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एकलपत्र / PATENTS / अविष्कारपत्र / DESIGNS
आपराधक चिह्न / TRADE MARKS
भौगोलिक संकेतन / GEOGRAPHICAL INDICATIONS



सरकार भारत
GOVERNMENT OF INDIA

आपराधक चिह्न / TRADE MARKS

भौगोलिक संकेतन / GEOGRAPHICAL INDICATIONS

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GOVERNMENT OF INDIA

TRADE MARKS REGISTRY

Intellectual Property Division

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THE TRADE MARKS ACT, 1999
(Before the Registrar of Trade Marks, Delhi)

IN THE MATTER OF an Application No. 3644001

for registration of a trade mark in class 3

trading as M/s JAIDEEP RASTOGI, 161/31 A KASHIRAJ NAGAR KATGHAR UP..Applicants

AND

IN THE MATTER OF Opposition No.- 1069329

thereto by Vikrant Chemico Industries (P) Ltd.

No. 49, Industrial Estate, Kalpi Road, Kanpur-208012, Uttar Pradesh, India... Opponents

Hearing Date : 03.11.2025.

Present : Adv. Naseem appeared for the Applicant.

Adv. Sh. Pushpam Jha Along with Adv Shilpa Bhutani appeared for the Opponent.

ORDER

1. An Application No. 3644001 for the registration of



the trademark for **Toilet cleaners IN CLASS-3** was filed on 26.09.2017 by JAIDEEP RASTOGI. The said mark was advertised in Trade Marks Journal No. 1954-0 dated 29th June 2020.

2. The application has been opposed by Vikrant Chemico Industries (P) Ltd. through Opposition No. 1069329 on 29.10.2020 on various grounds claiming that the applicant has adopted Trademark which is deceptively similar/identical to Opponent's registered trademark '**DOCTOR**' in class 05, which is nothing but a malafide intention to trade upon

the higher reputation and goodwill acquired by the opponent and earn undue advantage and illegal profit.

3. On Completion of pleadings, the matter was listed before me for final hearing and the arguments were heard on 03.11.2025. Adv. Sh. Naseem appeared for the Applicant and Adv. Sh. Pushpam Jha Along with Adv. Shilpa Bhutani appeared for the Opponent. The matter was heard and concluded on 03.11.2025 and the order was reserved. Both the parties has filed written submissions and the same are taken on records.

4. The Ld. Counsel for the Opponent presented several arguments in favor of their claim:

Firstly, they contended that the impugned mark, used by the applicant, is either identical or deceptively similar to the Opponent's prior and registered trademark "DOCTOR" under multiple applications. It is submitted that the Impugned subsumes the Opponent's prior adopted and extensively used trade mark DOCTOR in its entirety. Moreover, the Impugned Goods are identical/ allied and cognate to the goods offered by the Opponent under its 'DOCTOR' trade marks. The Counsel further asserted that the applicant has copied the Opponent's mark and used identical word 'DOCTOR' to create the impugned mark. Such adoption of the

impugned mark, as per the Opponent's Counsel, will result in confusion in the course of trade and in the minds of the public regarding the origin of the goods.

Moreover, the Counsel argued that the consumer will associate the applicant's mark with the Opponent's mark "DOCTOR". The Opponent's Counsel also claimed that although the Applicant has applied the Impugned Mark for allied and cognate goods being "toilet cleaners", however, it is actually using the Impugned Mark in respect of "floor cleaner", "phenyle" and "phenyle concentrate", which goods are identical to those offered by the Opponent under the DOCTOR trade marks.

5. The Ld. Counsel for the Applicant has argued:

Firstly, they vehemently denied the grounds of opposition and contended that the applicant is the proprietor of the impugned mark and was adopted honestly and bonafidely. The Applicant's Counsel further argued that their mark is different from opponent's mark.

The Opponent is trying to establish monopoly rights over the word "DOCTOR", which they are not, entitled in law. "DOCTOR" being a dictionary word of the English language cannot be allowed to be subject matter of someone's exclusive proprietary

rights against all goods and services under the Trademark Act, 1999.

Furthermore, the Applicant's Counsel submitted that there is no structural or visual similarity between the Applicant's mark and the Opponent's mark. The applicant vehemently argued that the two marks are different and capable of distinguishing the products of the Opponents from that of the applicant. The Applicant's Counsel also contended that not a single instance of confusion has been shown or proven.

It was also submitted that the marks should be compared as a whole and has to be seen in its entirety.

The Applicant's Counsel further contended that the goods of both the parties are totally distinct from each other. Based on the aforementioned submissions, the counsel for the applicant requested to allow the application and refuse the opposition.

