



2026:DHC:146



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

% Judgment delivered on: 09.01.2026

+ **C.O. (COMM.IPD-TM) 85/2021**
HOLY COW FOUNDATION

.....Petitioner

versus

PATANJALI GRAMODYOG NYAS (TRUST)
AND ORS.

.....Respondents

Advocates who appeared in this case

For the Petitioner : Ms. Subhashree Sil, Mr. Kuber Mahajan & Mr. Abhay Aren, Advocates.

For the Respondents : Mr. Junaid Alam, Mr. Nishant Mahtta, Mr. S. Nitin & Mr. Nitish Singh, Advocates.

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

JUDGMENT


TEJAS KARIA, J

1. This is a Rectification Petition under Section 57 of the Trade Marks Act, 1999 (“Act”) for cancellation / removal / rectification of the registered Trade Mark, ‘PATANJALI GONYLE FLOOR CLEANER’ /



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‘  ’ (“**Impugned Mark**”) under Registration No. 3094452 in Class 05 in the name of the Respondents from the Register of Trade Marks (“**Register**”).

FACTUAL MATRIX

2. The Petitioner is a non-governmental organization which aims at the protection and promotion of the welfare of the indigenous cows in India. The Petitioner assists the *gaushalas* / *gausadans* to reach a level of sustainability where they can provide good lives to the animals with good management practices.

3. In the year 2013, the Petitioner, in its endeavor to make *gaushalas* self-sustainable, developed a floor cleaning product derived from cow urine (“**Petitioner’s Goods**”). The product was named as ‘GAUNYLE’ (“**Petitioner’s Mark**”) as it is a substitute to the standardly used phenyl, but is made from cow urine.

4. The Petitioner applied for, and obtained registration for the Petitioner’s Mark. The Petitioner’s Mark was applied under Trade Mark Application No. 3133397 for the goods falling under Class 05. The details of the registration of the Petitioner’s Mark is set out hereunder:

Mark	Number	Application Date	User claimed	Class	Goods
GAUNYLE	3133397	18.12.2015	12.12.2013	05	Biodegradable disinfectants (phenyl), Ayurvedic and medicinal preparations, Antiseptic



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					and antibacterial preparations, Germicides, preparations and substances for neutralizing, Controlling or reducing allergens, Medicated skin and hair care preparations, Mosquito repellent, Toiletries, cosmetic.
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5. It came to the Petitioner's attention from market sources that Respondent No. 1 along with Respondent No. 2 are manufacturing and selling floor cleaners, also made of cow urine, under the Impugned Mark. The Petitioner issued a legal notice dated 14.01.2017 ("**Legal Notice**") to the Respondents *inter alia* calling upon the Respondents to cease and desist from making any representations or claims by using the Impugned Mark in any form. The Petitioner had brought to the notice of the Respondent that the adoption sought to be made by the Respondent is identical to the Petitioner's Mark and that the same is being done with a clear intention of trading upon the goodwill of the Petitioner.

6. The Respondents issued a reply dated 15.03.2017 ("**Reply**") to the Legal Notice. In the Reply, the Respondents claimed to use the Impugned Mark since 2011 and that the Impugned Mark is phonetically / visually different from the Petitioner's Mark. Further, the Respondents had filed Trade Mark Applications Nos. 3094452 and 3037168 for the Impugned Mark under Classes 05 and 03, respectively. Additionally, the Petitioner discovered that the Impugned Mark had proceeded for registration on 29.12.2016.

7. Being aggrieved by the registration of the Impugned Mark, the Petitioner has filed the present Rectification Petition for cancellation / rectification / removal of the Impugned Mark from the Register.



