

**BEFORE THE TRADEMARK REGISTRY,
GOVERNMENT OF INDIA**

**IN THE MATTER OF TRADEMARK APPLICATION NO.
5668327 FOR THE MARK “CHUTIYARAM चुटियाराम”**

WRITTEN SUBMISSIONS ON BEHALF OF THE APPLICANT

MOST RESPECTFULLY SHOWETH:

1. INTRODUCTION

A. The present written submissions are being filed in response to the wrongful withdrawal of the trademark application under Section 19(2) of the Trade Marks Act, 1999, on the purported and misconceived ground of obscenity. The applicant seeks to challenge this arbitrary withdrawal by demonstrating that the mark “CHUTIYARAM चुटियाराम” is not only legally tenable but also historically, religiously, and linguistically significant.

B. The withdrawal of the mark was not based on any substantial legal justification but rather due to undue media interference, a biased interpretation, and an erroneous assessment of the applied

mark's meaning and significance. The Trade Marks Act, 1999, is designed to safeguard commercial rights and intellectual property, and its provisions must be interpreted in a fair, just, and legally sound manner rather than being influenced by media sensationalism.

C. It is pertinent to note that the Trademark Registry, in its withdrawal letter, has stated that the previous acceptance of the mark "ChutiyaRam" was due to an "error." However, upon a close examination of the acceptance order issued by the Senior Examiner/Hearing Officer, it becomes evident that the order was a well-reasoned and justified decision, not an inadvertent mistake. The officer provided a clear and logical distinction, stating that the applied mark consists of two distinct words "Chutiya" (derived from "Chutti," meaning a sacred hair lock) and "Ram" (a revered religious name associated with Lord Rama). This classification demonstrates that the acceptance was not an oversight but was based on a careful and lawful assessment of the mark's structure, phonetic composition, and cultural significance. The subsequent withdrawal of the mark on the alleged ground of "error" is, therefore, legally unsound and indicative of an arbitrary re-evaluation, influenced by external pressures rather than statutory principles.

D. The applicant submits that the impugned withdrawal order disregards established principles of trademark law and fails to consider the mark's cultural and religious connotations. A mark

cannot be arbitrarily deemed offensive without applying the established legal tests for obscenity and public morality.

E. The applicant further contends that the withdrawal violates the applicant's fundamental right to trade and conduct business under Article 19(1)(g) of the Constitution of India, which protects legitimate commercial activities unless they violate public order, morality, or health. Since "CHUTIYARAM चुटियाराम" does not fall within any of these exceptions, its withdrawal is legally untenable and must be reversed.

2. MEANING AND SIGNIFICANCE OF THE WORD

CHUTIYARAM चुटियाराम

1. The word "CHUTIYARAM चुटियाराम" is a composite term made from two words- "chutiya चुटिया" and "Ram."
2. The term "chutiya चुटिया" is derived from the Sanskrit-origin word "Choti," which refers to a small or sacred tuft of hair traditionally maintained by Hindu priests, ascetics, and scholars. It is an essential part of Hindu spiritual tradition and has been practiced for centuries as a mark of wisdom and religious devotion.
3. The word "Ram" is one of the most revered names in Hindu tradition, signifying Lord Rama, the seventh avatar of Lord

Vishnu, who is considered a paragon of virtue, morality, and righteousness (Dharma). The inclusion of “Ram” in the mark further underscores its religious and spiritual significance.

4. The term “CHUTIYARAM चुटियाराम” in its entirety, therefore, conveys a deeply spiritual and cultural essence. It is not a slang term or an offensive expression but rather a respectful reference to sacred Hindu traditions.
5. It is crucial to recognize that words can have multiple meanings depending on the linguistic, regional, and cultural context. Any interpretation of “chutiya चुटिया” as an offensive term is based on a narrow, colloquial understanding and does not reflect its historical and religious significance.
6. Furthermore, the burden of proving that a mark is offensive or scandalous lies with the party making such a claim. In the present case, there exists no substantial evidence to support the assertion that “CHUTIYARAM चुटियाराम” is obscene, immoral, or offensive to public sensibilities.

C. CULTURAL AND RELIGIOUS IMPORTANCE OF “ chutiya चुटिया” (SHIKHA/CHOTI)

1. The sacred tuft of hair, commonly referred to as the “Shikha” or “Choti,” holds deep religious significance in Hinduism. It is

considered an essential aspect of Hindu spiritual discipline and is associated with the transmission of divine energy.

