$~32 to 35

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

**(32)**

\+ CA (COMM.IPD-CR) 5/2026, I.A. 3781/2026, I.A. 3782/2026 & I.A. 3783/2026

FORNNAX TECHNOLOGY PRIVATE LIMITED .....Appellant

Through: Mr. Harshit S. Tolia, Senior Advocate alongwith Mr. Kunal Khanna, Mr. Zahid Shaikh, Mr. Umar Shaikh, Mr. Rishab Gupta and Mr. Krtin Bhasin, Advocates.

versus

THE REGISTRAR OF COPYRIGHTS .....Respondent

Through: Ms. Nidhi Raman, CGSC alongwith Mr. Om Ram and Ms. Nikita Singh, Advocates for the Registrar of Copyrights.

Ms. Rukhmini Sharad Bobde, CGSC alongwith Mr. Manish Rawat, G.P., Mr. Gaurav Rohilla, Mr. Vinayak Aren, Ms. Aishwarya Nigam and Ms. Shrishti Singh, Advocates for UOI.

Mr. N. Mahabir, Mr. P.C. Arya, Mr. Shashi Kant, Mr. Rahul Dev, Mr. Raman Raj Gangwar, Ms. Swati Singh, Ms. Vijay Laxmi and Ms. Noopur Biswas, Advocates for R-2 to 4.

**(33)**

\+ CA (COMM.IPD-CR) 6/2026, I.A. 3784/2026, I.A. 3785/2026 & I.A. 3786/2026

FORNNAX TECHNOLOGY PRIVATE LIMITED .....Appellant

Through: Mr. Harshit S. Tolia, Senior Advocate alongwith Mr. Kunal Khanna, Mr. Zahid Shaikh, Mr. Umar Shaikh, Mr. Rishab Gupta and Mr. Krtin Bhasin, Advocates.

versus

THE REGISTRAR OF COPYRIGHTS AND ORS .....Respondents

Through: Ms. Nidhi Raman, CGSC alongwith Mr. Om Ram and Ms. Nikita Singh, Advocates for the Registrar of Copyrights.
Ms. Rukhmini Sharad Bobde, CGSC alongwith Mr. Manish Rawat, G.P., Mr. Gaurav Rohilla, Mr. Vinayak Aren, Ms. Aishwarya Nigam and Ms. Shrishti Singh, Advocates for UOI.
Mr. N. Mahabir, Mr. P.C. Arya, Mr. Shashi Kant, Mr. Rahul Dev, Mr. Raman Raj Gangwar, Ms. Swati Singh, Ms. Vijay Laxmi and Ms. Noopur Biswas, Advocates for R-2 to 4.

**(34)**

\+ CA (COMM.IPD-CR) 7/2026, I.A. 3787/2026, I.A. 3788/2026 & I.A. 3789/2026

FORNNAX TECHNOLOGY PRIVATE LIMITED .....Appellant

Through: Mr. Harshit S. Tolia, Senior Advocate alongwith Mr. Kunal Khanna, Mr. Zahid Shaikh, Mr. Umar Shaikh, Mr. Rishab Gupta and Mr. Krtin Bhasin, Advocates.

versus

THE REGISTRAR OF COPYRIGHTS AND ORS .....Respondents

Through: Ms. Nidhi Raman, CGSC alongwith Mr. Om Ram and Ms. Nikita Singh, Advocates for the Registrar of Copyrights.
Ms. Rukhmini Sharad Bobde, CGSC alongwith Mr. Manish Rawat, G.P., Mr. Gaurav Rohilla, Mr. Vinayak Aren, Ms. Aishwarya Nigam and Ms. Shrishti Singh, Advocates for UOI.

Mr. N. Mahabir, Mr. P.C. Arya, Mr. Shashi Kant, Mr. Rahul Dev, Mr. Raman Raj Gangwar, Ms. Swati Singh, Ms. Vijay Laxmi and Ms. Noopur Biswas, Advocates for R-2 to 4.

