



INTELLECTUAL
PROPERTY INDIA

एकस्य / PATENTS / अमिकल्प / DESIGNS
व्यापार चिन्ह / TRADE MARKS
भौगोलिक उपदर्शन / GEOGRAPHICAL INDICATIONS



भारत सरकार
GOVERNMENT OF INDIA

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

IN THE MATTER OF an Application No. 6409534

for registration of a trade mark in class 30

trading as M/s VIMLESH KUMARI TRADING AS RIDDHIMA FOODS .
421, KRISHAN BISCUIT FACTORY ANAND VIHAR COLONY GALI N 2,
BY PASS ROAD QUARSI, KOIL, ALIGARH, UTTAR PRADESH - 202001,
INDIA..Applicants

AND

IN THE MATTER OF Opposition No.- 1381448

thereto by BRITANNIA INDUSTRIES LIMITED

5/1/A Hungerford Street, Kolkata-700017, State of West Bengal.. Opponents

Hearing Date : 17/03/2026

Decided On dt : 05/05/2026

Present : Adv. Nagma & Naziz appeared for the Applicant
Adv. Soumya Sehgal appeared for the Opponent

ORDER

1. This is an application No. 6409534 in Class 30 has been filed for the registration of the mark RIDDHIMA FOODS with device



FRESHLY BAKED FOR YOU

**RIDDHIMA
FOODS**

[hereinafter referred to as the impugned mark] was filed by the Applicant i.e VIMLESH KUMARI TRADING AS RIDDHIMA FOODS, 421, KRISHAN BISCUIT FACTORY ANAND VIHAR COLONY GALI N 2, BY PASS ROAD QUARSI, KOIL, ALIGARH, UTTAR PRADESH - 202001, INDIA. [hereinafter referred to as the Applicant]. The said application was filed for the specification of goods description Bakery goods, rusks, biscuits, bread, pastry, cakes, buns and namkeen. The Applicant has applied the mark claimed on 13/11/2021 user basis. The application was examined and accordingly accepted under Section 20 of the Trade Marks Act, 1999 and published vide Trade Marks Journal No. 2188-0 dated 23/12/2024 & was made available for the public.

2. On 14/04/2025, the above named Opponent BRITANNIA INDUSTRIES LIMITED filed notice of opposition against registration of impugned trademark on various grounds claiming that the impugned mark is near identical and deceptively similar to the opponent's mark as well as applied with respect to identical goods, which shall pass through the same trade channels and have similar ultimate consumers. The impugned mark is capable of causing deception and/or confusion among members of the trade and potential consumers and lead them to believe that the products under the advertised mark either originate from, or are in some way associated with and/or are an extension of the product line of the opponent.

3. In brief, the case of the Opponent is as under;

a) The Opponent is a company registered under Indian Companies Act, 1913 and existing company under Companies Act, 2013. The Opponent was established in

1892, with an investment of ₹ 265/-. Initially, biscuits were manufactured in a small house in central Kolkata. In 1918, C.H. Holmes, an English businessman in Kolkata, was taken on as a partner and The Britannia Biscuit Company Limited was launched. Biscuits were in high demand during World War II, which gave a boost to the company's sales. The Opponent's name was changed to the current 'Britannia Industries Limited' in 1979. Today, the Opponent is a leading food company in India with over approximately Rs.16,000 crores in revenue, delivering products in over 5 categories through 4.2 million retail outlets to over 50% of the Indian population. The Opponent's product portfolio includes biscuits, bread, cakes, rusk, croissants and dairy products including cheese, beverages, milk and yoghurt. The Opponent was one of the first companies in India to pioneer category defining innovations like Cream Cheese and introducing a host of international flavors for its cubes & spreads in India. Opponent markets its dairy portfolio on the back of a well integrated cold chain logistics network and reaches 3 million outlets across the length & breadth of this country.

b) Today, the Opponent also has presence in more than 70 countries across the globe. The Opponent's international footprint includes presence in Middle East through local manufacturing in UAE and Oman, and is a major player with a strong market position in GCC countries. The Opponent is one of the major players in Nepal and has set up a manufacturing facility in the country. Further, the Opponent's global foot print spreads across North America, Europe, Africa and South East Asia through exports. The Opponent manufactures, markets and and/or sells some of the most well recognized products in India which have, by dint of their long and extensive use become household names in India. including but not limited to TIME PASS, 50-50, Good Day, Chunkies, Jim Jam, Treat,

Crackers, Marie Gold, Milk Bikis, Britannia Cake, Nice Time, Tiger, Britannia Bourbon, Little Hearts, Pure Magic etc. which are household names in India.

