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

Date of Decision:-29th November, 2023.

+ **C.O. (COMM.IPD-TM) 686/2022 & I.A. 10228/2022**

BURGER KING COMPANY LLC Petitioner

Through: Mr. Raunaq Kamath, Mr. Aditya
Gupta, Mr. Mukul Kochhar, Mr.
Rahul Bajaj, Advs. (M.
9873941450)

versus

VIRENDRA KUMAR GUPTA & ANR. Respondents

Through: Mr. Shailen Bhatia & Mr Raghav
Bhalla, Advs.
Mr. Harish Vaidyanathan Shankar,
CGSC, with Mr. Srish Kumar
Mishra, Mr. Alexander Mathai
Paikaday, Mr. Krishnan V. Advs.
(M. 9810788606)

2

WITH

+ **CS(COMM) 229/2018, I.As. 16492/2019 & 10536/2022**

BURGER KING COMPANY LLC Plaintiff

Through: Mr. Raunaq Kamath, Mr. Aditya
Gupta, Mr. Mukul Kochhar, Mr.
Rahul Bajaj, Advs.

versus

RANJANA GUPTA & ORS Defendants

Through: Mr. Shailen Bhatia & Mr Raghav
Bhalla, Advs.

3

WITH

+ **C.O. (COMM.IPD-TM) 709/2022 & I.A. 11582/2022**

BURGER KING COMPANY LLC Petitioner

Through: Mr. Raunaq Kamath, Mr. Aditya
Gupta, Mr. Mukul Kochhar, Mr.
Rahul Bajaj, Advs.

versus

VIRENDRA KUMAR GUPTA & ANR. Respondents

Through: Mr. Shailen Bhatia & Mr Raghav



Bhalla, Advs.

Mr. Harish Vaidyanathan Shankar,
CGSC, with Mr. Srish Kumar
Mishra, Mr. Alexander Mathai
Paikaday, Mr. Krishnan V. Advs.
(M. 9810788606)

4

AND

+

C.O. (COMM.IPD-TM) 710/2022 & I.A. 11586/2022

BURGER KING COMPANY LLC

..... Petitioner

Through: Mr. Raunaq Kamath, Mr. Aditya
Gupta, Mr. Mukul Kochhar, Mr.
Rahul Bajaj, Advs.

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Bhalla, Advs.

Mr. Harish Vaidyanathan Shankar,
CGSC, with Mr. Srish Kumar
Mishra, Mr. Alexander Mathai
Paikaday, Mr. Krishnan V. Advs.
(M. 9810788606)

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. These are three cancellation petitions under Section 57 of the Trade Marks Act, 1999 and a suit under Section 134 of the Trade Marks Act, 1999 filed by Burger King Company LLC against Defendant No.1- Ms. Ranjana Gupta, Defendant No.2- Mr. Virendra Kumar Gupta and Defendant No. 3- M/s Burger King (hereinafter, '*the Defendants*'). The Defendants were operating under the name and trading style of "*Burger King Family Restaurant*". The litigation between the parties has a long and checkered



history.





3. In addition to the relief of permanent injunction against the Defendants, in *CS(COMM) 229/2018*, Burger King Company LLC also prays for declaration of the mark 'BURGER KING' as a well-known mark under Section 2(1)(zg) of the Trade Marks Act, 1999, as per paragraph 38 (e) of the prayer clause in the plaint.

Declaration as a 'Well-Known' Mark

4. The Plaintiff- Burger King Company LLC is the proprietor of the mark 'BURGER KING', which it had adopted in the year 1954, and has expanded over the years to more than 100 countries. The Plaintiff avers that it owns over 4000 trade mark and service mark applications across the world. The Plaintiff first became the registered proprietor of the mark 'BURGER KING' in India in the year 1989. The sales of the Plaintiff for the mark 'BURGER KING' worldwide is stated to be more than 23,000 million dollars and a substantial amount of 960 million dollars has also been invested for promotional and advertising purposes.