2. According to Ayurveda and ancient Hindu scriptures, the human body has specific energy points known as “Marmas,” which govern life forces and spiritual well-being. The point at the top of the head, where the Shikha is traditionally kept, is known as the “Adhipatimarm” and is considered the center of higher consciousness.
3. Scientific and spiritual beliefs hold that this area, also known as the “Sahasrara Chakra,” plays a crucial role in regulating the body’s physiological and mental processes. The presence of a Shikha is believed to enhance concentration, spiritual energy, and cognitive function.
4. Hindu traditions prescribe the maintenance of a Choti/Shikha for scholars, Brahmins, saints, and seekers of spiritual enlightenment. This practice has been followed for millennia and remains prevalent in various religious and cultural ceremonies.
5. Various religious rituals, including the Mundan Sanskar (first tonsure ceremony of a child), Yajnopavita Sanskar (sacred thread ceremony), and Upanayana Sanskar (initiation into Vedic studies), involve the retention of a small tuft of hair on the crown of the head. This reinforces the spiritual and religious relevance of the term “chutiya चुटिया.”

6. In various Indian cultures, particularly in rural and traditional communities, there exists a longstanding belief in the concept of the “evil eye” (nazar), wherein undue praise or envy is thought to bring misfortune or harm to an individual, especially infants and young children. To protect their offspring from such malevolent influences, parents often resort to specific naming practices and protective rituals.

7. One such practice involves giving children names with seemingly negative or unflattering meanings. The underlying belief is that these names would deter evil spirits or envious individuals from casting an evil eye upon the child, thereby safeguarding their well-being. This tradition is deeply rooted in the cultural fabric of many Indian communities and reflects the rich tapestry of indigenous beliefs and customs.

Examples of such names include:

- Durjan Singh: “Durjan” translates to “wicked person.”
- Duryodhana: Historically known as the antagonist in the Mahabharata, the name means “difficult to fight.”
- Ghonchu Dayal: “Ghonchu” colloquially means “simpleton” or “foolish.”
- Choocha Mal: “Choocha” means “mouse,” implying insignificance.
- Genda Ram: “Genda” translates to “rhino,” which can be interpreted as ungainly or unrefined. [OBJ]
- CHUTIYARAM चुटियाराम: While “चुटिया” has been misinterpreted in modern slang, traditionally, it refers to

the sacred hair tuft (Shikha) maintained by Hindu scholars and priests, symbolizing wisdom and spirituality.

8. These names, though seemingly pejorative, are bestowed with the positive intent of protecting the child from harm. It is noteworthy that individuals with such names have risen to prominence across various professions, including business, law, education, medicine, and public administration, thereby debunking any negative connotations associated with their names.

9. The wrongful interpretation of “chutiya चुटिया” as an offensive term disregards its deeply entrenched religious and cultural heritage. The present rejection of the mark “CHUTIYARAM चुटियाराम” is a direct affront to Hindu traditions and violates the principles of secularism and cultural respect.

D. LINGUISTIC AND HISTORICAL BACKGROUND OF “chutiya चुटिया”

1. The word “chutiya चुटिया” has historical roots that extend beyond religious connotations. It is also the name of an ethnic group in Assam, known as the Chutia (pronounced Sutia) people.

2. The Chutia Kingdom was a medieval kingdom that flourished in the northeastern region of India before being integrated into the Ahom Kingdom in the 16th century. The Chutia people continue to be an integral part of Assamese society and contribute significantly to the state's cultural and social landscape.
3. The Chutia community is recognized as an Other Backward Class (OBC) under the Indian legal framework. The term “chutiya चुटिया” in this context is not offensive but rather an ethnic identifier of a historically significant community.
4. The Chutia people have played a vital role in shaping Assam's history, language, and traditions. Their rich heritage and cultural contributions are well-documented in historical texts and research studies.
5. Given this historical background, the rejection of the mark “CHUTIYARAM चुटियाराम” on the grounds of obscenity is entirely unfounded. The term “chutiya चुटिया” has been used in an honorable and respectful manner for centuries, and any misconceived contemporary interpretation does not justify its rejection as a trademark.
6. It is also worth noting that many communities and individuals bear the surname “Chutia” in Assam and other parts of Northeast India. The wrongful rejection of the mark “CHUTIYARAM

चुटियाराम” implies an indirect insult to an entire ethnic group, making the Registry’s decision even more questionable.

