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

+ **CS(OS) 3141/2014**

4LIFE TRADEMARKS LLC & ANR Plaintiffs

Through **Ms.Nancy Roy & Mr.Dhruv Nayar,**
Advs.

versus

AANCHAL JAIN & ORS Defendants

Through **Mr.S.K.Chaturvedi & Mr.Vishnu**
S.Pillai, Advs. for D-3 & 4

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% 04.12.2017

This suit is filed by the plaintiffs seeking a permanent injunction to restrain the defendants from using the marks as stated in para 3 of the plaint, namely, 4LIFE, 4LIFE TRANSFER FACTOR, 4LIFE TRANSFER FACTOR PLUS, TRI-FACTOR, 4LIFE GLUTAMIN PRIME, 4LIFE TRANSFER FACTOR CARDIO, 4LIFE TRANSFER FACTOR BELLE VIE, 4LIFE TRANSFER FACTOR VISTA, RIOVIDA, RIOVIDA BURST & GLUCOACH and unique and distinctive trade dress/packaging relating thereto. The plaintiffs that the plaintiffs have given the details of the trademarks which are registered in favour of the plaintiffs, in para 4 of the plaint, including 4LIFE, 4 LIFE TRANSFER FACTOR & TRI- FACTOR.

The plaintiffs have also in para 27 of the plaint given the details of the misuse said to have been done by the defendants whereby they have been using virtually identical trademarks as that of the registered trademarks of the plaintiffs and further details regarding the similar trade dress/packaging which is said to be used by the defendants are stated in para 28 of the plaint.

It is the case of the plaintiffs that the defendants have dishonestly adopted and are using the marks being FORLIFE, FORLIFE TRANSFER FACTOR, FORLIFE TRANSFER FACTOR PLUS, GLUTAMINE PRIME, FORLIFE TRANSFER FACTOR CARDIO, TRI FACTOR, FORLIFE TRANSFER FACTOR RIOVIDA BURST, FORLIFE GLUCOACH, FORLIFE TRANSFER FACTOR BELLE VIE & FORLIFE TRANSFER FACTOR VISTA with respect to identical goods being dietary supplements.

Defendant Nos.1 and 2 have been served. None has entered appearance and filed their written statements. Defendant Nos.3 and 4 have filed their written statements where under they have denied that they are using the trademark of the plaintiffs.

The learned counsel for defendant Nos.3 and 4 states that defendant Nos.3 and 4 are not using the trademark or any other trademark which is deceptively similar to the trademark of the plaintiffs and they will not use the same in future.

Keeping in view that defendant Nos.1 and 2 neither appeared nor filed their written statements, a decree is passed in favour of the plaintiffs and against defendant Nos.1 and 2 under Order 8 Rule 10 CPC in terms of the prayer clause A(i),(ii),(iii) and B(ii)(iv) of the plaint.

Defendant Nos.3 and 4 shall remain bound by the undertaking given in court.

The suit stands disposed of. All the pending applications, if any, are also disposed of.

JAYANT NATH, J.

DECEMBER 04, 2017/v