5. The Plaintiff claims to operate more than 400 'BURGER KING' outlets in India. It is stated that the Plaintiff has a chain of 13,000 fast foods restaurants in around 92 countries. It operates its business through the domain name www.bk.com and www.burgerking.com, holding registrations since the year 1994. It claims to have 350 domain name registrations in its name for different regions. The registered trade marks of the Plaintiff for the mark 'BURGER KING' in India are set out below:



TRADE MARK	REG. NO.	CLASS	DATE
BURGER KING	348560	16	April 25, 1979
BURGER KING	348561	29	April 25, 1979
BURGER KING	348562	30	April 25, 1979
BURGER KING	348563	32	April 25, 1979
BURGER KING	828559	29	November 20, 1998
BURGER KING	828560	30	November 20, 1998
BURGER KING	1494246	42	October 06, 2006
	927122	30	May 24, 2000
	1494245	42	October 06, 2006
	1615231	29	October 25, 2007
	2011497	43	August 19, 2010

6. It is further averred that the Plaintiff's rights in the 'BURGER KING' mark have been recognized through various suits *i.e.*, *CS (COMM) 303/2022* titled '*Burger King Corporation v. Swapnil*', *CS (COMM) 1662/2016* titled '*Burger King Corporation v. Michel David & Ors.*', *CS (COMM) 1654/2016* titled '*Burger King Corporation v. Ali Akbar & Ors.*', *etc.*



7. Reliance is placed upon *Hermes International v. Crimzon Fashion Accessories Pvt. Ltd. [2023 SCC OnLine 883]*, wherein the factors outlined by the Co-ordinate Bench under Section 11(6) of the Trade Marks Act, 1999, would be relevant for declaring the mark as well-known, are as follows:

“(i) The knowledge or recognition of that trademark in the relevant section of the public, including knowledge in India obtained as a result of promotion of the trademark.

(ii) The duration, extent, and geographical area of any use of that trademark.

(iii) The duration, extent, and geographical area of any promotion of the trademark, including advertising or publicity and presentation, at fairs or exhibition of the goods or services to which the trademark applies.

(iv) The duration and geographical area of any registration of, or any application for registration of that trademark under the Trademarks Act to the extent that they reflect the use or recognition of the trademark.

(v) The record of successful enforcement of the rights in that trade mark, in particular the extent to which the trade mark has been recognised as a well-known trade mark by any court or Registrar under that record.”

8. Further, this Court in *Disruptive Health Solutions v. Registrar of Trade Marks [C.A. (COMM.IPD-TM)] 133/2022, decision dated 8th July 2022* discussed test of distinctiveness of trade marks. The relevant extract of the said decision is as follows:

“10. The general rule regarding distinctiveness is that a mark is capable of being protected if either it is inherently distinctive or has acquired distinctiveness through secondary meaning. In the spectrum of distinctiveness, the first category of marks is of arbitrary, fanciful and invented marks which is of



absolute distinctiveness. Similarly, suggestive marks can also be registered due to their inherent distinctiveness. Descriptive marks can be registered as trademarks provided secondary meaning is established. Insofar as descriptive marks are concerned, just because some portion of the mark may have some reference or indication as to the products or services intended for, the same may not be liable to be rejected straightaway. In such a case, the merits of the marks would have to be considered along with the extent of usage. Other registrations of the applicant would also have a bearing on the capability of the mark obtaining registration. The owner of a mark is always entitled to expand the goods and services, as a natural consequence in expansion of business.”

9. On the strength of averments in the plaint, and the documents placed on record, and the reputation of the ‘BURGER KING’ mark, it is clear that it should acquire a **‘well-known’** status. The mark has acquired a secondary meaning in respect of burgers, keeping in mind the extent of usage of the said device mark for the said purposes. Therefore, the ‘BURGER KING’ mark and its variations deserve to be protected.

10. In the year 2011, the Plaintiff came to know about the Defendants mark bearing registration numbers 2052257, 2052256, 2052255 in class 43, 30 and 29 respectively. It is averred that the Defendants in the present case had started using the mark ‘BURGER KING’ both as a part of the trading style and as a mark which led to the filing of CS(COMM) 229/2018. It is claimed that the Defendants also operates its business through the website with the domain name www.burgerkingfamilyrestaurant.com.

