

While determining infringement of a trademark, rival composite marks must be considered in their entirety rather than dissecting them into component parts. While Section 17 of the Trade Marks Act, 1999 restricts exclusive rights to a trademark as a whole, courts may still identify dominant or essential features to assess the likelihood of confusion.

The **Delhi High Court** in the case of **Maharaja Agrasen Technical Educational Society vs Maharaja Agrasen Himalayan Garhwal University [CS(COMM) 376/2025]** dated **July 10, 2026**, has held that while determining infringement of a trademark, rival composite marks must be considered in their entirety rather than dissecting them into component parts. However, the Court noted the evolution of the "dominant mark test," holding that while a mark is to be considered as a whole, it is permissible to accord more or less importance or dominance to a particular portion or element of a composite mark. The principle of anti-dissection and identification of the dominant mark are not antithetical but rather complement each other. The Court further reiterated that while Section 17 of the Trade Marks Act, 1999 restricts exclusive rights to a trademark as a whole, courts may still identify dominant or essential features to assess the likelihood of confusion.

The Court found that the Defendant had mala fide and dishonestly adopted the impugned mark subsuming the words MAHARAJA AGRASEN in entirety, despite being aware of the Plaintiff's immense goodwill and reputation and the number of institutions run by the Plaintiff under the Maharaja Agrasen family of marks. The dishonest intention was fortified by the fact that the mark was adopted for an educational university rendering identical services, so as to present a narrative of commercial nexus or association with the Plaintiff, and that too in the aftermath of a judicial order restraining the Defendant from using its earlier name Himalayan Garhwal University.

The Court observed that the Plaintiff is a registered society with a long-standing commitment to quality education across multiple disciplines, with esteemed entities such as P.C. Jewellers, Microtek International Ltd., and Zee News associated as trustees. The Court noted the Plaintiff's extensive academic footprint, spanning from the establishment of MAIT in 1999 to the establishment of MAU in 2013 and further expansion through various departments and institutions, all operating under the MAHARAJA AGRASEN family of marks. The Court recorded that the Plaintiff had secured 16 trademark registrations, both word and acronym marks as well as device marks, with MAHARAJA AGRASEN as an essential, inseparable, and dominant feature.

Applying the dominant mark test to the present case, the Court observed that MAHARAJA AGRASEN is the dominant part of the Plaintiff's logo mark, which captures attention in the first instance, and the Defendant has copied the name in its entirety as part of its logo. The Court noted that owing to the deceptive similarity of the rival marks, there is every likelihood of confusion among members of the public, particularly since both the Plaintiff and the Defendant are rendering identical services, imparting education at the university level. The Court reiterated that in the field of education, the element of confusion should not only be

reduced but completely eliminated in the larger interest of students and parents, even if that means outweighing the commercial interests of the rival parties.

Accordingly, the Court enjoined Maharaja Agrasen Himalayan Garhwal University from using the name "Maharaja Agrasen" in its trademark, holding that the dominant element of a composite mark is entitled to standalone protection and that a party cannot resile from a concession made on the court record without seeking formal recall of the order. The Court has restrained the Defendant from using the impugned mark "Maharaja Agrasen Himalayan Garhwal University" and its corresponding logo, which is deceptively similar to the Plaintiff's marks, and/or the name "Maharaja Agrasen" in any manner whatsoever, till the next date of hearing. The Defendant was, however, granted liberty to use the impugned logo without the name "Maharaja Agrasen."