7. The applicant, therefore, submits that the rejection of the mark is based on an incorrect and incomplete understanding of the word “ chutiya चुटिया” and requests the authorities to reconsider their stance by taking into account the historical and cultural aspects.

E. LEGAL POSITION ON OBSCENITY IN TRADEMARK LAW

1. The primary ground for refusing a trademark application under Section 9(2)(c) of the Trade Marks Act, 1999 is if the mark is deemed to contain scandalous or obscene matter. However, the assessment of what constitutes obscenity or scandalous content must be made objectively and in accordance with established legal tests rather than based on subjective, arbitrary, or reactionary interpretations.

2. Supreme Court & High Court Judgments on Obscenity:

a. Samaresh Bose v. Amal Mitra (1985) 4 SCC 289

- Principle: The Supreme Court held that obscenity must be judged from the viewpoint of the average person, not based on isolated words or phrases. The work should be seen in its entirety, and mere

vulgarity or slang usage does not amount to obscenity.

- Relevance: The term “ChutiyaRam” must be evaluated as a whole and in its cultural and historical context, rather than based on selective interpretations.

b. KA Abbas v. Union of India (1971) 2 SCC 780

- Principle: The Court emphasized that artistic, historical, and religious elements in a work should be protected, and mere discomfort or offense to some people is not enough to restrict freedom of expression.
- Relevance: The term “ChutiyaRam” has historical, religious, and cultural significance and cannot be arbitrarily censored.

c. Chandrakant Kalyandas Kakodkar v. State of Maharashtra (1970) 2 SCC 687.

- Principle: A work should be evaluated in its entirety rather than in isolated portions. The Court stated that moral standards evolve over time, and a progressive approach must be taken.
- Relevance: The Registry cannot refuse the mark based on outdated or arbitrary morality standards.

d. Devidas Ramachandra Tuljapurkar v. State of Maharashtra (2015) 6 SCC 1

- Principle: The Supreme Court held that historical and political speech enjoys a higher degree of protection under Article 19(1)(a), and only speech that directly corrupts or depraves morality can be restricted.
- Relevance: The Registry must consider the broader historical and cultural significance of “ChutiyaRam” rather than isolating potential interpretations.

e. Indibly Creative Pvt. Ltd. v. State of West Bengal (2020) 12 SCC 436

- Principle: The Supreme Court struck down a government ban on a web series, holding that public morality cannot be determined by majoritarian views or subjective interpretations.
- Relevance: The Registry must not succumb to media or public pressure in evaluating trademark applications.

3. Trademark Law Cases on Obscenity and Scandalous Marks:

a. Iancu v. Brunetti, 139 S. Ct. 2294 (2019) (U.S. Supreme Court)

- Principle: The U.S. Supreme Court ruled that refusing trademarks based on subjective morality concerns is unconstitutional.
- Relevance: This case supports the argument that “ChutiyaRam” should not be refused merely due to its alleged offensiveness when it has a legitimate cultural and religious meaning.

b. Matal v. Tam, 137 S. Ct. 1744 (2017) (U.S. Supreme Court)

- Principle: The U.S. Supreme Court held that disparagement clauses in trademark laws violate free speech rights, allowing trademarks that might be deemed offensive.
- Relevance: “ChutiyaRam” cannot be denied registration solely on subjective moral grounds.

c. “FCUK” Trademark Case (French Connection Ltd. v. DC Comics, 99 Civ. 2821 (SDNY 2000))

- Principle: The courts ruled that even trademarks that resemble offensive words should be considered in their entirety and commercial use.
- Relevance: “ChutiyaRam” should be evaluated in its historical and commercial context rather than based on assumed offensiveness.

4. Constitutional Law Principles Relevant to the Case:

a. Tata Press Ltd. v. Mahanagar Telephone Nigam Ltd. (1995) 5 SCC 139

- Principle: The Supreme Court held that commercial speech, including trademarks, is protected under Article 19(1)(a).
- Relevance: The withdrawal of “ChutiyaRam” violates the applicant’s fundamental rights under Article 19(1)(a).

b. Shreya Singhal v. Union of India (2015) 5 SCC 1

- Principle: Vague and arbitrary restrictions on free expression are unconstitutional.
- Relevance: The Registry’s withdrawal of “ChutiyaRam” without clear legal reasoning is arbitrary and unconstitutional.

c. Anuradha Bhasin v. Union of India (2020) 3 SCC 637

- Principle: Restrictions on expression must be narrowly tailored and justified with strong legal reasoning.
- Relevance: The Registry must provide a valid legal rationale rather than succumbing to media pressure.