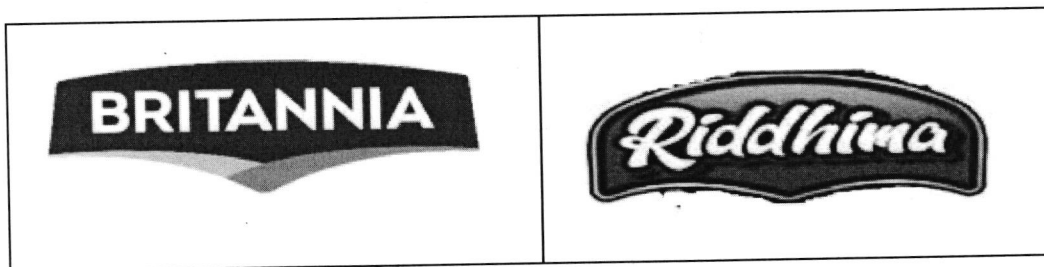
c) One of the most well-known marks of the Opponent is the Britannia Logo which was adopted by the opponent in 2018 and has been extensively used on its products ever since. A representation of the opponent's mark is



The Opponent has spent a large amount on the advertisement and promotion of its goods under the opponent's mark inter alia through television commercials, radio, hoardings, banners, bill boards, on-spot advertising fairs, exhibitions and dealer meetings as well as through print media throughout the country. The advertisements of the Opponent's mark are featured in several leading Indian magazines and newspapers, television, radio, internet. Apart from common law rights accrued in favour of the Opponent in respect of the opponent's mark, the Opponent is the registered proprietor of the Opponent's mark and has also filed a number of applications in relation thereto inter alia, in India, under different classes of the International classification, details whereof are in the public domain. By reasons aforesaid, the opponent's mark has acquired an enviable goodwill and reputation in the trade circles as well as in the eyes of the consumers, has become a household name in India and has come to be identified with the Opponent exclusively and no one else.

d) The advertised impugned mark is near identical and deceptively similar to the opponent's mark and is a clear and malafide imitation thereof. The advertised impugned mark has been applied with respect to identical goods, which shall pass through the same trade channels and have similar ultimate consumers. A

comparison of the advertised impugned mark and the opponents mark is as follows:-



By reason of the striking resemblance of the advertised mark with the opponent's mark and the similarity of the goods thereunder, the advertised mark is capable of causing deception and/or confusion among members of the trade and potential consumers and lead them to believe that the products under the advertised mark either originate from, or are in some way associated with and/or are an extension of the product line of the opponent. The impugned mark is near-identical and/or deceptively similar to the significantly prior trademark of the opponent and has been applied with respect to similar goods, which shall pass through the same trade channels, and have similar ultimate consumers. The use of the impugned mark by the Applicant is therefore likely to cause confusion and deception in the course of trade as well as in the minds of the consumers.

e) The Opponent has raised the objection against the registration of impugned mark u/s 11(1)(a) & 11(1)(b), 11(2), 11(3), 11(10)(i), 11(10)(ii), 12, 18 & section 29 of the Trade Marks Act, 1999. The Opponent further submitted that in case the impugned mark is allowed to proceed to registration, it will cause irreparable loss to the opponent at the cost of dilution of the opponent's well known trademark.

4. The Applicant filed Counter Statement & has denied all averments, contentions, allegations and submissions made by the Opponent in its Notice of Opposition, as false, untenable, unjustified and malafide.