11. A cease and desist notice was sent to the Defendants by the Plaintiff’s in November, 2011. The Plaintiff’s again sent a letter dated 2nd April, 2013,



as per which an additional 6 months' time was given to phase out any residual usage of the products bearing the trade mark/name 'BURGER KING', but the same was never replied to.

12. Thereafter a suit CS (OS) No. 2200 of 2014 was filed by the Plaintiff against the Defendants, which was later renumbered as CS(COMM) 229 of 2018. Initially, an *ex parte* order of injunction was granted against the Defendants on 25th July, 2014, in the following terms:

"I have heard counsel for the plaintiff and perused the plaint, application and the supporting documents. I am satisfied that this is a fit case for grant of ex parte ad interim injunction. Accordingly, till the next date of hearing, defendants, their servants, agents, distributors, stockists and representatives are restrained from using the trademark 'BURGER KING' or any other deceptively similar trade mark."

13. Thereafter the matter was referred to mediation, however the mediation was unsuccessful. The Defendants filed their written statement and claimed prior use of the mark 'Burger King' since 1970. It was also stated that the Defendant No.2 was using the firm name 'BURGER EMPEROR' and 'Burger King Family Restaurant'. The Defendants also attempted to give an explanation for use of the mark 'BURGER EMPEROR' claiming derivation of the word 'BURGER' from the names of the family members.

14. After hearing detailed submissions, the injunction application was decided by a detailed judgment on 24th September, 2018. The Court noticed that the Defendants had adopted an almost identical logo and an identical mark as that of the Plaintiff. It was also observed that the Defendants website with the domain name www.burgerkingfamilyrestaurant.com shows



the manner of use of the mark is absolutely identical and a complete imitation of the Plaintiff's mark and logo. The reputation and the goodwill of the Plaintiff was also recorded. The competing logos which were being used are set out below:

Plaintiff's Trade Mark and Logo	Defendants' Trade Mark and Logo
BURGER KING	BURGER KING
	

15. In the said decision, the Defendants had also placed on record various invoices which they claim dated back to the year 1970 to show use of the mark 'BURGER KING'. However, the Court had come to a conclusion that though the Defendants had obtained various trademark registrations, copyright registrations and user invoices *etc.* the claim of user since the year 1970 was to be established at trial.

16. The Court observed that there was an uncanny resemblance between the two logos of the parties and had accordingly, directed that the Defendants shall stand restrained from using the mark 'BURGER KING' as also the infringing logo. However, in the operative portion it was observation that the Defendants had adopted the mark 'BURGER



EMPEROR’ and had applied for the registration of the same. The Court had then permitted the Defendants to use the name/mark ‘BURGER EMPEROR’. The relevant portion of the said judgment is set out below:

“17. In this background, this Court has to take a view on the balance of probabilities in respect of adoption of use of the mark and logo “Burger King”. The first and the foremost fact that strikes the Court is an uncanny resemblance between the two logos. The Plaintiff has shown registration of these logos in some registrations dating back to 2000 (for example in El Salvador) and in 2003 in Germany. There is no document of the Defendant showing use of the crescent shaped logo prior to 2000. The trademark registrations of these countries are easily verifiable online and have not been seriously challenged. The said registrations of the respective statutory authorities of those countries cannot be ignored. The pleadings of the Plaintiff ought to have been clearer on this aspect

18. The Defendants have not been able to show prior use of the logo. For the time being, since the logos are almost identical, the Plaintiff is held to be the prior user of the logo. Thus, the use by the Defendants of an imitative logo is violative of the Plaintiff’s right.

19. Insofar as the adoption of the trademark “Burger King” is concerned, the explanation given by the Defendants in their written statement is ‘fantastic’ to say the least. The manner, in which the Defendants claim coinage of the mark, by using the first letters of the names of various family members shows that the same is a completely dishonest attempt to defend something which is indefensible. The explanation for the coinage of the mark makes it clear that the Defendants are trying to adopt a process of reverse deduction to explain use of the mark Burger King. Such an explanation, if accepted, would lead to trivializing trademark rights.