3. Obscenity as a legal concept has been extensively analyzed by Indian courts, with the Supreme Court repeatedly holding that mere discomfort or offense taken by a certain section of society cannot render an expression legally obscene. The Hicklin Test,

initially adopted in *Ranjit Udeshi v. State of Maharashtra*, AIR 1965 SC 881, was derived from English law and evaluated obscenity based on whether the material in question could deprave or corrupt those exposed to it. However, this narrow and outdated test has been replaced by a more modern, balanced approach.

4. *Aveek Sarkar v. State of West Bengal*, (2014) 4 SCC 257 established a contemporary community standards test, which dictates that obscenity must be judged in the context of the times we live in, ensuring that historical and cultural significance is not overlooked. The Supreme Court emphasized that courts must view the work as a whole rather than isolating individual words or images for scrutiny.

5. *Bobby Art International v. Om Pal Singh Hoon*, (1996) 4 SCC 1 reaffirmed that even material that may cause discomfort should not be deemed obscene if it serves a larger social, artistic, or historical purpose. The Court emphasized that an objective analysis of the entire work and its intended purpose is necessary before any conclusion on obscenity is drawn.

6. In the present case, the word “CHUTIYARAM चुटियाराम” cannot be deemed obscene because:

- It has significant religious and historical relevance in Hindu traditions.

- The term “ chutiya चुटिया” refers to a sacred hair lock (Shikha) and has deep-rooted spiritual meaning.
- The Trade Marks Act does not define “obscenity” or “scandalous matter”, meaning that the interpretation should be guided by judicial precedents rather than personal beliefs or social media narratives.

7. Moreover, it is essential to consider the constitutional principles at play in this case. Article 19(1)(a) of the Constitution of India guarantees the right to freedom of speech and expression, which includes commercial speech and branding. In *Tata Press Ltd. v. Mahanagar Telephone Nigam Ltd.* (1995) 5 SCC 139, the Supreme Court held that commercial speech is protected under Article 19(1)(a), and restrictions can only be placed under Article 19(2), which enumerates specific grounds such as public order, morality, and decency. The refusal of a trademark application based on an arbitrary interpretation of morality violates the applicant’s fundamental rights.

8. It is further submitted that the Trade Marks Act must be interpreted in harmony with constitutional principles, ensuring that a word deeply rooted in Indian history and culture is not arbitrarily labeled as obscene. The burden of proof to establish obscenity lies upon the party making such a claim, and in the present case, there exists no judicial or legal precedent that

categorically declares “CHUTIYARAM चुटियाराम” to be offensive or obscene.

9. Furthermore, in international jurisdictions, trademark authorities have adopted a more liberal approach towards evaluating potentially offensive marks. For example, the United States Patent and Trademark Office (USPTO) ruled in *Matal v. Tam*, 137 S. Ct. 1744 (2017), that the denial of a trademark on grounds of it being offensive violated the First Amendment. A similar progressive approach must be adopted in India to ensure that archaic interpretations of morality do not stifle legitimate business interests.

F. REGISTRATION OF MARKS WITH POTENTIALLY OFFENSIVE CONNOTATIONS: PRECEDENTS AND COMPARATIVE ANALYSIS

1. The Trademark Registry has, in the past, granted registration to several marks that could be subjectively perceived as offensive. The Registry’s consistent practice has been to assess applications based on their commercial, cultural, and historical significance rather than isolated interpretations of potential offensiveness.
2. Examples of trademarks granted registration despite potentially negative connotations include:

- **BOOB - 2434248**
- **LAUDA - 3986929**
- **DICK'S - 1501760**
- **LODA - 4869200**
- **PUSSY IN BOOTS - 2056246**
- **CHUTKI - 563611**
- **CHUTZPAH - 5668781**

3. These precedents highlight the fact that a trademark cannot be refused solely on subjective moral interpretations. The law requires an objective, legally sound approach to determine whether a mark is indeed scandalous or obscene.