In brief, the case of the Applicant is as under;

a) The Applicant is a law abiding citizen who is engaged in the business of “Bakery goods, rusks, biscuits, bread, pastry, cakes, buns and namkeen”. The Applicant is a reputed and established manufacturer and seller of the above mentioned goods. The Applicant’s mark enjoys good reputation and goodwill amongst the industry, trade and consumers in India for its superior quality of the goods including wide publicity as well as ethical dealings. The Applicant has honestly and bonafidely adopted and created a composite device mark



which distinctively contains a seal uniquely designed with red colour label with the name “RIDDHIMA” and the ‘RIDDHIMA FOODS’ are written on right side and wheat grains on the top which reflects " FRESHLY BAKED FOR YOU " are written below. The word ‘RIDDHIMA’ is adopted by the Applicant from the name of the Applicant’s Niece i.e. Riddhima Kumari. It is submitted that in order to promote the goods under the subject mark, the Applicant has also secured the domain name www.riddhimafoods.com on 08th September 2022 and the same is currently active. It is submitted that the mark of the Applicant is prominently visible throughout the website. The products under the mark are available throughout the length and breadth of India through online and ecommerce platforms such as www.my.indiamart.com etc. where the products under the mark

are visible and available for purchasing. The Applicant has been promoting, advertising and marketing its product on social media platforms such as www.instagram.com, www.facebook.com and www.youtube.com.

b) The Applicant has spent enormous amount of efforts, time, and resources on advertising and publicizing its goods since their inception. The Applicant is continuously and extensively using the mark since its inception till date and has gained immense popularity, goodwill and name among the public. By virtue of such extensive and continuous use, the applied for mark is associated with the Applicant alone to the exclusion of others and therefore merits registration in its name. The Applicant is the owner of said Trademark in relation to the said goods on account of honest, bonafide and user thereafter. Due to extensive, open and regular sale and wide publicity given to the said goods wherein the said trade mark and also due to superior quality and high efficacy of the said goods, the said trade mark has become inalienable associated, in the course of trade and relevant section of public with the Applicant and Applicant alone.

c) Further submitted that the Opponent has failed to establish similarity between the competing marks and has made baseless averments in the present Opposition, only to harass the Applicant. It is submitted that the marks are neither phonetically nor structurally similar. The Applicant's mark is a composite device mark, which as a whole is conceived and meant to be used by the Applicant as a trademark to distinguish its goods from those of other entities. It is submitted that the Applicant is seeking registration as a whole on a device not on any word/character/artistic device and shape. The marks produce high level of phonetic dissimilarities and visual impression. It is pertinent to note that any human being with an average

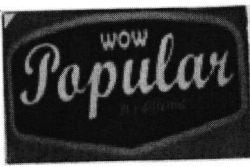
intellect can easily find that the Applicant's trademark is visually, structurally and phonetically different from the Opponent's Trademarks. Thus, there exists no likelihood of confusion among the members of trade or public, and hence the mark applied for is eligible for registration under sections 11 of the Trademarks Act, 1999.

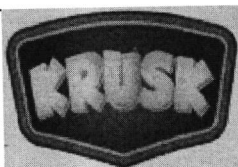
d) The basic concept and interpretation of Section 2(1) (m) & 17 of the Trademark Act, 1999 and also the judicial principle is that a mark always has to be taken as a whole in checking similarity and distinctiveness. The Applicant's mark is phonetically and visually different from the opponent's mark. It will be gross injustice with the Applicant if his mark is rejected as it is highly dissimilar, different and distinctive from the opponent's mark. The opponent cannot claim monopoly over all classes by malafidely opposing even those marks that are visually and phonetically dissimilar to the opponent's marks. A comparison of the marks is provided below:

Opponent's Alleged Mark	Applicant's mark
	

The well settled anti dissection rule does not allow the Opponent to break the Applicant's mark in part and compare it with some other part of its own mark. The comparison opted by the Opponent is illogical and both marks are different and cause no confusion.

e) The shape of label of the Opponent's mark is inspired by the various common and generic shape which is very common and not created by the Opponent and therefore, it cannot claim any exclusive rights and monopoly on the same. The same is corroborated by the creation, adoption and use of following trademarks applied under various applications/registrations:-

