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

% *Date of Decision: 13th April, 2026*

\+ C.O. (COMM.IPD-TM) 197/2024

LEGRAND FRANCE & ORS. .....Petitioners

Through: Ms. Mamta Rani Jha, Mr. Akhil Saxena, Ms. Palak Batra and Ms. Aashna Arora, Advocates.

versus

BHAWANI SINGH & ANR. .....Respondents

Through: Ms. Rukhmini Bobde, CGSC with Mr. Vinayak Aren and Ms. Aishwarya, Advocates for R-2.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. This rectification petition is filed on behalf of the Petitioners under Section 47(1)(a) read with Sections 57, 11(1), 11(2), 11(3)(a), 11(10), 18 and 29 of the Trade Marks Act, 1999 ('1999 Act') for removal/rectification of the trademark 'MLOGRAND' bearing Registration No. 4182910 in Class 09 from the Register of Trade Marks.

2. To the extent necessary, the facts are that Petitioners belong to Legrand Group, France which is a global specialist in electrical and digital building infrastructure offering high value added products and solutions for commercial, residential and industrial buildings providing a comprehensive range of products sub-divided into 7 major product categories such as user interface, energy distribution, building systems, cable management, digital infrastructure, UPS and installation components. Presently, Petitioners

operate five business divisions in India under the names ADLEC, NUMERIC, VALRACK, INDO ASIAN and LEGRAND. Petitioners function as manufacturers, importers and exporters, merchants and traders, dealings in all kinds of electrical and light engineering goods including products under the mark LEGRAND.

3. It is stated that origin of Petitioner No.1 dates back to 1865 with setting up of a porcelain workshop on the 'route de Lyon' in France. In 1904, the business was bought over by Frederic Legrand, Charles Alary and Jean Joquel to become the Legrand, Alary and Joquel Company and since then LEGRAND has been part of company's name/trade name of the Petitioners. Presently, Legrand Group comprises of 200 subsidiaries and associate companies and partners and has its presence in nearly 90 countries with product distribution in close to 180 countries, with a global workforce of 36,700 employees.

4. It is stated that trademark LEGRAND is a unique and arbitrary trademark which does not denote all connote any description, characteristics or quality of the goods offered by the Petitioners under the said trademark and is inherently distinctive. LEGRAND has been extensively, continuously and uninterruptedly used since its adoption. To distinguish its goods and business, Petitioner No.1 adopted the unique and distinctive logo  in 1968. Further, in 1974, Petitioner No.1 redefined the logo/trademark and introduced .

5. It is stated that Petitioner No.1 brought its business under the mark LEGRAND for electrical products such as fuse gears, switch gears etc., to India in 1996 with acquisition of MDS Switchgear Pvt. Ltd., which was

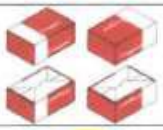
incorporated in 1961 as Morarji Dorman Smith Pvt. Ltd. and later renamed to Legrand (India) Pvt. Ltd., in 2004 which amalgamated with Petitioner No.3 w.e.f. 01.04.2011. Petitioners have been using the mark in India since at least 1996 and Petitioners No.1 and 2 have jointly applied and obtained various trademark registrations in the mark LEGRAND and associated trade dress and have also consented to the use of the mark and packaging by Petitioner No.3. The earliest registration of LEGRAND in India dates back to 1986 in Class 09. Relevant registrations in the name of Petitioner No.1 are as follows:-

