$~44 to 48

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

\+ C.A.(COMM.IPD-TM) 85/2021

SAAMAG HEALTHCARE PROFESSIONAL MANAGEMENT PVT LTD. ..... Appellant

Through: Ms. Nandini Aishwarya, Advocate.

versus

THE REGISTRAR OF TRADE MARKS ..... Respondent

Through: Mr. Harish Vaidyanathan Shankar, Central Government Standing Counsel, Mr. Srish Kumar Mishra, Mr. Sagar Mehalwat, Mr. Alexander Mathai Paikaday, Advocates

\+ C.A.(COMM.IPD-TM) 89/2021

SAAMAG HEALTHCARE PROFESSIONAL MANAGEMENT PVT LTD. ..... Appellant

Through: Ms. Nandini Aishwarya, Advocate.

versus

THE REGISTRAR OF TRADE MARK ..... Respondent

Through: Mr. Harish Vaidyanathan Shankar, Central Government Standing Counsel, Mr. Srish Kumar Mishra, Mr. Sagar Mehalwat, Mr. Alexander Mathai Paikaday, Advocates

\+ C.A.(COMM.IPD-TM) 100/2021

SAAMAG HEALTHCARE PROFESSIONAL MANAGEMENT PVT. LTD. ..... Appellant

Through: Ms. Nandini Aishwarya, Advocate.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 20/05/2026 at 16:36:38

versus

THE REGISTRAR OF TRADE MARK ..... Respondent

Through: Mr. Harish Vaidyanathan Shankar, Central Government Standing Counsel, Mr. Srish Kumar Mishra, Mr. Sagar Mehalwat, Mr. Alexander Mathai Paikaday, Advocates

\+ C.A.(COMM.IPD-TM) 102/2021

SAAMAG HEALTHCARE PROFESSIONAL MANAGEMENT PVT. LTD. ..... Appellant

Through: Ms. Nandini Aishwarya, Advocate.

versus

THE REGISTRAR OF TRADE MARK ..... Respondent

Through: Mr. Harish Vaidyanathan Shankar, Central Government Standing Counsel, Mr. Srish Kumar Mishra, Mr. Sagar Mehalwat, Mr. Alexander Mathai Paikaday, Advocates

\+ C.A.(COMM.IPD-TM) 107/2021

SAAMAG HEALTHCARE PROFESSIONAL MANAGEMENT PVT LTD. .... Appellant

Through: Ms. Nandini Aishwarya, Advocate.

versus

THE REGISTRAR OF TRADE MARK ..... Respondent

Through: Mr. Harish Vaidyanathan Shankar, Central Government Standing Counsel, Mr. Srish Kumar Mishra, Mr. Sagar Mehalwat, Mr. Alexander Mathai Paikaday, Advocates

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 20/05/2026 at 16:36:38

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 19.04.2023

1. The above captioned appeals under Section 91 of the Trade Marks Act, 1999 [hereinafter '***the Act***'] impugn identical orders refusing registration of Appellant's marks in Classes 5, 44 and 16 under Sections 9 and 11 of the Act. Considering the similarity of facts, nearly identical grounds of refusal and common grounds of challenge [hereinafter collectively '***impugned orders***'], it is considered appropriate to decide the appeals by way of a common order.

2. For clarity, relevant details of Appellant's trademarks [hereinafter collectively '***subject mark(s)***'] and the corresponding impugned orders are provided hereinbelow:

S. No.	Appeal No.	Application No.	Class	Type	Mark	Date of Impugned Order
1.	C.A.(COMM. IPD-TM) 85/2021	2853723	Class 5	Device Mark		10th January, 2019
2.	C.A.(COMM. IPD-TM) 89/2021	2853722	Class 44	Word Mark	"ANANT WELLNESS"	10th January, 2019
3.	C.A.(COMM. IPD-TM) 100/2021	2853726	Class 44	Device Mark		10th January, 2019
4.	C.A.(COMM. IPD-TM) 102/2021	2853719	Class 5	Word Mark	"ANANT WELLNESS"	10th January, 2019
5.	C.A.(COMM. IPD-TM) 107/2021	2853721	Class 16	Word Mark	"ANANT WELLNESS"	10th January, 2019

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 20/05/2026 at 16:36:38

3. All the afore-noted applications were refused by the Senior Examiner under Section 9 and 11 of the Trade Marks Act [hereinafter '***the Act***'] *vide* identically worded impugned orders. For convenience, the relevant portion of the impugned order in CA(COMM.IPD-TM) 85/2021, is reproduced below:

> *"The trade mark applied for is objectionable under Section 9/11 of the Act. The application is accordingly refused."*

4. Since the orders are not reasoned, the Court has referred to the examination reports to discern the same. They broadly raise the following objections:

4.1. Section 9(1)(a) and (b) of the Act, as the subject mark consists of a common surname/personal name/non-distinctive geometrical figure, which is incapable of distinguishing the goods or services of one person from that of another. The marks also contain words/indications that designate the kind, quality, and purpose of the goods/services, making them ineligible for trademark protection.

4.2. Section 11(1) of the Act as same/ similar trademark are already on the trade mark register for similar goods/ services.

5. Ms. Aishwarya argues that the Appellant, a healthcare management company, has been using the mark "ANANT WELLNESS" since the year-2014. She contends that the subject marks are distinctive in nature, and blatantly refused registration without consideration of the fact that many conflicting trademarks cited in the examination reports stood abandoned, are being used in another class of goods, do not have similarity with the subject marks or operate in another industry.