6. I have perused the case and documents put forth by both the parties and considered the submissions made by the counsels for the parties. The present matter concerns the registration of the mark


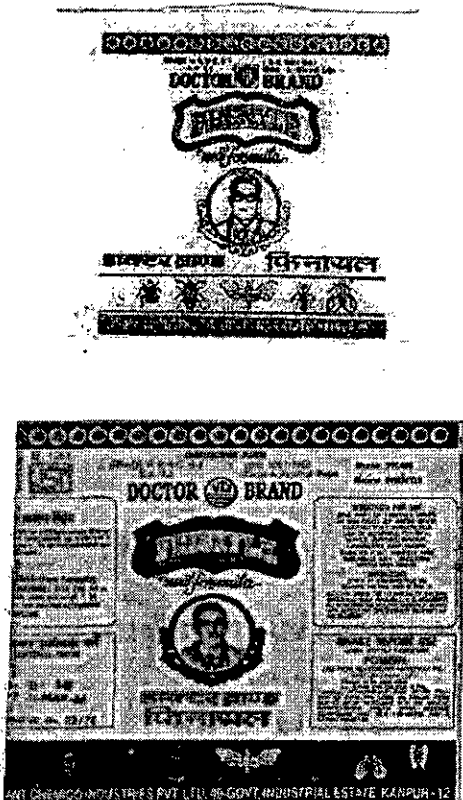


for Toilet cleaners IN CLASS-3, where

Opponent's claimed mark is "DOCTOR" (device) and the opponent has relied upon various registrations falling in class 05.

7. In the matter at hand, the main contention of the Opponent is that the Applicant's mark is similar to the Opponent's mark "DOCTOR," and there exists likelihood of confusion and deception in the market.

The rival marks are reproduced as under:

<u>IMPUGNED MARK</u>	<u>OPPONENT' S MARK</u>
	

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8. The marks when compared as a whole are very different, it is readily apparent that the rival marks exhibit significant dissimilarities. The impugned mark is a device mark in which "REALLY DOCTOR PRO" is written under a pink circle in pink color around the element of lotus. Conversely, the marks attributed to the opponent consist of label marks, as well as the packaging of the goods, replete with various elements and detailed textual descriptions featured on the label. Specifically, 'DOCTOR BRAND PHENYL' along with a picture of man is prominently inscribed on the labels. The mark of the applicant cannot be stated to resemble the marks of the opponent in any manner and there exists no likelihood of confusion or deception in the minds of general public or any likelihood of association between the marks of the opponent and the applicant's mark. The overall perception of the opponent marks, including its color, font style and design employed in the label, differs significantly from that of the impugned mark. This pronounced dissimilarity renders the impugned mark distinct from the opponent's mark in terms of phonetics, visual representation, and structural composition.

9. It is settled law that a mark has to be read as a whole and cannot be dissected. On a bare perusal of the above-mentioned marks it is palpable that there is no similarity between the marks phonetic,

visual or structural. The only common feature between the applicant's mark and opponent's mark, is the term 'DOCTOR' in the applicant's mark, and hence one remotely common factor cannot be taken up for comparison as it would be against the basic essence of the trademark law, which is based on the well-established principle of confusion from the perspective of a person of average intelligence and imperfect recollection not having the benefit of comparing the marks side by side. Also, 'DOCTOR' is a generic word and no one can have monopoly over the said word. Moreover, it is a well-settled principle of law that a mark ought to be considered as a whole. Conflicting marks are to be compared by looking at them as a whole, rather than breaking the marks up into their component parts for comparison.

10. Further, the Hon'ble Supreme Court in *Corn Products vs Shangrila Food Products Ltd.* AIR 1960 SC 142 held that..."Now it is a well-recognized principle, that has to be taken into account in considering the possibility of confusion arising between any two trademarks, that, where those two marks contain a common element which is also contained in a number of other marks in use in the same market such a common occurrence in the market tends to cause purchasers to pay more attention to the other features of the respective marks and to distinguish between them by those features.'

11. It is also pertinent to mention here that the registration granted to the opponent for the mark



under application o. 718807 is with condition "REGISTRATION OF THIS TRADE MARK SHALL GIVE NO RIGHT TO THE EXCLUSIVE USE OF THE "DESCRIPTIVE MATTER".

12. It is also evident that there are number of trademarks either registered or pending registration in India comprising the word 'DOCTOR' and the word 'DOCTOR' is commonly used prefix or suffix of trade marks for goods in various classes, over which the opponents cannot claim a monopolistic right.

13. If we compare the whole mark, I find both the marks different. I am of the view, that the rival marks are visually and phonetically different. Therefore, there will not be any confusion amongst the trade and public. It is apparent from the submissions made by the counsels that the only similarity as alleged by the opponent in his opposition is on the basis of word "DOCTOR" being common in rival marks.

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14. As there is no evidence on record to show that either the applicants have copied or dishonestly adopted the impugned mark, I have no hesitation to hold that the applicant's mark is visually, structurally and phonetically different from the Opponent's mark.

In view of the facts and circumstances discussed above and reasons given, I deem it fit to dismiss the instant Opposition and allow the application for registration.

No costs.

Signed and Sealed at Delhi dated this 17 November, 2025


Abhishek Rai

ASSTT. REGISTRAR OF TRADE MARKS

No.TOP/

Dated:17/11/2025

Copy forwarded for information to :-

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161/31 A KASHIRAJ NAGAR KATGHAR UP
- ✓ 3.) SAIKRISHNA & ASSOCIATES (Agent)
B-140, SEC-51, NOIDA-201301
- 4.) Vikrant Chemico Industries (P) Ltd. (Opponent)
No. 49, Industrial Estate, Kalpi Road, Kanpur-208012, Uttar Pradesh, India.