3107809		30	Registered
3306550		30	Registered
3889521		30	Registered
3897224		30	Registered
5066163		30	Registered
3333763		30	Registered
3450337		30	Registered
4071073		30	Registered
4067083		30	Registered
4035765		30	Registered
4034166		30	Registered

4020558		30	Registered
3993526		30	Registered
3987705		30	Registered
3944080		30	Registered
3909841		30	Registered
3905877		30	Registered
3840638		30	Registered
5742592		30	Registered

f) In support of the principle of 'Mark as a whole' above, The Applicant relied on the following judgments:-

Corn Products Refining Co. vs. Shangrila Food Products Ltd, F. HoffmanLaRoche & Co. Limited v. Sanitex Chemical Industries, (1965) 67 BOMLR 729, (Amritdhara Pharmacy V. Satya Deo Gupta(AIR1963 SCV449, Kaviraj Pandit Durga Dutt Sharma v. Navratna Pharmaceutical Laboratories AIR 1965SC980, Cadila Healthcare Limited vs. Cadila Pharmaceutical Limited (AIR 2001) SC 1952. From the above, it is very clear that the Applicant's trademark cannot be broken and compared with any alleged trademark of the Opponent.

g) The Applicant submitted that the notice of opposition filed by the Opponent is nothing but a mere tool of harassment adopted for mala fide reasons and merely to delay the registration of the Applicant's application. The Opponent has no cause whatsoever to file or maintain the present proceedings. It is becoming a trend that the companies with huge turnovers in business for a longer period have started harassing Individuals, MSME and Start-ups on the pretext of protecting their intellectual property rights even against the prior and honest trademark owners by filing mala fide oppositions that cause harassment to small businesses not only financially but also mentally. The Applicant states that it would suffer huge losses in case the registration for the subject mark is not granted. The Applicant also states that the present Opposition is mala fide and was filed by the Opponent merely to harass the Applicant. The Opponent has no basis to file or maintain the present proceedings

h) Further the Applicant has given para-wise reply to the notice of opposition & denied every allegation, contention, statement and submission made by the Opponent in the Opposition filed.

5. The Opponent, in support of their opposition, has filed the evidence affidavit (u/r 45 of the Trade Marks Rules, 2017) with supporting documents as Exhibit-A: Copies of invoices of the product, Exhibit-B: Copies of advertisement & documents substantiating publicity of the product, Exhibit-C: Sales & advertisement figures of the products, Exhibit-D: Copies of few Trade marks Applications/Registrations.
6. The Applicant, in support of application has filed the evidence affidavit (u/r 46 of the Trade Marks Rules, 2017) with supporting documents as Exhibit-A: Domain registration details and extract from the website, Exhibit-B: Extracts from e-commerce platforms, Exhibit-C: Extracts from social media platforms, Exhibit-D: Copies of readily available invoices, Exhibit-E: Copies of online status pages and Registration Certificates.
7. The Opponent has filed the Letter in Lieu of Evidence Affidavit in Reply under Rule 47 of the Trade Marks Rules, 2017 on 06/11/2025 & relied on the facts, grounds and submissions stated in the Notice of Opposition and Evidence in Support of Opposition under Rule 45. Further The Opponent denied each and every statement made in the Counter Statement and the Evidence in Support of Application under Rule 46 as filed by the Applicant.
8. On Completion of pleadings, the matter was listed before me for final arguments. Adv. Soumya Sehgal appeared for the Opponent. Adv. Nagma & Naziz appeared

for the Applicant. The arguments on merits were heard on 17/03/2026. The matter was heard and concluded on the same day and the order was reserved.