20. The plaint is clear that the mark “Burger King”



was adopted in 1954 in the US, and thus, the evidence of trans-border reputation, which is mentioned in the plaint, cannot be rejected at this stage when the trial is yet to commence. The list of outlets in various airports thus shows that travellers from India would have had knowledge of Burger King. It cannot be disputed that there are thousands of outlets of the Plaintiff across the world. The Defendants' explanation for the adoption being extremely unimaginative and the identical logo being an indication of dishonest adoption, the injunction already granted is liable to be confirmed. The manner in which the Defendants are soliciting enquiries and are wanting to give franchisees for their outlets under the name Burger King poses a clear and imminent threat for extreme dilution of the mark.

21. The present case being a commercial suit, evidence can be recorded by means of a Local Commissioner and to disturb the status quo that has been preserved since 2014 would be inequitable to the rights of the Plaintiff which claim to enjoy a global reputation.

*22. It is accordingly directed that the injunction granted on 25th July, 2014 shall stand confirmed. The Defendants are thus enjoined from using the mark BURGER KING as also the infringing logo in respect of their food outlets or restaurants, in any manner whatsoever. The Defendants are also restrained from granting any franchisees or opening any new outlets under any name containing the mark BURGER KING. **This, however, does not bar the Defendants from using the mark/name Burger Emperor.***

17. The above judgment has been challenged by the Defendants in FA(OS)(COMM) 276/2018. The said appeal is stated to be pending. It is to be noted that the Plaintiff had not challenged the said judgment and as on date, therefore, as per Id. Counsel for the defendants, they are using the mark 'BURGER EMPEROR'.



18. The Defendant's filed an application under Section 124 of Trade Marks Act, 1999, raising an issue as to the validity of the Plaintiff's marks 'BURGER KING'.

19. It was the case of the Defendants that the Plaintiff has not used the said mark and neither had the intention to do so at the time of filing of the present suit, and had, thus, claimed that the marks of the Plaintiff were *prima facie* liable to be cancelled/rectified. The Plaintiffs submitted that the Court has to be satisfied that the plea regarding the invalidity of registration of the trademark is *prima facie* tenable, in view of sub clause (b) (ii) of Section 124(1) of the Act.

20. The Court observed that pre-launch and preparatory activities before the launch of the product would amount to 'use' under the Act and as the Plaintiff's had entered into an agreement for supply of glass bottles in respect of its trade mark the same will fall under the category of 'use'. In addition, it was argued by the Defendants that the mark 'BURGER KING' is a generic mark and common to the trade, therefore the same cannot be registered.

21. This stand of the Defendants was considered by the Id. Single Judge in a decision dated 6th March, 2023 where the Id. Single Judge arrived at the finding that the Defendants themselves had sought registrations of the said marks and are therefore estopped from taking the plea that the trademark 'BURGER KING' is generic.

22. The plea of the Defendants that the mark 'BURGER KING' is *prima facie* liable to be cancelled was, thus, rejected by the Id. Single Judge. The observations in the said order are as under:

“30. A perusal of the trademark applications of the



defendants shows that the defendants have themselves sought for registration of the said marks and therefore, in light of the dicta of the aforesaid judgments, the defendants are estopped from taking a plea that the trademark BURGER KING is generic and common to trade. Therefore, reliance placed on behalf of the defendants on National Bell (supra) is misplaced.

31. *In my view, the defendants have failed to place any material in support of their submission that the trademark 'BURGER KING' is either generic or common to trade. It cannot be denied that the plaintiff has used the trademark 'BURGER KING' since 1954 and holds registrations for the said mark in over 122 countries including India. The Division Bench of this Court in M.A.C Personal Care Pvt. Ltd. & Anr. v. Laverana GMBH and Co. K.G. & Anr., 2016 SCC OnLine Del 530, observed that the registrations of the plaintiff in multiple jurisdictions create an even stronger presumption that the plaintiff's trademark has reputation in the market. It was further observed that if a trademark is registered in favour of the plaintiff in a jurisdiction abroad, the said fact suggests that the mark of the plaintiff is distinctive and hence, the same is capable of distinguishing the plaintiff's trademark from those of other businesses.*