Trade Mark Details	Class(es) & Specification of Goods	Status
legrand 462276 27/10/1986	**Class: 9** *Electrical apparatus, instruments and fittings, and wiring accessories for housing, commercial and institutional buildings and for industrial installations and equipment, parts of accessories and components for the aforesaid goods*	Registered and valid up to 27/10/2027
LEGRAND IRDI-3005281 27/11/2014	**Class: 9** *Apparatus and instruments, particularly modular apparatus and instruments, for the supply of low or medium voltage electricity, conducting, distribution, switching, transformation, accumulation, regulation or control of low or medium voltage electricity; electric apparatus for control, lighting, heating, air-conditioning, shutters, blinds and locks; instruments and devices for remote control, signaling, monitoring, remote monitoring, checking (supervision), access control, detection, alarm, intercommunication, the aforesaid instruments and devices being wired or operated by radio, telephone, infrared or carrier current; measuring apparatus for electrical circuits; cabinets, cases, consoles and panels, all for electrical equipment and*	Protection Granted

	circuits; meters, particularly for electrical energy; electric accumulators; current rectifiers; electrical ballasts and their monitors; splitters (electricity), transformers; inverters (electricity); terminal blocks; electronic housings; connection boxes; terminals (electricity); circuit breakers; disconnectors, switches, commutators, telerupters and circuit breakers; lightning conductors; fuses; detectors of rising temperature, levels of illumination, electric current, overvoltage of electric or atmospheric origin, malfunction or technical failure of electric, smoke, gas and flooding installations; timers for lighting and/or electrical installations; indicators; switches, relays, programmers and thermostats; load controllers; light dimmers; plugs, sockets; electric conductors, particularly wires, cables, rails and buses; installation and/or distribution profiles for electric conductors and/or electric equipment, including cable wireways, columns and troughs; modular couplers; rail connectors (electricity); interfaces for connecting microcomputers to electric networks; modular blocks (electricity) to be mounted onto distribution board rails; all the aforesaid goods being fitted parts for distribution boards and/or distribution boxes or cases; parts and components of all the aforesaid goods. **Class : 11** *Apparatus and installations for lighting; electric lamps; lamps for lighting; safety*	
	lamps; lamps for indicators; electric light bulbs; light bulbs; light diffusers; self-contained lighting units, including emergency lighting units; modular emergency lighting units; security lighting units and plates; parts and components of all the aforesaid goods.	

6. It is stated that Petitioners No.1 and 2 have been granted registration in the trademark including distinctive trade dress/packaging in India, as

follows and all registrations are valid and subsisting:-

S. No.	Trade Mark	Registration No.	Date of Registration & Class	Registered and Renewed till
1.	LEGRAND KEOR	2669904	05/08/2013 9	26.09.2023
2.		1323177	01/12/2004 11, 9, 16	01.12.2024
3.		1239023	22/09/2003 38	22.09.2033
4.	LEGRAND	3005281	27/11/2014 9	23.04.2025

7. It is stated that Petitioner No.1 has obtained registrations for LEGRAND across various jurisdictions as follows:-

S. No.	Trade Mark Details	Country	Class	Status
1.	legrand 425730	*Tunisia*	6, 8, 9, 11, 17	Registered
2.	legrand 510016	*Bahrain, Georgia, Lithuania, Uzbekistan, Zimbabwe, Albania, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Benelux Office for Intellectual Property, Belarus, Switzerland, Czech Republic, Germany, Algeria, Egypt, Spain, Croatia, Hungary, Italy, Kenya, Kyrgyzstan, Korea (Democratic People's Republic of), Kazakhstan, Liechtenstein, Liberia, Lesotho, Latvia, Morocco, Monaco, Moldova (Republic of), Montenegro, Republic of North Macedonia, Mozambique, Portugal, Romania, Serbia, Russian Federation, Slovenia, Slovakia, San Marino, Tajikistan, Ukraine, Viet Nam*	6, 8, 9, 11, 17, 20	Registered

3.	 847313	*Korea (Republic of), Singapore, Bulgaria, Switzerland, Algeria, Egypt, Iran (Islamic Republic of), Kazakhstan, Russian Federation, Sudan, Viet Nam, China*	9, 11, 16	Registered