9. During the hearing, The counsel for the Opponent submitted that The Opponent was established in 1892 and was incorporated under the Indian Companies Act, 1913. The Opponent has been an honest and bonafide user of the trademark BRITANNIA (logo mark) & adopted since 2018 and has been extensively used on its products ever since. The Opponent's mark has acquired an enviable goodwill and reputation in the trade circles as well as in the eyes of the consumers, has become a household name in India and has come to be identified with the Opponent exclusively and no one else. The opponent's mark qualifies as a well known trade mark. The Applicant impugned mark is near identical and deceptively similar to the opponent's pentagonal logo mark in red color and is a clear and malafide imitation thereof. The advertised mark has been applied with respect to identical goods, which shall pass through the same trade channels and have similar ultimate consumers. By reason of the striking resemblance of the advertised mark with the opponent's mark and the similarity of the goods thereunder, the advertised mark is capable of causing deception and/or confusion among members of the trade and potential consumers and lead them to believe that the products under the advertised mark either originate from, or are in some way associated with and/or are an extension of the product line of the opponent.
10. The counsel for The Applicant submitted in the hearing that the impugned trademark was adopted in good faith. The impugned mark is an original and inventive combination & composite label mark coined after extensive deliberation. It is neither adopted with reference to any existing trademark,

including the Opponent's marks nor inspired by any known term or brand. It has no prior common usage and due to artistic composition of mark it is inherently distinctive and capable of distinguishing the Applicant's goods from others. The mark must be compared as whole. The opponent's trademarks as a whole is different from the Applicant mark. Further submitted that the Opponent BRITANNIA mark not hold any exclusive right over the pentagon logo in red color. The Applicant prominent mark in the applied composite label mark is " Riddhima " & not the particular pentagon logo separately. Mark should be considered as a whole without dissecting it.

11. The Opponent has filed written submission on 21/03/2026 with documents evidencing from Annexure-1 to Annexure-10. In support of written submission the Opponent relied on the Judgements of M/S. South India Beverages Pvt. Ltd. Vs. General Mills Marketing Inc., (2015) 61 Ptc 23, National Sewing Thread Co. Ltd V. James Chadwick & Bros. Ltd 1953 Air 357, M/S R. J. Components And Shafts Vs. M/S Deepak Industries Limited 2017(72) Ptc455 (Del), Sushil Vasudev Vs Kwaliti Frozen Foods Pvt. Ltd. (Ilr 1993 Kar 1222), National Sewing Thread Co. Ltd V. James Chadwick & Bros. Ltd 1953 Air 357, P.M. Diesels Vs. S.M. Diesels (Manu/De/0636/1994), The Tata Iron & Steel Co. Ltd. Vs. M/S. Mahavir Steels & Ors. (Drj 1992 22), Pernod Ricard India Private Limited And Ors. Vs. Karanveer Singh Chhabra (Manu/Sc/1095/2025).

12. The primary issues that arise for consideration in the present opposition are:

a) Whether the Impugned Mark logo is identical or deceptively similar to the Opponent's pentagonal logo mark in red color so as to cause confusion or deception amongst consumers ?

b) Whether the goods associated with the Opponent's mark and the Applicant's mark are identical/similar in nature?

13. Upon careful consideration of the arguments advanced by both the Learned Counsel, the pleadings and materials available on record, the evidence adduced by the respective parties, as well as the written submissions filed by the Opponent, my findings & analysis on the issues involved are as follows:

14. I have perused the submissions, in the context of similarity between two trademarks, a comprehensive approach is essential; this approach involves visual and structural comparison of the marks, as far as facts of the case in hand both marks are visually completely different. The impugned mark is clearly dissimilar from the opponent's said trademarks and both the rival marks are phonetically, structurally and visually completely different if taken as a whole.

15. Comparison of the both rival marks in tabular form are as follows :

Opponent's Mark	Applicant's Mark
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16. When two marks are placed side by side, they are completely different with each other & the overall idea or impression conveyed by both marks are substantially different. A person can easily differentiate the mark while purchasing the goods/services & there will be no chance of create a confusion in the mind of public at large while dealing with the particular specified goods/services in related to both the rival marks. it is essential to consider each of these two marks must be taken as a whole. It is crucial to note that the pronunciation of differs significantly. The overall compositions of both the marks are distinct, which could be a pivotal factor in determining whether they are deceptively similar or not. It cannot possibly be slurred over in pronunciation and the marks are so dissimilar that there is no reasonable probability of confusion between the marks either from the visual, structural or phonetic point of view. There is not even a remote chance of anyone being misguided by these two marks. The two competing trademarks are dissimilar; the opponent has dissected the mark and compared it with another, which is not in accordance with the meaning of law.