32. *In view of the discussion above, I am of the considered view that the plea raised by the defendant with regard to the invalidity of registrations granted in favour of the plaintiff in respect of the trademark BURGER KING and other formative marks, is prima facie not tenable. There is no reasonable prospect of the defendants succeeding in the cancellation petitions filed by them. Therefore, no issue with regard to validity of the registrations of trademarks of the plaintiff is liable to be framed in the facts and circumstances of the present case."*

23. This decision dated 6th March, 2023 was carried in appeal by the



Defendants by way of LPA No. 301/2023 which was withdrawn vide order dated 18th April, 2023 with liberty to file an SLP. The Defendants then filed SLP Civil No. 17831/2023 which was dismissed on 14th August, 2023.

24. Thus, the decision of the Id. Single Judge dated 6th March, 2023 has now attained finality and all the cancellation petitions filed by the Defendants against the Plaintiff's mark 'BURGER KING' are no longer entertainable.

25. On 20th November, 2023, when the matters were listed for hearing, certain proposals were made by the Id. Counsel for the Plaintiff. Id. Counsel for the Defendants sought some time to consider the proposals made by the Plaintiff.

26. Today, the Id. Counsel for the Defendants have reverted and the parties have agreed to settle their disputes in respect of the marks 'BURGER KING' and 'BURGER EMPEROR' on the following terms:

- i. The Defendants shall not in any manner use the trademark 'Burger King' and other Burger King formative marks of the Plaintiff or any other marks deceptively similar thereto, including **BURGER KING** / Burger King Family Restaurant or the following logos:





The Defendants shall not challenge the registrations or applications of the above stated marks in favour of the Plaintiff.

- ii. The Defendants shall henceforth be free to use the trademark “BURGER EMPEROR” / and other “BURGER EMPEROR/” formative marks as also the following logo/device mark:



(hereinafter ‘Burger Emperor’ marks)

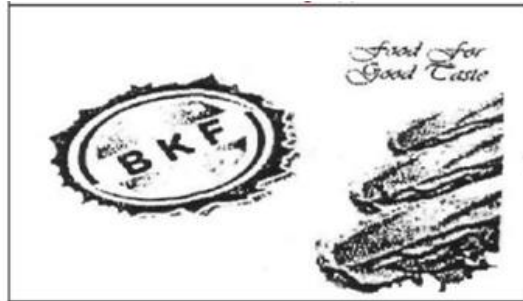
- iii. The Defendants shall be entitled to use the ‘BURGER EMPEROR’ marks without any hindrance or objection from the Plaintiff. The Defendants shall be entitled to use the ‘BURGER EMPEROR’ marks for all food items, non-alcoholic drinks, aerated water, snacks, sauces, namkeen and other cognate/allied products.
- iv. The Defendants are the proprietors of the Trademark/device Burger Emperor bearing registration number 2052259 and 2052258 in Class 30 for the following device/logo mark:



The Plaintiff shall withdraw the rectifications filed against the said marks.



- v. The Defendants shall also be entitled to use the following device/logo mark bearing registration number 2467850 in Class 30 registered in favour of the Defendant.



The Plaintiff shall not file any proceedings challenging the use or registration of the said mark.

- vi. The Defendants are also the owner of the following artistic work bearing number A-114976/2016:



The Defendants shall be entitled to use the same without any objection or hindrance. The Plaintiff shall not file any proceedings challenging the use or registration of the said artistic work.

- vii. The Defendants shall be entitled to use the trademark 'Taste King' without any objection or hindrance and will be entitled to seek registration. The Plaintiff shall withdraw all oppositions thereto.