SUBMISSIONS ON BEHALF OF THE PETITIONER:


8. The learned Counsel for the Petitioner submitted that:

- 8.1. The Impugned Mark deserves to be rectified by removing the same from the Register on the grounds that the same was applied for and registered without any sufficient cause and is, accordingly, wrongly remaining on the Register, under Section 57 of the Act.
- 8.2. The Respondents were and continues to be clearly aware of the Petitioner's Mark. The Petitioner is the prior adopter and user of the Petitioner's Mark since 2013. The Impugned Mark was applied for by Respondent No. 1 with a clear *mala fide* intention to take advantage of the tremendous reputation of the Petitioner's Mark. Respondent No. 1 has applied for and registered the Impugned Mark, which is identical to the Petitioner's Mark. The Impugned Mark has been registered for goods identical to those under the Petitioner's Mark, thereby only adding confusion and deception amongst the consuming trade and public.
- 8.3. The Impugned Mark under Trade Mark Application No. 3094452 dated 21.08.2015 under Class 05 is registered in the name of Respondent No. 1 with claim of usage from 01.04.2015. The details of the registration of the Impugned Mark are set out hereunder:



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TM No.	Trade Mark	Class	Class description	Claim of usage	Status
3094452	 (PATANJALI GONYLE FLOOR CLEANER Device Mark)	05	Sanitary Preparations	01.04.2015	Registered

- 8.4. Due to the immense beneficial properties of the Petitioner's Goods under the Petitioner's Mark, the Union Cabinet Minister has widely advocated its use not only for the general public, but also on a large scale basis in the government offices in New Delhi.
- 8.5. After two years of commercial success of the Petitioner's Goods, the Respondents have subsequently adopted in 2015 a visually, structurally and phonetically identical Impugned Mark for identical goods i.e., floor cleaners made of cow urine, with that of the Petitioner's Mark, trading over the goodwill and reputation of the Petitioner's Mark. The Petitioner's Mark and the Impugned Mark are not only phonetically similar, but phonetically identical.
- 8.6. In *Amritdhara Pharmacy v. Satya Deo Gupta*, 1962 SCC OnLine SC 13 and *K.R. Chinna Krishan Chettiar v. Shri Ambal and Co., Madras and Anr.*, (1969) 2 SCC 131, the Supreme Court has restrained usage of 'phonetically similar' infringing mark for causing deception and confusion amongst public.



- 8.7. The Respondents in a statement for a media article dated 31.12.2015 has claimed that out of its 100 products, only 5 have cow urine in it. The products so named by the Respondents are: (i) Godhan Ark; (ii) Sanjivani Vati; (iii) Panchgavya Soap; (iv) Kayakalp Oil; and (v) Shudhi Phenyal. Hence, on 31.12.2015, the Respondents were not using the Impugned Mark for any of its products that contain cow urine. The fact that the Respondents have not provided any plausible explanation for adopting the Impugned Mark for identical goods in 2015 when they already had one floor cleaner product using cow urine under the brand 'Shudhi Phenyal' till 31.12.2015, reinforces the *mala fide* on part of the Respondents.
- 8.8. Renowned publishing houses in media articles while reporting in respect to Impugned Mark, by mistake has written the spelling as 'GAUNYLE' which is the Petitioner's Mark, evincing actual confusion amongst public which is giving impression that the Respondents' goods are being associated with the Petitioner's Mark.
- 8.9. The continued existence of the Impugned Mark in the Register, falls within the purview of the absolute ground of refusal of registration under Sections 9(2)(a) and 11(1)(a) of the Act. This Court has rectified registered Trade Marks on the ground of being subsequent and phonetically similar to the prior Trade Marks in several cases. The following Marks were held to be similar:



- a. ‘OTRINIR’ v. ‘OTRIVIN’ / ‘OTRINOZ’ – *GSK Consumer Healthcare S.A. v. Celebrity Biopharma Ltd.*, 2024 SCC OnLine Del 2572
 - b. ‘PBROS’ (device mark) v. ‘FYBROS’ – *Fybro Electric Pvt. Ltd. v. Mukesh Singh & Anr.*, 2023 SCC OnLine Del 2948
 - c. ‘NJBROS’ v. ‘FYBROS’ – *Fybro Electric (P) Ltd. v. Vasu Dev Gupta Trading as Vasu Electronics*, 2023 SCC OnLine Del 3179
- 8.10. Under Section 34 of the Act, rights of the prior user (Petitioner) would take precedence over subsequent registration of the Respondents. Due to the non-substantive clause of the Section 34 of the Act therefore, Section 34 of the Act needs to be read with Sections 9(2)(a) and Section 11(1)(a) of the Act (under which the Petitioner is seeking rectification of the Impugned Mark), including the definition of ‘earlier trademark’ as provided as the explanation to Section 11(4) of the Act. The following judgments were relied upon while making the above submission:
- a. *S. Syed Mohideen v. P. Sulochana Bai*, (2016) 2 SCC 683
 - b. *Neon Laboratories Ltd. v. Medical Technologies Ltd. and Ors.*, (2016) 2 SCC 672
 - c. *Inder Raj Sahni Proprietor M/s Sahni Cosmetics v. Neha Herbals Private Limited and Another*, 2025 SCC OnLine Del 3341
- 8.11. In *Kia Wang v. Registrar of Trademarks and Anr.*, 2023 SCC OnLine Del 5844, this Court held that even though the petitioner’s mark therein did not qualify as ‘earlier mark’ under