17. As regards the second issue, namely whether the goods covered under the Opponent's mark and the Applicant's mark are identical or similar in nature, the answer is in the affirmative. However, the mere similarity or identity of goods is

not by itself determinative of the matter. The primary issue for consideration is whether the impugned logo mark of the Applicant is identical with or deceptively similar to the Opponent's pentagonal red-coloured logo so as to create a likelihood of confusion or deception amongst the purchasing public. Upon careful consideration, and for the reasons already discussed hereinabove, I find that the impugned mark is neither identical nor deceptively similar to the Opponent's mark. Once it is held that the rival marks are visually, structurally, and overall commercially distinguishable from one another, the fact that they are used in relation to identical or similar goods loses its decisive significance. In such circumstances, both the rival marks can peacefully coexist in respect of identical or similar goods, as their overall identity, visual appearance, and trade impression are sufficiently distinct to obviate any reasonable likelihood of confusion or deception among consumers. Further, it is difficult to imagine that an average man of ordinary intelligence would associate the goods of the Applicant as that of the Opponent. It cannot be persuaded to hold, on the facts of this case, that the Applicant has adopted the trade mark to take unfair advantage of the trademark of the Opponent.

18. Upon a careful visual comparison of the rival marks placed on record, it is observed that although both the Opponent's alleged mark and the Applicant's mark contain a red-coloured device element, the overall structural composition, artistic get-up, visual arrangement, and trade dress of the two marks are materially different and create altogether distinct commercial impressions. The Opponent's alleged mark consists of a simple and minimalistic pentagonal red banner device with the word "BRITANNIA" prominently displayed in white block letters, accompanied by a green and yellow curved base device. The overall presentation

is plain, linear, and horizontally stretched, with emphasis on textual prominence and a clean geometric configuration.

19. In contrast, the Applicant's impugned mark is a composite and highly stylized label comprising a circular blue background device bordered with golden lining, superimposed with a curved red badge carrying the stylized cursive expression "Riddhima", further accompanied by the expression "RIDDHIMA FOODS" in bold red lettering placed separately on the right side, along with the tagline "FRESHLY BAKED FOR YOU" appearing beneath. The red device in the Applicant's mark is neither pentagonal in its exact shape nor presented in isolation; rather, it forms only one integral component of a larger circular artistic composition.
20. From every angle of comparison—namely structural arrangement, shape, colour combination, font style, artistic embellishments, placement of textual matter, surrounding device features, and overall visual impression—the rival marks are clearly distinguishable. The Opponent's mark derives its identity from a standalone trapezoidal/pentagonal red banner with stark simplicity, whereas the Applicant's mark derives its identity from an ornate circular emblem with layered colour contrasts, stylized script, and additional descriptive matter. The font employed in the Opponent's mark is bold, plain, and uppercase, whereas the Applicant's mark adopts a cursive, decorative script with distinct artistic flourish. Further, the accompanying blue circular background and golden border in the Applicant's mark constitute dominant distinguishing features which are wholly absent in the Opponent's mark.

21. It is a settled principle that while comparing composite label marks, the marks must be considered as a whole and not dissected into isolated elements. Mere presence of a red-coloured device or broad geometric resemblance in one constituent feature cannot by itself establish deceptive similarity, particularly where the essential features and overall commercial impression are entirely dissimilar. Applying this principle to the present case, I find that the visual identity of the Applicant's mark is sufficiently distinct and distinguishable from that of the Opponent's alleged mark.
22. Accordingly, even if both marks are used in relation to identical or similar goods, the pronounced differences in shape, get-up, colour arrangement, artistic representation, and overall trade dress are such that there exists no real or tangible likelihood of confusion or deception amongst the purchasing public. A consumer of average intelligence and imperfect recollection, viewing the marks as a whole, is unlikely to associate the Applicant's mark with that of the Opponent or presume any trade connection between the rival proprietors.
23. It is pertinent to refer to Section 17 of the Trade Marks Act, 1999, which provides that where a trade mark consists of several matters, its registration shall confer on the proprietor the exclusive right to the use of the trade mark taken as a whole. The statutory provision further clarifies that where the mark contains any part which is not separately registered or which is common to the trade or otherwise non-distinctive in character, the registration shall not confer any exclusive right in respect of such individual part of the mark. Thus, the legislative intent underlying

Section 17 is that a trade mark must ordinarily be considered in its entirety and not dissected into its component parts while determining the scope of protection. The rights flowing from registration therefore attach to the composite mark as a whole and not to the individual elements unless such elements are independently distinctive and separately registered.