6. Heard. The following tables provide clarity on the status of conflicting

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 20/05/2026 at 16:36:38

marks raised in the examination reports for each of the subject marks: -

TABLE NO. 1

C.A.(COMM.IPD-TM) 85/2021:

Examination Report dated 29th February, 2016

SR. NO.	APPLICATION NO.	CLASS	MARK	STATUS AS ON DATE
1.	333504	5	ANANT	Registered. However, likely to be removed due to non-filing of renewal.
2.	2130935	5	ANANT NATURALS (Device)	Registered. However, likely to be removed due to non-filing of renewal.
3.	2853719	5	ANANT WELLNESS	Application of the Appellant itself.

TABLE NO. 2

C.A.(COMM.IPD-TM) 89/2021:

Examination Report dated 18th January, 2016

SR. NO.	APPLICATION NO.	CLASS	MARK	STATUS AS ON DATE
1.	1418699	42	WELLNESS (Device)	Abandoned
2.	1528584	42	ANAND (Label)	Registered
3.	1780822	42	ANANT (Device)	Registered
4.	1781969	42	ANANTAA (Device)	Registered
5.	1785428	42	THE WELLNESS (Label)	Abandoned
6.	1948152	44	Perfect Wellness (Device)	Abandoned
7.	2267399	44	ANANT JYOTI (Device)	Registered
8.	2329995	44	ANGEL WELLNESS (Device)	Registered. Renewal of Trademark overdue. Restoration has to be filed.
9.	2831533	44	ANANT NURSING PVT. LTD.	Registered

TABLE NO. 3

C.A.(COMM.IPD-TM) 100/2021:

Examination Report dated 29th February, 2016

SR. NO.	APPLICATION NO.	CLASS	MARK	STATUS AS ON DATE
1.	1780822	42	ANANT (Device)	Registered
2.	1781969	42	ANANTAA (Device)	Registered
3.	1933907	42	ANANT (Device)	Registered

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 20/05/2026 at 16:36:38

4.	1940029	44	ANANTSHREE MULTI SPECIALITY HOSPITAL (Device)	Registered. However, likely to be removed due to non-filing of renewal.
5.	2211849	44	Anantham	Registered
6.	2267399	44	ANANT JYOTI (Device)	Abandoned
7.	2853722	44	ANANT WELLNESS	Application of the Appellant itself.

TABLE NO. 4

C.A.(COMM.IPD-TM) 102/2021:

Examination Report dated 15th January, 2016

SR. NO.	APPLICATION NO.	CLASS	MARK	STATUS AS ON DATE
1.	333504	5	ANANT	Registered. However, likely to be removed due to non-filing of renewal.
2.	1093799	5	WELLNESS	Examination Report Issued

TABLE NO. 5

C.A.(COMM.IPD-TM) 107/2021:

Examination Report dated 15th January, 2016

SR. NO.	APPLICATION NO.	CLASS	MARK	STATUS AS ON DATE
1.	1075352	16	ANANT	Registered. However, likely to be removed due to non-filing of renewal.
2.	1848348	16	ANANT	Registered. However, likely to be removed due to non-filing of renewal.

7. From the above, it becomes evident that the status of the conflicting marks cited in the examination reports, which form the basis for objection under Section 11 of the Act, have been abandoned and are 'likely to be removed' as their registration has not been renewed. That apart, it is noticed that cited marks comprise of the word 'ANANT' or 'WELLNESS' either as prefix or suffix. On the other hand, the subject mark comprises of a coined phrase "ANANT WELLNESS". It is a device '

' containing unique

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 20/05/2026 at 16:36:38

background colors, font, and a stylised '+' sign which is distinctive and *prima facie* not similar to the cited marks. In light of the same, the objection under Section 11 of the Act is not sustainable.

8. Pertinently, Appellant has multiple registrations of identical mark and also of the prominent feature of the subject mark, i.e., the phrase "Anant Wellness", in Class 10 and 16, details whereof are as follows:

APPLICATION NO.	CLASS	TYPE	MARK
2853725	16	Device	
2853720	10	Word	"ANANT WELLNESS"
2853724	10	Device	

9. As the Appellant is the registered owner of identical marks, the objection of subject marks being non-distinctive under Section 9 of the Act, also cannot sustain.

10. In view of the above, the present appeals are allowed with the following directions: -

(i) Impugned orders, as mentioned in paragraph 2 above, are set aside.

(ii) Trademark Registry is directed to process the registration application for the subject marks, mentioned in paragraph 2 above.

(iii) Subject marks be advertised without acceptance within a period of three months from the date of release of this order.

(iv) If there is any opposition, the same shall be decided on its own merits, uninfluenced by observations made hereinabove.

(v) The rights in words comprising the subject mark shall be restricted to combination of words 'ANANT WELLNESS' as depicted above.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 20/05/2026 at 16:36:38

(vi) It is clarified the subject marks shall not grant any exclusive rights in the words 'WELLNESS', separately or individually. This disclaimer shall be reflected in the Trade Marks Journal at the time of advertisement if the subject marks ultimately proceed for registration.

11. With the above directions, the appeals are disposed of along with pending application(s), if any.

12. Registry is directed to supply a copy of the present order to the Trademark Registry at llc-ipo@gov.in for compliance.

SANJEEV NARULA, J

APRIL 19, 2023
st
(Corrected and released on 1st May, 2023)

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 20/05/2026 at 16:36:38