- viii. The Plaintiff agrees to not press for the relief of damages or accounts of profits as prayed in the commercial Suit bearing number CS(COMM) 229 of 2018 or in CO(COMM-IPD-TM) 709 of 2022 and CO(COMM-IPD-TM) 710 of 2022.
- ix. All oppositions/rectifications as mentioned in Annexure- A would stand withdrawn in accordance to this agreement.
- x. The Defendants shall withdraw its appeal being FAO (OS) (COMM) 276 of 2018.
27. The cancellation petitions are dismissed as withdrawn in the above terms. All the parties and anyone acting for or on their behalf shall be bound by the terms of settlement. Mr. Virender Kumar Gupta who is the Defendant No.2 in the present case is also present in the Court today.
28. The present order be communicated to the Registrar of Trademarks for the purposes of ensuring that the directions given in the above terms of withdrawal of trademark registrations are duly reflected on the website.
29. The complete list of various proceedings pending between the parties and the action to be taken pursuant to the above settlement is annexed as **ANNEXURE A** to the present order. Both parties shall take the necessary steps within two weeks, in respect of the said proceedings, except the suit and the cancellation petitions which are disposed of by the present order. The suit is accordingly decreed in the above terms.
30. However, for the declaration of the mark 'BURGER KING' as a well-known mark, considering the long period, during which the 'BURGER KING' mark and its variations have been used for fast foods specially for Burgers, and the factors outlined above, the said mark has achieved the status of a '*well-known mark*'. Accordingly, a decree of declaration, is



liable to be passed declaring the 'BURGER KING' mark as a '*well-known*' mark in terms of paragraph 38 (e) of the prayer in the Plaint.

31. Decree sheet be drawn accordingly.
32. All pending applications between the parties are disposed of.

PRATHIBA M. SINGH
JUDGE

NOVEMBER 29, 2023

SDS/KS

(corrected & released on 7th December, 2023)

**ANNEXURE A****CS(COMM) 229 of 2018
LIST OF MATTERS BETWEEN THE PARTIES**

S. No.	Forum	Suit Title	Nature	Status	Actions to be taken
1.	Hon'ble Delhi High Court	Burger King Corporation vs Ranjana Gupta & Ors.; CS (Comm) 229 of 2018 before the Delhi High Court	Suit against use of BURGER KING and BURGER EMPEROR by Defendant	Status: Application under Order 6 Rule 17 to be considered	Decreed in terms of order dated 29 th November 2023.
2.		Ranjan Gupta & Ors. Vs Burger King Corporation; FAO (OS) (COMM) 276 of 2018 before the Delhi High Court	Defendant's appeal against order dated September 24, 2018 passed in CS(Comm) No. 229 of 2018	Status: The stay application has been withdrawn and appeal has been placed in the 'Finals' category for final arguments	Defendants to withdraw this appeal in terms of the order dated 29 th November 2023.
3.		Burger King Corporation vs Virendra Kumar Gupta & Anr.; C.O. (COMM.IPD-TM) 686/2022	Plaintiff's rectification petition against the Defendant's trademark BURGER KING FAMILY RESTAURANT	Status: The stay application in the rectification petition has been allowed.	Dismissed as withdrawn as per order dated 29 th November 2023
4.	Hon'ble Delhi High Court	Burger King Corporation vs Virendra Kumar Gupta & Anr.; C.O. (COMM.IPD-TM) 709/2022	Plaintiff's rectification petition against the Defendant's trademark BURGER EMPEROR	Status: The stay application in the rectification petition is to be considered.	Dismissed as withdrawn as per order dated 29 th November 2023