Section 11 of the Act, due to prior usage of the petitioner, the impugned mark therein was rectified by the Co-ordinate Bench of this Court.

8.12. The Respondents have filed the Trade Mark Application No. 3469185 for the Impugned Mark on the basis of which the Respondents have claimed to be prior user only on 30.01.2017 with false claim of usage since 2008. The Respondents have failed to file a single document of proof of usage of the Impugned Mark prior to 2013 leaving apart proof of usage since 2008.

8.13. Accordingly, the present Rectification Petition be allowed and the registration of the Impugned Mark shall be removed from the Register.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

9. The learned Counsel for the Respondents submitted that:

9.1. Respondent No. 1, *Patanjali Gramodyog Nyas*, was established on 05.01.2011, for the development of small scale and cottage industries of villages. Respondent No. 1 was established with the objective to establish village industry at the local level by using available resources in the village in consonance with mutual knowledge to convert art and skill into an industry.

9.2. Respondent No. 1 maintains an active online presence. Information pertaining to Respondent No. 1, their brands and products is readily accessible *via* their official website at <http://patanjalogamodhyognyas.com/>. Respondent No. 1 is also active in promoting its products through various media platforms such as Facebook, Instagram, and Twitter in addition to the



traditional forms of advertisement and publicity such as print media and word of mouth.

- 9.3. Respondent No. 2, *Patanjali Ayurved Limited*, is a company duly incorporated and registered under the Companies Act, 1956 on 13.01.2006 with the vision of fostering rural and urban development by synthesizing the power of yoga and ayurved. Respondent No. 2 offers a gamut of goods in the market including but not limited to ayurvedic medicines and natural personal care, health, and food products as well as associated services. Information pertaining to Respondent No. 2, their brands and products is readily accessible *via* their official website at <http://patanjaliayurved.org/> and <https://www.patanjaliayurved.net/>.
- 9.4. Respondent No. 2's market reputation can be further gauged from their pan-India sales figures. The sales turnover of Respondent No. 2's business for the Financial Year ("FY") 2020-2021 was ₹ 9,783 crores. Respondent No. 2 expends significant capital and labor each year towards promotion and advertisement of its goods and services throughout India. The advertisement and sales promotional expenditure incurred by Respondent No. 2 for FY 2021-2022 was ₹ 31,048 lakhs.
- 9.5. The goods under the Impugned Mark have significant sale figures as can be seen from the sales turnover for FY 2023-2024, that was ₹ 68,45,473/-. In order to establish goodwill in a product under a particular mark, it is essential to substantiate the claim through documentary evidence such as sale figures of the goods



sold under the mark, along with the expenditure incurred on advertisement and promotion. Such documents must be duly verified by a Chartered Accountant; otherwise, they are inadmissible and lack evidentiary value. Reliance was placed upon the decision in *Brihan Karan Sugar Syndicate Private Limited v. Yashwantrao Mohite Krushna Sahakari Sakhar Karkhana*, (2024) 2 SCC 577.