**(35)**

\+ CA (COMM.IPD-CR) 8/2026, I.A. 3846/2026, I.A. 3847/2026 & I.A. 3848/2026

FORNNAX TECHNOLOGY PRIVATE LIMITED .....Appellant

Through: Mr. Harshit S. Tolia, Senior Advocate alongwith Mr. Kunal Khanna, Mr. Zahid Shaikh, Mr. Umar Shaikh, Mr. Rishab Gupta and Mr. Krtin Bhasin, Advocates.

versus

THE REGISTRAR OF COPYRIGHTS .....Respondent

Through: Ms. Nidhi Raman, CGSC alongwith Mr. Om Ram and Ms. Nikita Singh, Advocates for the Registrar of Copyrights.

Ms. Rukhmini Sharad Bobde, CGSC alongwith Mr. Manish Rawat, G.P., Mr. Gaurav Rohilla, Mr. Vinayak Aren, Ms. Aishwarya Nigam and Ms. Shrishti Singh, Advocates for UOI.

Mr. N. Mahabir, Mr. P.C. Arya, Mr. Shashi Kant, Mr. Rahul Dev, Mr. Raman Raj Gangwar, Ms. Swati Singh, Ms. Vijay Laxmi and Ms. Noopur Biswas, Advocates for R-2 to 4.

% ***Date of Decision: 11th Februrary, 2026***

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

**JUDGMENT**

**TUSHAR RAO GEDELA, J: (ORAL)**

1. The present appeals have been filed under Section 72 of the Copyright Act, 1957 (hereafter referred to as *"the Act"*) assailing the common order dated 28.01.2026 passed by the Registrar of Copyright.

2. Mr. Harshit S. Tolia, learned Senior Counsel appearing for the appellant submits that the Registrar has committed a fundamental error, which cannot be countenanced in law.

3. According to Mr. Tolia, the first submission is in respect of the opposition that had been filed by the respondents under Section 50 of the Act to oppose the copyright sought by the appellant in respect of the subject matter of the dispute i.e. "Cutting Chamber Part of Secondary Shredder R-4000 Front View". He submits that the opposition under Section 50 of the Act was not maintainable at all inasmuch as, such opposition can be preferred only at a stage post registration of a particular copyright and not at the stage of consideration of the application seeking copyright. Thus, the entertainment of the respondents' opposition and consideration thereof at their instance, at that stage, was neither proper nor as per the statute.

4. Learned senior counsel draws attention of this Court to Section 45 (1) of the Act to submit that it is either the author or publisher or owner or any other "person interested" who alone is entitled to apply for a copyright of the artistic work etc.

5. Mr. Tolia, learned senior counsel also submits that the objection that the respondents are not "persons interested" in terms of Rule 70(9) and Rule 70(10) of the Copyright Rules, 2013 (hereafter referred to as *"the Rules"*) was specifically taken by the appellants, yet, not dealt with properly. He states that the Registrar, by an incongruous innovation has deduced that the "persons aggrieved" within the meaning of Section 50 of the Act, could also

oppose the copyright registration application. In his submissions, the two are different connotations for two different processes involved at two different stages envisaged under the Act. None of them could overlap or substitute the other. Learned senior counsel also submits that the issue as to who a "person interested" is, was raised in a detailed manner in the written submissions also citing judgment of the Allahabad High Court in ***Pramod Sharma vs. State of U.P., (2023) SCC OnLine All 1904*** in support of its contentions, yet, not dealt with by the Registrar.

6. Learned senior counsel also contends that merely because a design has been derived from the original artistic work, and applied industrially to create a product, does not mean that the said artistic work would lose the copyright on it. He contends that the Registrar completely overlooked the law in this respect. To buttress the said contention, he relies on the judgement of the Supreme Court in ***Cryogas Equipment (P) Ltd. vs. Inox India Ltd.***, ***2025 SCC OnLine SC 780,*** particularly para 66, which is extracted hereunder:

> *"66. To further simplify, the original artistic work, which initially enjoys copyright protection, does not lose the same merely because a 'design' derived from it has been industrially applied to create a product. While the expression 'artistic work' has a broad spectrum, 'design' is restricted to specific features such as shape, configuration, pattern, ornamentation, or composition of lines or colours, applied to an article through an industrial process, resulting in a finished product that appeals to the eye. These visually appealing features, when applied industrially, define a 'design' under the Designs Act."*

7. Inviting attention to Section 50 of the said Act, learned senior counsel submits that the only person, who is entitled to have any grievance so far as post-grant of registration of copyright is concerned, is the "person aggrieved" while at the stage of consideration of application for copyright, the "person interested" is contemplated to be eligible for opposition at that stage. Contrary to that, the Registrar has misconstrued the respondents, who are "persons

aggrieved" within the meaning of Section 50 of the Act, as "persons interested" in Rule 70(10) of the Rules and permitted their participation in opposing the copyright application, which is contrary to the statute.

8. That apart, learned senior counsel for the appellant submits that the documents on the basis of which Section 15(2) of the Act has been applied against the appellant is itself skewed. He submits that though the impugned order notes the assertion of the appellant that they have produced the subject matter products approximately to the extent of 29 to 34 units for certain models, however, has relied completely on the documents like PR articles and 'success story' from the appellant's websites stating that more than 100 installations have been completed so far, to conclude that the stipulation in Section 15(2) of the Act would prohibit registration of the copyright to the appellant. He submits that these documents were never furnished to the appellant, nor was the appellant given an opportunity to rebut the same with cogent evidence.

9. The impugned order also relies upon certain videos uploaded on YouTube and other social media platforms to hold the provisions of Section 15(2) of the Act against the appellant. That too was without affording any opportunity at all to the appellant to rebut the same, having been furnished to the Registrar on the day of hearing. Moreover, learned senior counsel for the appellants asserts that the said video clips were not furnished to the appellant at all on the date of hearing. He submits that all these issues were raised in the written submissions, however, are conspicuous by their absence in the impugned order. In support of the said contention, learned senior counsel invited attention to the written submissions filed by the appellant post hearing of the objections by the Registrar, in particular paragraphs 16 and 17 which are extracted hereunder:

*"16. Further, the Petitioner, during the personal hearing before this Hon'ble Tribunal on 21.01.2026, at 11:00 AM, sought to rely upon a video of the Director of the Respondent in order to demonstrate the Respondent has applied the copyright to an article for about 200 times. The same is factually incorrect, wholly erroneous and misleading. It is hereby stated that none of these materials, including the comparative charts etc. (the material shared by the Petitioners while sharing their screen during the personal hearing) were never supplied to the Respondent before the hearing. Further, there is also an absolute defiance of the mandatory provision of S. 65B of Indian Evidence Act/ S. 63 of the Bharatiya Sakshya Adhiniyam, since the electronic evidence of the video is not supported by the affidavit of the person in charge of the computer and the expert. Therefore, the said video is inadmissible in evidence7. The conduct of the Petitioners should be looked down upon heavily since the Petitioners are trying to arrogate upon themselves the procedure of this Hon'ble Tribunal.*

*17. Further, and even otherwise, the video sought to be relied upon by the Petitioners states that all the products of the Respondents, collectively have been sold more than 200 times. The conclusion, thereby sought to be derived by the Petitioner, is a slavish attempt to mislead this Hon'ble Tribunal."*

10. Predicated on the above, learned senior counsel submits that the impugned order is unsustainable both in law and on facts and needs to be set aside.

11. On the other hand, Mr. Mahabir, learned counsel appearing for respondent nos.2 to 4 states that the objections of the appellant so far as the opposition filed under Section 50 of the Act is concerned, a mere error in referring a particular provision would not disentitle the respondents from raising any objection which could, and rightly so, raised in compliance of Rule 70 of the Rules. In support of the said submission, Mr. Mahabir, learned counsel, draws attention of this Court to Rule 70 of the Rules. He states that Rule 70 has been prescribed in pursuance of Section 45 of the Act. Learned counsel invites attention to sub-section (2) of Section 45 of the Copyright Act, 1957 which reads as under:

***"45. Entries in Register of Copyrights.***

***(1) x x x x xx***

*(2) On receipt of an application in respect of any work under sub-section (1), the Registrar of Copyrights may, after holding such inquiry as he may deem fit, enter the particulars of the work in the Register of Copyrights."*

12. Dilating on sub-section (2), he emphasizes on the words "holding such inquiry as it deems fit" to submit that an inquiry which is contemplated under Section 45(2) of the Act is the one which is to be carried out in the manner prescribed in Rule 70 of the Rules, particularly sub-rules (9), (10) & (11) thereof. He submits that the Registrar by way of the impugned order has provided an adequate opportunity to the respondents to assist in conducting the inquiry. He asserts that it is only for the purpose of maintaining the purity of the Registrar of Copyrights, that such rules are contemplated, and it is only in pursuance thereto, that the respondents have objected to, and furnished whatever documents were in their possession. He submits that the appellant was also afforded an opportunity of hearing which complies with the principles of Natural Justice. All documents according to him were considered by the Registrar before passing the impugned order.

13. So far as the issue of "persons interested" or the "persons aggrieved" are concerned, he invites attention of this Court to the impugned order, particularly paragraph where the Registrar has upheld the fact that the respondents are the "persons aggrieved" within the meaning of Section 50 of the Act and has held that respondents are entitled to file their opposition to the application seeking copyrights by the appellant. He thus submits that the Registrar has acted within the statute and the impugned order is unassailable.

14. Having heard Mr. Tolia, learned senior counsel for the appellant and Mr. Mahabir, learned counsel for respondent nos. 2 to 4 and having perused the impugned order, documents and pleadings placed on record, this Court is of the considered opinion that the impugned order needs to be set-aside for

the purpose of remand.

15. There are two reasons for that – (i) the Registrar appears to have not considered the objections raised by the appellant in respect of the respondents that they are not the "persons interested" as required by sub-rule (9) and sub-rule (10) of Rule 70 of the Rules, and has imported the meaning ascribed to "person aggrieved" envisaged in Section 50 of the Act to be similar to or equivalent of "person interested" contemplated in Section 45(1) read with Rule 70 of the Rules; and (ii) that apart, it is admitted by the respondents that they are not the "person interested" in which case, whether their role would commence post the process of Section 50 of the Act or at the stage of Section 45 of the Act read with Rule 70 of the Rules, has not been dealt appropriately by the Registrar in the impugned order.

16. Another connecting issue which needs to be addressed is the fact that appellant had asserted that they have produced approximately 29 to 32 units only for certain models whereas the respondents produced certain electronic evidence of the appellant in order to sustain their objections that more than 100 installations have been made, and therefore, the prohibition or prescription under Section 15(2) of the Act would apply in the present case, and no registration of a copyright can be granted. Copies of such documents and electronic evidence produced or the date of hearing was accepted by the Registrar, without furnishing the same to the appellant or affording opportunity to rebut the same. This Court is of the considered opinion that having regard to the facts that there are assertions and counter assertions which have to be considered by the Registrar on the basis of tangible evidence, which is absent in the present case, the matter needs remittance.

17. In that view of the matter, this Court quashes the common impugned order dated 28.01.2026 and remits the matter back to the Registrar for *de novo*

consideration of the application keeping in mind the broad issues raised hereinabove.

18. The appellant shall also be entitled to rebut any documents which have been placed on record by the respondents. The respondents too shall be afforded an opportunity to make good any documents in furtherance of their opposition, which they need to file. However, it is made clear that the Registrar shall also give a finding in respect as to whether an opposition can be maintained by the respondents.

19. It is also made clear that this Court has not formed any opinion on merits and the aforesaid observations are only for disposal of the present appeals. The learned Registrar is at liberty to re-examine the entire issue afresh without being influenced by the observations made hereinabove on facts and law.

20. The Registrar of Copyrights is requested to allocate the present applications to an officer other than the officer who had passed the impugned order.

21. In that view of the matter, the appeals are allowed in the above terms, with no order as to costs.

**TUSHAR RAO GEDELA, J**

**FEBRUARY 11, 2026**
*kct*