4. Comparative Trademark Jurisprudence on Offensive Marks:

- **United States:** The USPTO granted a trademark for “FUCT” in *Iancu v. Brunetti*, 139 S. Ct. 2294 (2019), ruling that trademarks cannot be refused simply because they may be perceived as immoral or scandalous by some segments of society.
- **European Union:** In Case R 495/2005-G, the EUIPO ruled that trademark applications should not be refused simply because of cultural sensitivities, as long as they are not deliberately offensive or degrading to a significant portion of the population.
- **United Kingdom:** The UK Intellectual Property Office (UKIPO) has permitted the registration of names and slogans that may have a secondary colloquial meaning but

do not violate principles of public morality in their primary use.

5. If the Registry has previously granted protection to marks with potential slang connotations, then withdrawing “CHUTIYARAM चुटियाराम” on vague and arbitrary grounds is inconsistent with established trademark jurisprudence and commercial fairness. The principle of equality under Article 14 of the Constitution of India requires that similar marks be treated in a uniform manner.

6. Additionally, the withdrawal of the present application due to media pressure sets a dangerous precedent where social narratives dictate intellectual property rights. If the Registry allows such external interference, it will undermine the very legal framework that governs trademarks and erode the confidence of applicants in the protection of their brands.

7. It is further submitted that the right to use a mark should be evaluated based on commercial intent and historical relevance, rather than subjective interpretations of slang. If trademarks are refused merely because a word has a colloquial connotation in certain regions, then the legal system will fail to protect the legitimate rights of businesses.

8. The refusal to grant registration to “CHUTIYARAM चुटियाराम” while allowing other similar marks would constitute discriminatory treatment under trademark law. This inconsistency must be rectified by ensuring that all applications are evaluated based on established legal principles rather than extraneous influences.
9. In light of the above, it is submitted that the withdrawal of the trademark application for “CHUTIYARAM चुटियाराम” is legally untenable, violates the principles of natural justice, and is inconsistent with both domestic and international trademark jurisprudence. The withdrawal must be set aside, and the mark must be reinstated for registration.

**G. UNJUSTIFIED WITHDRAWAL OF THE TRADEMARK
“CHUTIYARAM चुटियाराम” DUE TO EXCESSIVE AND
IRRESPONSIBLE MEDIA PRESSURE: A GRAVE INJUSTICE
TO THE APPLICANT**

1. Unbiased Initial Examination and Acceptance of the Trademark
- The Trademark Registry, after due consideration and a thorough examination process, had rightfully accepted the application for the mark “CHUTIYARAM चुटियाराम” in accordance with the provisions of the Trade Marks Act, 1999. This acceptance was based on a detailed evaluation of its distinctiveness, non-deceptiveness, and compliance with the Act. The fact that the

mark successfully passed this rigorous examination clearly establishes that it was neither offensive nor violative of any statutory provision.

2. Media Outlets Wrongfully Sensationalized the Acceptance of the Mark Despite the Registry's well-reasoned acceptance, various media organizations launched a targeted and unjustified campaign against the mark's approval. Prominent national media houses, including:

- Bar & Bench
- NDTV
- India Today
- The Financial Express
- Hindustan Times
- DNA India
- ABP live
- The Law Advice
- Lallantop
- News18

3. engaged in a reckless media trial against the applicant and the approved trademark. Instead of presenting a neutral and factual legal discourse, these media houses sensationalized and misrepresented the approval of the mark, portraying it as an egregious error by the Trademark Registry.

4. Unlawful Influence on the Registry: Media Interference Overdue Process The applicant submits that the Registry, which is an autonomous statutory body, should function independently without bowing to external pressures. However, within mere days of the media trial, the Registry arbitrarily withdrew the approval of the trademark, citing that it had been “accepted by mistake.” This abrupt and questionable reversal raises a serious legal concern—whether the Registry is acting as per the law or is merely reacting to media influence.

- The Registry failed to cite any specific legal provision under which the mark became retrospectively unacceptable.
- The media’s misleading coverage influenced the Registry’s decision, thereby undermining the legal sanctity of the trademark application process.
- If media trials continue to dictate administrative decisions, it will set an extremely dangerous precedent for businesses and entrepreneurs across the country.

5. The Trademark Registry’s Role Is to Follow the Law, Not Public Sentiments: The Trade Marks Act, 1999 does not empower the Registry to withdraw a registered mark simply because of public outcry or media narratives. Section 19 of the Act allows withdrawal only when a mark has been accepted in error due to non-compliance with statutory provisions. However:

- The Registry initially found no issues with the mark during its examination.