- 9.6. The Impugned Mark has been coined by Respondent No. 2 and Respondent No. 2 is the first adopter and user of the Impugned Mark using it since the year 2008. Respondent No. 2 is the registered proprietor of the Impugned Mark and its variants and formatives under Classes 03, 05, 21 and 35. Respondent No. 1 is the registered proprietor of the Impugned Mark under Trade Mark Application No. 3153827 under Class 01.
- 9.7. The Respondents have superior right over the Impugned Mark under both the statute and common law being the prior user and registered proprietor of the same using it since 2008. The Petitioner is the subsequent adopter and user of the Petitioner's Mark claiming user since 2013. The Petitioner is also the subsequent applicant of the Trade Mark Application No. 3133397 applied on 18.12.2015.
- 9.8. Section 11 of the Act applies only where the disputed Mark is used subsequent to an earlier Trade Mark. The common thread running through Sections 11(1) and 11(2) of the Act is that both provisions require the identity or similarity of the impugned mark with an earlier Trade Mark. Once it is established that the



petitioner is not an earlier trade mark by way of registration of trade mark application, the applicability of Section 11 of the Act stands extinguished and becomes infructuous. Reliance was placed in the decision of ***Kia Wang*** (*supra*) while making the above submission.

9.9. The Impugned Mark includes the Respondents' House Mark, 'PATANJALI' which has been declared as a well-known Mark by the Registrar of Trade Marks. Thus, usage of the Impugned Mark will not cause confusion or deception among the public, consumers, and members of the trade as to origin of the goods. Dissimilarity between the Marks may even be established through the presence of the company's name or house mark on the packaging along with the impugned mark. The Respondents' House Mark is well-known; therefore, any suffix, prefix, or even conjunction with the Respondents' well-known House Mark, 'PATANJALI' is more than sufficient to demonstrate that the Impugned Mark is distinct and disparate from that of the Petitioner's Mark. Reliance was placed on the following decisions while making the above submission:

- a. ***Valvoline Cummins Limited v. Apar Industries Limited***, 2013 SCC OnLine Del 6414
- b. ***MESO Pvt. Ltd., Mumbai v. Liberty Shoes Ltd., Haryana and Another***, 2019 SCC OnLine Bom 1506

9.10. The Petitioner's Goods under the Petitioner's Mark under Class 05 are for biodegradable disinfectants (phenyl), ayurvedic and medicinal preparations, antiseptic and antibacterial preparations,



germicides, preparations, and substances for neutralizing, controlling, or reducing allergens, medicated skin and hair care preparations, mosquito repellent, toiletries, cosmetic. The goods of the Respondents under the Impugned Mark under Class 05 is for sanitary preparations. Hence, there is no possibility of confusion or deception as the rival goods themselves are entirely different.

9.11. The Petitioner filed some sales invoices to substantiate their user of the Petitioner's Mark from 2013. An Invoice No. 669 dated 25.07.2016, whereas the invoices both prior and subsequent to Invoice No. 669 i.e., Invoice Nos. 666, 681 and 693 are of the year 2014. Thus, it is clear from the inconsistency of dates in the order of numbered invoices, that the said invoices are forged and fabricated. The user claimed by the Petitioner is false and Petitioner's act of submitting such forged and fabricated invoices as evidence to substantiate their user before this Court amounts to criminal contempt and is punishable under Section 12 of the Contempt of Courts Act, 1971, and such intentional submission of false evidence by the Petitioner is also punishable under Section 193 of the Indian Penal Code, 1860. Hence, the evidences provided by the Petitioner to substantiate their user cannot be relied upon and cannot be considered for the just and proper adjudication of the present Petition.

9.12. A passing off action shall not lie in the absence of proof of goodwill and reputation subsisting in the goods or services of the plaintiff. Where one party passes off its goods as those of



another, the law infers deceit in Trade Mark matters unless the mark be unregistered; yet, prior honest user legitimises the defendant's conduct, rendering its actions legitimate and *bona fide*. Reliance was placed upon the following judgments, while making the above submission:

- a. *Khadi and Village Industries Commission v. Girdhar Industries and Another*, 2023 SCC OnLine Del 8446
- b. *Kaviraj Pandit Durga Dutt Sharma v. Navratna Pharmaceutical*, 1964 SCC OnLine SC 14
- c. *FDC Limited v. Faraway Foods Pvt. Ltd.*, 2021 SCC OnLine Del 1539
- d. *Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd.*, (2001) 5 SCC 73

9.13. In view of the above, it was submitted that the present Rectification Petition be dismissed and let the registration of the Impugned Mark, continue to remain on the Register.