5.		<i>Burger King Corporation vs Virendra Kumar Gupta & Anr.; C.O. (COMM.IPD-TM) 710/2022</i>	<i>Plaintiff's rectification petition against the Defendant's trademark BURGER EMPEROR</i>	<i>Status: The stay application in the rectification petition is to be considered</i>	<i>Dismissed as withdrawn as per order dated 29th November 2023</i>
6.		<i>Virendra Kumar Gupta trading as M/S Burger King V/s Union of India through the Secretary & Ors.; W.P.(C)-IPD33/2022</i>	<i>Writ petition filed by Defendant seeking to file an opposition against the Plaintiff's trademark registration no. IRDI – 4771744 for the mark BURGER KING</i>	<i>Status: The pleadings have not yet been completed. Matter is listed before Joint Registrar for completion of pleadings.</i>	<i>To be withdrawn as per order dated 29th November 2023</i>
7.	<i>Varanasi District Court</i>	<i>Taste King vs Burger King Corporation; Suit No. 26 of 2016 before the District Court, Varanasi</i>	<i>Suit for groundless threats filed by the Defendant against the Plaintiffs and suit for injunction of copyright</i>	<i>Status: Application for summary judgment & interim injunction is pending adjudication</i>	<i>To be withdrawn by the Defendant as per order dated 29th November 2023</i>
8.	<i>Calcutta High Court</i>	<i>Virendra Kumar Gupta vs Burger King Corporation; (ORA/16/2015/TM/CH)</i>	<i>Rectification petition filed by the Defendant against Plaintiff's trademark registration no. 828558</i>	<i>Status: Transferred from the IPAB to Calcutta High Court. Matter is currently in the monthly cause list.</i>	<i>Not maintainable in terms of the order passed in Section 124 application in the suit and upheld by the Supreme Court</i>
9.		<i>Virendra Kumar Gupta vs Burger King Corporation; (ORA/17/2015/TM/CH)</i>	<i>Rectification petition filed by the Defendant against Plaintiff's trademark registration no.</i>	<i>Status: Transferred from the IPAB to Calcutta High Court. Matter is</i>	<i>Not maintainable in terms of the order passed in Section 124 application in</i>



	<i>Bombay High Court</i>		828560	<i>currently in the monthly cause list.</i>	<i>the suit and upheld by the Supreme Court</i>
10.		<i>Virendra Kumar Gupta vs Burger King Corporation; (ORA/18/2015/TM/DEL)</i>	<i>Rectification petition filed by the Defendant against Plaintiff's trademark registration no. 828559</i>	<i>Status: Transferred from the IPAB to Calcutta High Court. Matter is currently in the monthly cause list.</i>	<i>Not maintainable in terms of the order passed in Section 124 application in the suit and upheld by the Supreme Court</i>
11.		<i>Virendra Kumar Gupta vs Burger King Corporation; (ORA/19/2015/TM/DEL)</i>	<i>Rectification petition filed by the Defendant against Plaintiff's trademark registration no. 828561</i>	<i>Status: Transferred from the IPAB to Calcutta High Court. Matter is currently in the monthly cause list.</i>	<i>Not maintainable in terms of the order passed in Section 124 application in the suit and upheld by the Supreme Court</i>
12.		<i>Virendra Kumar Gupta vs Burger King Corporation; (ORA/24/2015/TM/MUM)</i>	<i>Rectification petition filed by the Defendant against Plaintiff's trademark registration no. 348562</i>	<i>Status: Transferred from the IPAB to Bombay High Court. Matter is at the pre admission stage.</i>	<i>Not maintainable in terms of the order passed in Section 124 application in the suit and upheld by the Supreme Court</i>
13.		<i>Virendra Kumar Gupta vs Burger King Corporation; (ORA/25/2015/TM/MUM)</i>	<i>Rectification petition filed by the Defendant against Plaintiff's trademark registration no. 348561</i>	<i>Status: Transferred from the IPAB to Bombay High Court. Matter is at the pre admission stage.</i>	<i>Not maintainable in terms of the order passed in Section 124 application in the suit and upheld by the Supreme Court</i>
14.	<i>Virendra Kumar Gupta vs Burger King Corporation;</i>	<i>Rectification petition filed by</i>	<i>Status: Transferred</i>	<i>Not maintainable in</i>	