8. It is stated that on account of long and continuous use, extensive marketing and sale campaigns through worldwide distribution networks, including in India as also owing to painstaking quality control, the electrical products sold under LEGRAND have acquired enviable goodwill and reputation amongst the members of trade and public at large and the brand is associated only and only with the Petitioners. The extent of goodwill acquired by the brand is evident from the sales turnover and promotional expenses incurred by Petitioner No.3 for the period 2012-2023 as follows:-

Period	Sales Turnover (In INR Lakhs)	Promotional Expenses (In INR Lakhs)
2012-13	85,386	3,289
2013-14	1,01,393	3,873
2014-15	1,19,512	3,483
2015-16	1,28,535	3,673
2016-17	1,50,941	4,223
2017-18	1,49,461	5,263
2018-19	1,65,456	5,455
2019-20	1,58,089	6,374
2020-21	1,44,796	1,782
2021-22	1,86,431.81	4,005.66
2022-23	2,30,974	7670.47

9. It is stated that the formidable goodwill and reputation of mark LEGRAND can also be gauged from the extensive following and popularity on various social media platforms as follows:-

SOCIAL MEDIA PLATFORMS	NUMBER OF FOLLOWERS / SUBSCRIBERS	
	LEGRAND	LEGRAND INDIA
Facebook	1M Followers	210.4K Followers
YouTube	9.07K Subscribers	30.9K Subscribers
Instagram	22.3K Followers	30.8K Followers
Twitter	19.4K Followers	3.4K Followers
LinkedIn	179K Followers	84.6K Followers

10. It is stated that Respondent No.1 is an individual who has obtained registration of the impugned mark MLOGRAND under registration no. 4182910 dated 21.05.2019 in Class 09. The registration is illegal and deserves to be cancelled both under Sections 47 and 57 of the 1999 Act. The impugned mark was registered on 21.05.2019 on 'proposed to be used' basis and investigations carried out by the Petitioners revealed that Respondent No.1 never commenced any *bona fide* commercial use of the mark since its inception. The registration was sought only to block the Register and constitutes 'trafficking in trademarks' rendering it liable for removal.

11. It is stated that MLOGRAND is phonetically, structurally and visually similar to the prior adopted, used, registered and popularly known mark LEGRAND of the Petitioners. Respondent No.1 has merely substituted the letter 'E' with letter 'O' in LEGRAND and added letter 'M' at the beginning, which are insufficient for distinguishing the impugned mark. Petitioners' mark has French origin and pronunciation of MLOGRAND is virtually identical to French pronunciation of LEGRAND and lack of *bona fides* of Respondent No.1 is further evident from the fact that it subsequently applied for registration of device mark  in Class 09 vide application no. 5638919 which is identical to Petitioners' logo in terms of color combination and device element placed as prefix, to which Petitioner No.3 filed opposition and the mark was abandoned, as Respondent No.1 was unable to defend the opposition.

12. Learned counsel for the Petitioners submits that Petitioners belong to the Legrand Group which is a global specialist in electrical and digital building infrastructure since the past 60 years and Petitioner No.3 is the

subsidiary of Legrand S.A. and is principally engaged in manufacturing all kinds of electrical goods, light engineering goods and allied goods. LEGRAND is a unique and arbitrary trademark and inherently distinctive and was internationally adopted in 1968 and has been used in India since 1996. Petitioners No.1 and 2 are registered proprietors of LEGRAND and its several variants and have consented to the use of the mark by Petitioner No.3. Due to extensive use LEGRAND has become synonymous with Petitioners and registration of the mark gives statutory rights to the Petitioners to its exclusive use.