24. The legal effect of Section 17 establishes the “anti-dissection rule” in trademark law. Under this principle, a trade mark must be evaluated in its entirety, and it is impermissible to dissect or split the mark into its individual components while determining rights, infringement, or similarity. Thus, when a composite mark is registered, the proprietor obtains protection for the overall commercial impression created by the mark as a whole, and not for isolated elements that may be descriptive, generic, or commonly used in trade. For instance, where a mark consists of a combination of words, devices, colours, or graphical elements, the protection extends to the composite structure and overall identity of the mark, rather than to each individual element separately.

25. The following legal consequences arise from Section 17:

- a) Composite Protection the rights granted to the proprietor extend to the entire registered mark, and the distinctiveness is judged based on the overall impression of the mark.
- b) No Monopoly over Non-Distinctive elements if a part of the mark is descriptive, generic, common to trade, or not separately registered, the proprietor cannot claim exclusive rights over that part alone.

c) Assessment in infringement or Opposition Matters in proceedings relating to infringement, opposition, or rectification, the comparison between marks must be carried out holistically, considering the mark in its entirety rather than dissecting it.

d) Protection of Distinctive Character only those elements of the mark that contribute to the distinctive character of the composite mark are protected as part of the overall registration.

26. No doubt the Opponent " BRITANNIA " mark is declared as a well-known mark & it is already been listed in the well-known list but as far as the red pentagonal logo concern it is always connected/linked with mark " BRITANNIA " & not separately the plain red pentagonal logo. I have gone through the judgments which the Opponent has placed reliance but the every matter has their own merits & in the present matter facts of the case are different.

27. There is no dispute that the mark "BRITANNIA" of the Opponent has been declared a well-known trade mark and is duly included in the list of well-known trade marks. However, so far as the red pentagonal device relied upon by the Opponent is concerned, the same has consistently been used in conjunction with and as an integral part of the word mark "BRITANNIA", and not as an independent or standalone plain red pentagonal device capable of claiming distinctiveness in isolation. The reputation and goodwill attached thereto are, therefore, intrinsically linked with the composite representation of the mark

“BRITANNIA” and cannot automatically be extended to the mere geometric red device detached from the accompanying word element.

28. I have carefully considered the judgments relied upon by the Opponent. However, it is a settled proposition of law that precedents in trade mark matters must be applied having due regard to the peculiar facts and circumstances of each individual case, as no two cases can be said to be identical on facts. The factual matrix of the present opposition is clearly distinguishable from the cases cited by the Opponent. Therefore, the reliance placed upon the said judgments does not advance the Opponent’s case in the present proceedings.

29. Thus, I have reached a well-considered opinion that both the marks are entirely different from each other. Based on this assessment, I firmly believe that the balance of convenience is goes in favor of the Applicant & the Applicant is entitled to the Registration of the Impugned Mark.

In view of the facts, circumstances, and reasons discussed above, it is appropriate to dismissed the Opposition No.1381448 and allow the Application No. 6409534 to proceed further for registration. Accordingly, the Opposition is hereby dismissed, and the Application shall proceed to registration in accordance with the law.

IT IS HEREBY ORDERED THAT there shall be no order as to costs in respect of the present proceedings.

Signed and Sealed at Delhi dated this 05 May, 2026



PARAG BHENDARKAR
ASSTT. REGISTRAR OF TRADE MARKS

No.TOP/

Dated:05/05/2026

Copy forwarded for information to:-

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421, KRISHAN BISCUIT FACTORY ANAND VIHAR COLONY GALI N 2, BY
PASS ROAD QUARSI, KOIL, ALIGARH, UTTAR PRADESH - 202001, INDIA
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