		<i>(ORA/26/2015/TM/MUM)</i>	<i>the Defendant against Plaintiff's trademark registration no. 348560</i>	<i>from the IPAB to Bombay High Court. Matter is at the pre admission stage.</i>	<i>terms of the order passed in Section 124 application in the suit and upheld by the Supreme Court</i>
15.		<i>Virendra Kumar Gupta vs Burger King Corporation; (ORA/27/2015/TM/MUM)</i>	<i>Rectification petition filed by the Defendant against Plaintiff's trademark registration no. 348563</i>	<i>Status: Transferred from the IPAB to Bombay High Court. Matter is at the pre admission stage.</i>	<i>Not maintainable in terms of the order passed in Section 124 application in the suit and upheld by the Supreme Court</i>
16.	<i>Trademarks Registry</i>	<i>Taste King vs Burger King Corporation</i>	<i>Cancellation action against the Plaintiff's trade mark TASTE IS KING</i>	<i>Status: Pleadings are complete and matter has been appointed for hearing</i>	<i>To be withdrawn as per order dated 29th November 2023</i>
17.	<i>Trademarks Registry</i>	<i>Opposition No. 944407</i>	<i>Plaintiff's opposition against Application No. 2052255 filed by the Defendants</i>	<i>Status: Pleadings are complete and matter has been appointed for hearing</i>	<i>To be withdrawn as per order dated 29th November 2023</i>
18.	<i>Trademarks Registry</i>	<i>Opposition no. 978927</i>	<i>Plaintiff's opposition against trade mark application No. 2513771 filed by the Defendants</i>	<i>Status: Hearing date is to be appointed</i>	<i>To be withdrawn as per order dated 29th November 2023</i>
19.	<i>Trademarks Registry</i>	<i>Opposition no. 959139</i>	<i>Plaintiff's opposition against trade mark application No. 2638470 filed</i>	<i>Status: Hearing date is to be appointed</i>	<i>To be withdrawn as per order dated 29th November 2023</i>



			<i>by the Defendants</i>		
20.	Trademarks Registry	Opposition no. 944408	Plaintiff's opposition against trade mark application No. 2052256 filed by the Defendants	Status: Hearing date is to be appointed	To be withdrawn as per order dated 29 th November 2023
21.	Trademarks Registry	Opposition no. 897011	Plaintiff's opposition against trade mark application No. 2841594 filed by the Defendants for the TASTE KING logo	Status: Hearing date is to be appointed	To be withdrawn as per order dated 29 th November 2023
22.	Trademarks Registry	Opposition no. 897012	Plaintiff's opposition against trade mark application No. 2841595 filed by the Defendants for the TASTE KING logo	Status: Hearing date is to be appointed	To be withdrawn as per order dated 29 th November 2023
23.	Trademarks Registry	Opposition no. 786731	Plaintiff's opposition against trade mark application No. 2052260 filed by the Defendants for the trademark BURGER EMPEROR	Status: Hearing date is to be appointed	To be withdrawn as per order dated 29 th November 2023
24.	Trademarks Registry	Opposition no. 1115375 and 1115511	Plaintiff's opposition against trade mark application No. 3618423 filed by the Defendants for TASTE KING (in Hindi)	Status: Hearing date is to be appointed	To be withdrawn as per order dated 29 th November 2023
25.	Trademarks	Opposition no. 1115431	Plaintiff's	Status:	To be withdrawn



	Registry		opposition against trade mark application No. 3618424 filed by the Defendants for TASTE KING (composite logo)	Hearing date is to be appointed	as per order dated 29 th November 2023
26.	Trademarks Registry	Opposition No. 1112070	Plaintiff's opposition against trade mark application No. 3674959 filed by the Defendants for the trademark BURGER KING	Status: Hearing date is to be appointed	To be withdrawn as per order dated 29 th November 2023
27.	Trademarks Registry	Opposition no. 882987	Defendant's opposition against the Plaintiff's trade mark application No. 2011499	Status: Hearing date is to be appointed.	To be withdrawn as per order dated 29 th November 2023
28.	Trademarks Registry	Opposition nos. 900156, 900157 900748, 900749, 900750, 900751	Opposition against the Plaintiff's trade mark application No. 3535316	Status: Hearing date is to be appointed	To be withdrawn as per order dated 29 th November 2023
29.	Trademarks Registry	Opposition no. 1253321	Opposition against the Plaintiff's trade mark application No. IRDI-4863074	Status: Pleadings are yet to be completed.	To be withdrawn as per order dated 29 th November 2023
30.	Trademarks Registry	Opposition no. 1253320	Opposition against the Plaintiff's trade mark application No. IRDI-4889193	Status: Pleadings are yet to be completed.	To be withdrawn as per order dated 29 th November 2023