13. It is urged that Respondent No.1's adoption of MLOGRAND is a dishonest adoption and registration of a structurally, phonetically and visually deceptively similar mark cannot stand and must be cancelled. Respondent No.1 has appropriated the dominant suffix GRAND in its entirety and merely substituted the vowels 'E' and 'O' while adding the prefix 'M'. Reliance is placed on the judgments of the Supreme Court in: ***Amritdhara Pharmacy v. Satya Deo Gupta, 1962 SCC OnLine SC 13; Kaviraj Pandit Durga Dutt Sharma v. Navaratna Pharmaceuticals Laboratories, 1964 SCC OnLine SC 14; Parle Products (P) Ltd. v. J.P. & Co., Mysore, 1972 SCC OnLine SC 69;*** and ***Corn Products Refining Co. v. Shangrila Food Products Ltd., 1959 SCC OnLine SC 11.*** Addition of the letter 'M' is phonetically insignificant. In the course of trade, MLOGRAND is likely to be slurred and pronounced similar to LEGRAND, causing inevitable confusion. Reliance is placed on the judgment of the Supreme Court in ***M/s K.R. Chinna Krishna Chettiar v. Sri Ambalal & Co, Madras and Another, 1969 SCC OnLine SC 191*** and of this Court in ***Fybros Electric Private Limited v. Vasu Dev Gupta Trading As Vasu Electronics and Another, 2023 SCC OnLine Del 3179.***

14. It is argued that the mark MLOGRAND covers identical goods in Class 09 i.e., electrical apparatus, with common trade channels and consumer base and likelihood of confusion cannot be ruled out. For all these reasons the mark is liable to be removed from the Register of Trade Marks in light of Section 11(1) of the 1999 Act.

15. It is further argued that the mark also deserves to be removed owing to its non-use from the time of its adoption and registration on 21.05.2019 and Respondent No.1 has clearly obtained registration only to traffic in the trademark. Respondent No.1 has consciously chosen to stay away from these proceedings and has been proceeded *ex parte* and hence, the plea of non-user is deemed to be admitted in the absence of a specific denial, as held by this Court in ***Ankit Aggarwal v. Gupta Casting Fvl. Ltd., 2023 SCC OnLine Del 2343*** and ***DORCO Co. Ltd. v. Durga Enterprises and Another, 2023 SCC OnLine Del 1484;*** and by the IPAB in ***Shell Transource Limited v. Shell International Petroleum Company Ltd., 2012 SCC OnLine IPAB 35.***

16. Respondent No.1 is *ex parte* and Respondent No.2/Registrar of Trade Marks has not filed any response to the petition. Counsel for Respondent No.2 orally defends the registration and submits that the impugned mark was correctly registered as there is no deceptive similarity in the mark of the Petitioners and the impugned mark.

17. Heard counsels for the parties.

18. Respondent No.1 was set *ex parte* on 15.01.2026 as he failed to appear despite being served by publication. No steps were taken for recall of the order and Respondent No.1 has not joined the proceedings thereafter and no reply has been filed to contest this petition. Hence, the averments in the petition are deemed to be admitted including those related to non-user of

MLOGRAND. It would be relevant to refer to a passage from the judgement of this Court in ***DORCO (supra),*** which is as follows:-

> ……
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> *"19. In the judgment in Shell Transource Limited v. Shell International Petroleum Company Ltd., 2012 SCC OnLine IPAB 29, it was observed by the IPAB that the onus of proving "non-user" is on the person who pleads the same. However, when the applicant pleads "non-user", the respondent must specifically deny it. Therefore, in the absence of a specific denial, it was held that the allegations of "non-user" stood admitted."*

19. The same view has been taken by this Court in ***Kiranakart Technologies Private Limited v. Mohammad Arshad, 2025 SCC OnLine Del 1401.*** Perusal of the Section 47(1)(b) of the 1999 Act leaves no doubt that a registered trademark is liable to be taken off the Register of Trade Marks if up to a date three months prior to the date of filing of the rectification petition, the same is not used in relation to the goods/services in respect of which it is registered for a continuous period of at least five years from the date on which the mark is entered in the Register of Trade Marks. Dealing with the issue of non-use of a registered mark by a registered proprietor, this Court in ***Russell Corp Australia Pty. Limited v. Ashok Mahajan and Another, 2023 SCC OnLine Del 4796,*** held as follows:-