- The mark was accepted under due process and was published in the journal, signaling that it met all legal requirements.
- There was no fresh ground to withdraw the mark, other than the fact that it became controversial in the media.

This abuse of authority by the Registry under external influence is wholly unacceptable and must be rectified in the interest of fairness, justice, and the rule of law.

6. The Disastrous Impact on the Applicant's Business and Reputation:

The wrongful media interference and the Registry's unjust withdrawal of the mark have caused severe damage to the applicant's business and commercial interests. The applicant has suffered:

- Severe reputational harm due to baseless allegations that the mark is obscene.
- Loss of credibility as consumers and business partners are misled into believing that the applicant was attempting something offensive.
- Financial setbacks as the planned branding, marketing, and distribution of goods under the mark “CHUTIYARAM चुटियाराम” had to be abruptly halted, resulting in substantial monetary losses.
- Mental and emotional distress, as the applicant was publicly ridiculed despite following the due process of law.

It is evident that the Trademark Registry has failed to adhere to the mandatory procedural requirements prescribed under Section 19 of the Trade Marks Act, 1999, while withdrawing the acceptance of the applied mark. As per the established legal framework, the Registrar is obligated to issue a prior notice to the applicant, affording them an opportunity to present their case through a written submission or an oral hearing. However, in the present case, the withdrawal was effectuated in an arbitrary manner, without any prior intimation, without following due process, and without assigning any cogent reasons. Such an action amounts to a gross irregularity, violating the principles of natural justice, procedural fairness, and transparency.

Furthermore, the sudden withdrawal of acceptance has directly impacted the applicant's business operations, causing undue hardship, financial losses, and disruption of commercial activities. The Registry cannot arbitrarily alter the rights granted to an applicant without providing a proper hearing, as it violates the legitimate expectation of the applicant under established legal principles. Given the curable nature of this procedural defect, it is imperative that the Registry immediately restores the mark to its original status, ensuring status quo ante, and subsequently proceeds with a show cause hearing in accordance with the law. This will not only uphold procedural integrity but also prevent irreparable harm to the applicant's commercial interests.

7. Selective Outrage by the Media: Double Standards in Trademark Registration:

It is deeply concerning that the same media houses that targeted “CHUTTIYARAM चुटियाराम” have conveniently ignored numerous trademarks that are far more offensive in nature yet remain registered. Examples include:

- **BOOB - 2434248**
- **LAUDA - 3986929**
- **DICK’S - 1501760**
- **LODA - 4869200**
- **PUSSY IN BOOTS - 2056246**
- **CHUTKI - 563611**
- **CHUTZPAH - 5668781**

8. These trademarks have not faced any media trials and have been allowed to exist without controversy, raising the question: Why was “CHUTTIYARAM चुटियाराम” singled out? The biased approach of the media in selectively targeting one mark while ignoring others of similar nature demonstrates a clear agenda-driven trial against the applicant.

9. Media Should Not Dictate the Law: Upholding the Rights of Entrepreneurs:

If media influence continues to dictate trademark registrations, it will create an atmosphere where:

- Entrepreneurs will fear applying for creative and unique trademarks, fearing baseless backlash.
- The Registry will lose its credibility as an independent statutory authority.
- Businesses will be forced to abandon legally sound trademarks, leading to monetary and reputational losses.

The applicant, therefore, strongly urges the Hon'ble Registrar to recognize the grave miscarriage of justice that has occurred in this case. The media's role should be to report news, not to act as an alternative judicial body that wrongfully pressures statutory authorities into reversing their legally valid decisions. The withdrawal of the mark "CHUTIYARAM चुटियाराम" sets a dangerous precedent where lawful decisions can be overturned due to media propaganda. The Registry's primary duty is to uphold the Trade Marks Act, 1999, not to appease media narratives. The applicant has suffered irreparable loss due to this wrongful withdrawal and now seeks justice from the Hon'ble Registrar to restore the integrity of the system and reinstate the trademark.

H. THE ORDER OF THE SENIOR EXAMINER/HEARING OFFICER WAS LEGALLY SOUND, WHILE THE REGISTRY'S ACTIONS REFLECT SYSTEMIC DISCRIMINATION AGAINST HINDI AND VERNACULAR LANGUAGES

The Senior Examiner's Order Was Accurate and Well-Reasoned.