ANALYSIS AND FINDINGS

10. The present Rectification Petition has been filed for the Marks in question being the Impugned Mark, 'PATANJALI GONYLE FLOOR



CLEANER' / ' and the Petitioner's Mark, 'GAUNYLE'.

11. The Petitioner submitted that it is the prior adopter and continuous user of the Petitioner's Mark since 2013, and that the Impugned Mark was applied



for by the Respondents with *mala fide* intention to capitalize upon the tremendous reputation and goodwill accrued to the Petitioner's Mark. It was submitted by the Petitioner that the Impugned Mark is visually, structurally and phonetically identical to the Petitioner's Mark, both Marks covering identical goods, namely floor cleaners manufactured from cow urine, thereby causing confusion and deception amongst the consuming public.

12. The Petitioner further submitted that media reports have erroneously referred to the Respondents' goods as 'GAUNYLE', evincing actual confusion in the marketplace and association with the Petitioner's Mark. The Respondents' belated claim of usage since 2008 remains wholly unsubstantiated, with no documentary evidence adduced to prove user prior to 2013.

13. The Respondents asserted superior rights as prior adopters and continuous users of the Impugned Mark since 2008, antecedent to the Petitioner's user from 2013, and as registered proprietors across Classes 03, 05, 21 and 35. The prominent presence of the well-known House Mark 'PATANJALI' in the Impugned Mark constitutes a decisive distinguishing feature precluding any likelihood of confusion. Further, the rival goods are distinct, the Petitioner's Goods under the Petitioner's Mark encompassing biodegradable disinfectants, ayurvedic preparations and cosmetics, whereas the Impugned Mark covers sanitary preparations alone.

14. The Respondents impeached the Petitioner's evidence of user, drawing attention to Invoice No. 669 dated 25.07.2016 appearing between consecutively numbered invoices 666, 681 and 693 dated 2014, evidencing manifest fabrication.



15. In view of the above submissions made by the Parties and given that the Petitioner's Mark and the Impugned Mark are registered in the same class and also trade channels and the consumers base being identical, the following issues arise for consideration in the present Petition:

- i. Whether the Petitioner has established prior adoption and user of the Petitioner's Mark?
- ii. Whether the Impugned Mark is identical or deceptively similar to the Petitioner's Mark so as to cause confusion or deception amongst consumers?
- iii. Whether the registration of the Impugned Mark is liable to be rectified under Section 57 read with Sections 9(2)(a) and 11(1)(a) of the Act?

16. It is trite law that Trade Marks are source identifiers and allow the proprietors to establish the trust and develop goodwill with consistent use and providing quality of services or goods. The interest of an average consumer has to be protected by eliminating any likelihood of confusion or deception. On a holistic comparison, if the Marks are found to be similar and likely to cause confusion in the minds of an average consumer having imperfect recollection, the Mark that is adopted subsequently has to be injuncted and / or rectified depending on the facts of each case.

17. The question of prior adoption and user is pivotal to the determination of rights in a Trade Mark dispute. It is a well-settled principle of law that priority in adoption confers superior rights, and a subsequent user cannot claim precedence over a prior user merely on the strength of registration.

18. In the present case, the Petitioner claims user of the Petitioner's Mark since 12.12.2013, whereas the Respondents assert usage of the Impugned



Mark since 2008. The burden of proving prior user lies squarely upon the party claiming such user. Upon examination of the evidence on record, this Court finds that the Petitioner has failed to discharge this burden satisfactorily. The invoices submitted by the Petitioner to substantiate user from 2013 suffer from material inconsistencies that cast serious doubt upon their authenticity. As submitted by the Respondents, Invoice No. 669 is dated 25.07.2016, whereas invoices bearing consecutive numbers both prior and subsequent thereto are dated 2014. The suspicious nature of the Petitioner's documentary evidence undermines the entirety of its case regarding prior user.