> *"25.* ***In the context of non-use, it is the settled legal position that use has to be genuine use in the relevant class of goods and services. Unless the non use is explained by way of special circumstances, the mark would be liable to be removed for non-use. In the present case, no special circumstances have been cited and, in these facts, the mark would be liable to be removed on the ground of non-use itself."***
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> *[Emphasis supplied]*

20. Both in ***Kiranakart (supra)*** and ***Russell (supra),*** this Court also observed that if investigation by independent investigator reveals that impugned mark was not used for goods or services in the Class for which it is registered and a categorical stand is taken in the petition, which is not

disputed or refuted by the Respondent, the mark is liable to be removed owing to non-use. In this context, I may refer to a passage from ***Kiranakart (supra)*** as follow:-

> *"12. A Coordinate Bench of this Court, in Russell Corp Australia Pty Ltd. v. Shri. Ashok Mahajan, (2023) 4 HCC (Del) 301, had observed as follows:*
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> > *"22. A perusal of the impugned mark in the present case would show that the application for the said impugned mark was filed on 27th February, 2007 and the same was granted on 18th March, 2010. The mark relates to sporting articles.* ***The affidavit of the investigator would show that the clear information received from the Respondent was that the mark 'SHERRIN' was discontinued since the year 2010. The present petition was filed in the year 2020 before the IPAB. This affidavit filed by the investigator as also the petition has gone unrebutted by the Respondent. Thus, the requirement of the period of five years & three months stands satisfied.***
> >
> > *...*
> >
> > *24. ...**Under such circumstances, in the absence of denial by the Respondent, the Court has no reason to disbelieve the pleadings as also the investigator's affidavit on record.** The Respondent has chosen not to appear in the matter despite being served. Specific court notice was issued even to the lawyer/trademark agent of the Respondent.*
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> > *[Emphasis supplied]*

21. In the present case, Petitioners have categorically pleaded in the petition that Respondent No.1 is not using MLOGRAND as per online investigation and information received from the marketing team of the Petitioners. *Sans* any reply to the petition, the averment of non-use is deemed to be admitted and on this ground alone, the impugned mark deserves to be removed from the Register.

22. Petitioners are also right in contending that MLOGRAND is phonetically, structurally and visually a colorable imitation of Petitioners' LEGRAND. Respondent No.1 has made every effort to come as close as possible and copy the mark LEGRAND, which is registered in favour of

Petitioners No.1 and 2 in India as also in other jurisdictions and has earned an enviable goodwill and reputation, evident from the revenues, promotional expenses, social media popularity etc. Respondent No.1 has merely substituted the letter 'E' with the letter 'O' and the dominant part of the mark GRAND has been entirely subsumed. The letter 'M' as a prefix is insignificant and insufficient to distinguish the rival marks. Petitioners have also flagged and rightly so, that the word Legrand has its origin in French and the French pronunciation of LEGRAND and MLOGRAND is identical. Respondent No.1 also applied for registration of device mark  in Class 09, which further evidences his *mala fide* and dishonest intention to adopt the impugned mark and establish an association with the Petitioners so as to cause confusion amongst the members of public. On Petitioners filing opposition, Respondent No.1 abandoned the application. There is a clear overlap in the goods/services under the rival marks and trade channels and consumer base would naturally be common and hence, confusion amongst members of trade, members of public and potential consumers is inevitable. None of these averments in the petition are refuted. On an overall conspectus of the facts, I am of the view, that registration of the impugned mark deserves to be cancelled.

23. Accordingly, this petition is allowed, cancelling the registration of the impugned mark MLOGRAND registered under no. 4182910 dated 21.05.2019 in Class 09. Respondent No.2 is directed to remove the impugned mark from the Register of Trade Marks and rectify the Register to maintain its purity. The necessary exercise shall be completed within two months from today.

24. Petition stands disposed of in the aforesaid terms.

JYOTI SINGH, J

APRIL 13, 2026/YA/VP