1. The initial order of the Senior Examiner/Hearing Officer was legally sound and well-founded, as it correctly distinguished that the applied mark “ChutiyaRam” consists of two distinct components—‘Chutiya’ and ‘Ram’. The examiner rightly recognized that the term “Chutiya” has multiple meanings, including historical, linguistic, and cultural significance, and the word “Ram” is one of the most revered names in Hinduism.
2. The sudden withdrawal of the mark based on external pressure from media and public discourse undermines the integrity and independence of the Trademark Registry. This withdrawal was neither based on a change in law nor any newly discovered legal principle, but rather on undue influence, which is inconsistent with the principles of natural justice and administrative fairness.

Systemic Discrimination Against Hindi and Vernacular Languages in the Trademark Registry

1. The Indian Trademark Registry, which operates under the Trade Marks Act, 1999, systematically disadvantages Hindi and other vernacular languages by failing to provide an equal platform for applicants who wish to file trademarks in languages other than English.

2. The Registry's digital filing system lacks a module for Hindi word marks, forcing applicants to transliterate their marks into English or use the Devanagari script in device marks only. This is a clear violation of Article 14 (Right to Equality) and Article 29 (Protection of Cultural and Linguistic Rights) of the Indian Constitution.
3. The Registry's continued insistence on English as the primary language for word mark applications reflects a colonial hangover, where English is still treated as a superior language. This institutional bias dates back to British rule, when indigenous languages were sidelined in official records. Even in independent India, the Trademark Registry appears to function with a mindset deeply rooted in the colonial era, where English remains the dominant language of law and business, and Hindi is relegated to secondary status.
4. The exclusion of Hindi and other Indian languages from the Registry's primary application modules is not a mere technical limitation—it is a discriminatory practice that places Hindi-speaking applicants at a distinct disadvantage. An applicant who wishes to register a word mark in Hindi must first convert it into English, which can result in loss of meaning, phonetic distortions, and transliteration errors, thereby affecting the distinctiveness and registrability of the mark.

5. The current regime of the Trademark Registry is fundamentally inequitable, as it:

- Forces Hindi-speaking applicants to conform to an English-dominated system, thereby violating their right to use their own language in legal and commercial transactions.
- Creates unnecessary linguistic barriers, which disproportionately affect rural and semi-urban entrepreneurs who may not be fluent in English.
- Perpetuates a legacy of linguistic hierarchy, where English is given preference over Hindi and other Indian languages, despite Hindi being the official language under Article 343 of the Constitution and widely spoken by millions across the country.
- Undermines India's rich linguistic diversity, despite India being a multilingual nation with a constitutional commitment to protect regional and vernacular languages.

6. The Registry's Failure to Provide Equal Access to Vernacular Languages is a Violation of Fundamental Rights

The Trademark Registry's English-only approach to word mark applications violates multiple constitutional and legal provisions, including:

- Article 14 (Right to Equality) – By creating an unfair distinction between English and Hindi applicants, the Registry is engaging in institutional discrimination.
- Article 19(1)(g) (Right to Trade and Business) – By limiting access to Hindi, the Registry is indirectly restricting the commercial opportunities of Hindi-speaking businesses, startups, and entrepreneurs.
- Article 21 (Right to Life and Livelihood) – Language is deeply connected to identity and economic participation. By enforcing an English-centric system, the Registry is depriving individuals of their right to fully express their identity and culture in commerce.
- Article 29 (Protection of Cultural and Linguistic Rights)
The exclusion of Hindi from the primary filing system contradicts the constitutional guarantee to protect the cultural and linguistic heritage of India.

The Registry's discriminatory policies are reminiscent of British-era governance, where English was imposed as the sole medium of law, administration, and business. This approach is contrary to the spirit of the Indian

PRAYER:

In light of the above, the applicant humbly requests the Hon'ble Registrar to:

- a. Reconsider the withdrawal of the trademark “CHUTIYARAM चूटियाराम” and reinstate its acceptance.
- b. Recognize that the withdrawal was not based on legal grounds but rather on undue media influence, which should not dictate statutory decisions.
- c. Uphold the sanctity of the Trade Marks Act, 1999, and protect businesses from arbitrary and unjust decisions influenced by external pressures.
- d. Issue a directive ensuring that media pressure shall not influence the decision-making process of the Registry in the future.