



Delhi High Court to consider Constitutional Challenge to Rule 124 of the Trade Marks Rules, 2017.

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The constitutional validity of Rule 124 of the Trade Marks Rules, 2017, is under challenge before the Delhi High Court in *W.P.(C) 13581/2026* filed by Campussutra Retail Private Limited. Rule 124 provides a standalone mechanism for the Registrar to formally determine and declare a trade mark as “well-known” the petition consequently challenges the 2024 declaration of the word “CAMPUS” belonging to Campus Activewear Limited, under the said rule.

The core question is whether Rule 124, as subordinate legislation promulgated by the Central Government under Section 157 of the Act, is consistent with the scheme of the [Trade Marks Act, 1999](#), which contains no express provision for such a standalone determination mechanism.

It is contended that a determination of an opposing mark as well-known under Section 11 is limited to the purpose of refusing registration of the mark against which opposition is filed, and does not dispense with the requirement to establish the legal ingredients of an [infringement or passing-off claim](#) as is apparent from the exclusion of the phrase “well known trade mark” from Section 29 of the Act.

Next date of hearing in the matter is 8.12.2026