19. *Per contra*, the Respondents have consistently maintained that they have been using the Impugned Mark since 2008. While the Petitioner has attempted to cast doubt on this assertion by referring to a media article dated 31.12.2015, this Court notes that absence of mention in a media report cannot constitute conclusive proof of a non-user.

20. Furthermore, the Respondents filed their Trade Mark Application No. 3094452 on 21.08.2015, whereas the Petitioner filed its Trade Mark Application No. 3133397 on 18.12.2015. Even if one were to disregard the respective claims of user and rely solely on the application dates, the Respondents would have priority. In these circumstances, this Court finds that the Petitioner has not established prior adoption and user of the Petitioner's Mark *vis-à-vis* the Impugned Mark.

21. The Petitioner submitted that the Impugned Mark is phonetically, visually, and structurally identical to the Petitioner's Mark, thereby causing confusion and deception amongst consumers. The Petitioner relies upon the judgments in *Amritdhara Pharmacy* (*supra*) and *K.R. Chinna Krishan Chettiar* (*supra*) to support this contention. It is correct that phonetic



similarity is an important factor in determining likelihood of confusion. However, the assessment of similarity must be undertaken holistically, taking into account the visual, phonetic, and conceptual aspects of the Marks, as well as the surrounding circumstances, including the presence of House Marks and the nature of the goods.

22. In the present case, while there may be some phonetic similarity between 'GAUNYLE' and 'GONYLE', this Court cannot overlook the critical distinguishing feature of the Impugned Mark, namely, the prominent presence of the well-known House Mark, 'PATANJALI'. The Impugned Mark reads as 'PATANJALI GONYLE FLOOR CLEANER' and is a Device Mark, whereas the Petitioner's Mark is the Word Mark, 'GAUNYLE'. The Respondents' well-known House Mark, 'PATANJALI' has been declared a well-known Mark and enjoys substantial goodwill and reputation in the market. The presence of this distinctive and well-known House Mark serves as a powerful differentiating factor that would immediately identify the goods as emanating from the Respondents. Consumers are likely to associate the goods primarily with 'PATANJALI' rather than focusing solely on the descriptive element 'GONYLE'.

23. The Respondents have strenuously contended that their House Mark, 'PATANJALI', having been declared a well-known Mark by the Registrar of Trade Marks and enjoying substantial goodwill and reputation in the market, serves as a powerful differentiating factor, and that consumers are likely to associate the goods primarily with 'PATANJALI' rather than focusing on the element 'GONYLE'. It is settled position that the presence of a well-known House Mark may, in certain circumstances, serve as a distinguishing feature.



24. In *Cadila Health Care Ltd.* (*supra*), the Supreme Court held that the test of comparison is whether the mark as a whole is similar, and one must consider the overall impression that the mark creates. The Supreme Court further observed that where the goods bear the manufacturer's name, the possibility of confusion is greatly reduced.

25. Applying the *Cadila Health Care Ltd.* (*supra*) principle to the facts of the present case, this Court is of the view that the overall impression created by the Impugned Mark, with its prominent well-known House Mark, 'PATANJALI', is sufficiently distinct from the Petitioner's Mark. An average consumer of ordinary intelligence and imperfect recollection would not confuse the two marks when considered as a whole.

26. Rectification under Section 57 read with Sections 9(2)(a) and 11(1)(a) of the Act enables any aggrieved person to apply for rectification of the Register on various grounds, including those specified in Sections 9 and 11 of the Act. The Petitioner seeks rectification on the ground that the Impugned Mark should not have been registered as it is identical or deceptively similar to the Petitioner's Mark under Section 11(1)(a) of the Act. Section 11(1)(a) of the Act provides that a trade mark shall not be registered if, because of its identity with an earlier trade mark and similarity of goods or services covered by the trade mark, there exists a likelihood of confusion on the part of the public.

27. In the present case, the Petitioner's Mark, though applied for registration on 18.12.2015, which is subsequent to the Respondents' registration dated 21.08.2015, claims user from 12.12.2013. The Petitioner seeks to invoke Section 34 of the Act, which protects the rights of the prior user, and contends that Section 34 of the Act must be read with Sections



9(2)(a) and 11(1)(a) of the Act. Section 34 of the Act is a non-obstante provision that protects the rights of a prior user even against a registered proprietor. However, the applicability of Section 34 of the Act is predicated upon proof of continuous prior use from a date earlier than the opponent's use or registration, whichever is earlier.

