Registry will follow the direction.

2. *If the appellant is amenable to limiting its territoriality to only Delhi NCR region, whether the mark can be accepted with such limitation by inclusion of such disclaimer post considering the extent of usage of the cited mark, as enlisted in page 87 of the present appeal.*

In this regard, it is submitted that the matter will be decided on merit.”

8. As can be seen from the above, it has been stated that the respondent has no objection in case the matter is remanded back for reconsideration and insofar as the issue no.2 is concerned, the decision on the same will be taken by the respondent on merit.

9. In view of the above, the present appeal is allowed.

10. The impugned order dated 06.08.2025 is set aside. The matter is remanded to the respondent for *de novo* consideration of the appellant's application no. 4009557 in Class 19 for the trade mark “COBBLE STONE”.

11. Let the application of the appellant be decided within a period of 60 days from today.

12. The application stands disposed of in the above terms.

VIKAS MAHAJAN, J

OCTOBER 9, 2026/jg/sj