28. The Petitioner has failed to establish prior user of the Petitioner's Mark *vis-à-vis* the Respondents. The documentary evidence adduced by the Petitioner is tainted with inconsistencies that raise questions about its authenticity. In contrast, the Respondents have consistently claimed user since 2008, which predates the Petitioner's claimed user from 2013. Furthermore, even if the Petitioner had established prior user, the Court would still need to be satisfied that the Impugned Mark is identical or deceptively similar to the Petitioner's Mark and that there exists a likelihood of confusion.

29. As discussed above, the presence of the well-known House Mark, 'PATANJALI' in the Impugned Mark serves as a powerful distinguishing feature that negates any likelihood of confusion. The Petitioner has also sought to invoke Section 9(2)(a) of the Act, which provides that a trade mark shall not be registered if it is of such nature as to deceive the public or cause confusion. However, for the reasons discussed above, this Court finds that the Impugned Mark does not fall foul of this provision. The overall impression created by the Impugned Mark, viewed holistically with its well-known House Mark, 'PATANJALI' is sufficiently distinct from the Petitioner's Mark.

30. Additionally, the Respondents have submitted that the goods covered under the rival Marks are different. The Petitioner's Mark covers a wide range of goods including biodegradable disinfectants (phenyl), ayurvedic and medicinal preparations, antiseptic and antibacterial preparations, germicides,



medicated skin and hair care preparations, mosquito repellent, toiletries, and cosmetics. On the other hand, the Impugned Mark is registered for sanitary preparations. While both goods may broadly fall under the category of cleaning products, the specific descriptions suggest different market segments and uses, which further reduces the likelihood of confusion.

31. The submission of the Respondents in respect to the invoices with chronologically impossible dates raises grave concerns about the integrity of the evidence presented. Furthermore, the Respondents are the registered proprietors of the Impugned Mark not just in Class 05, but also under Classes 03, 21 and 35. The Respondents have invested substantial resources in building their brand around the 'PATANJALI' House Mark. The grant of the relief sought by the Petitioner would cause significant prejudice to the Respondents, who have been using and developing their brand in good faith.

32. The Petitioner applied for registration of the Petitioner's Mark on 18.12.2015, which is subsequent to the Respondents' registration dated 21.08.2015. The Petitioner was thus, on notice of the Respondents' prior application at the time of filing its own application. Despite this knowledge, the Petitioner proceeded with its application without filing any opposition at the appropriate stage. The Petitioner cannot now seek to rectify the Register after the Respondents have obtained registration and invested in their brand.

CONCLUSION

33. For the reasons stated above, the Petitioner has failed to establish prior adoption and user of the Petitioner's Mark *vis-à-vis* the Respondents' use of the Impugned Mark. The documentary evidence adduced by the Petitioner is unreliable and suffers from material inconsistencies that cast serious doubt about its authenticity.



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34. The Impugned Mark, when viewed holistically with the prominent 'PATANJALI' House Mark, is not identical or deceptively similar to the Petitioner's Mark so as to cause confusion or deception amongst consumers of average intelligence and imperfect recollection.

35. The Petitioner has not made out a case for rectification of the Register under Section 57 read with Sections 9(2)(a) and 11(1)(a) of the Act. In light of the aforesaid findings, the present Rectification Petition is devoid of merit.

36. The registration of the Impugned Mark bearing Registration No. 3094452 in Class 05 in the name of the Respondents is valid and subsisting, and there is no justification for cancelling / removing / rectifying the same from the Register.

37. The Impugned Mark 'PATANJALI GONYLE FLOOR CLEANER' /



'PATANJALI GONYLE' bearing Registration No. 3094452 in Class 05 shall continue to remain on the Register of Trade Marks.

38. The Rectification Petition stands dismissed. No order as to costs.

TEJAS KARIA, J

JANUARY 9, 2026

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