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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 535/2016 & IA No.6025/2016 (u/O XXXIX R-1&2
CPC)

LOUIS VUITTON MALLETIER Plaintiff

Through: Mr. Dhruv Anand, Ms. Udit Patro &
Mr. Shamim Nooreydzan, Advs.

Versus

R B SINGH & ORS Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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07.05.2018

1. The plaintiff Louis Vuitton Malletier has instituted this suit against five defendants viz. i) R.B. Singh, ii) Mr. Sunny Guru, iii) Optiza Enterprises Pvt. Ltd., iv) Mr. Anmol Shah, and, v) BigRock Solutions Pvt. Ltd., for permanent injunction restraining the defendants from manufacturing, selling / offering for sale, advertising or dealing in goods bearing the registered trade marks "LOUIS VUITTON", "LV" logo, Toile monogram pattern, Damier pattern and / or LV Flower pattern or any similar trade mark amounting to an infringement of registered trade marks bearing Nos.441451, 448228, 448229, 441452B, 448230, 448231, 448235, 448234, 441453B, 861145, 1335385 and 1335386 and from passing off their goods as that of the plaintiff and for the ancillary reliefs of delivery and damages.

2. It is the case of the plaintiff that the defendants no.1 and 2 being the Directors of defendant no.3 were selling counterfeit goods of the plaintiff on their website www.superbdealz.com registered in the name of defendant no.4 with the defendant no.5 being the Registrar of domain name.

3. The suit was entertained and vide *ex parte* ad-interim order dated 13th May, 2016, while issuing summons of the suit, the defendants were restrained from infringing the trade marks of the plaintiff and from passing off their goods as that of the plaintiff by counterfeiting the trade mark of the plaintiff.
4. None appeared for any of the defendants inspite of summons / notice and the order dated 20th April, 2018 records that the defendants no.2,3 and 5 had already been held liable to be proceeded against *ex parte* and defendants no.1 and 4 having been ordered to be served by publication and having been so served and that neither any written statement had been filed on behalf of any of the defendants nor anyone had appeared for any of the defendants.
5. Today also, none appears for any of the defendants.
6. The defendants are proceeded against *ex parte*.
7. The plaintiff, on the basis of averments made and the documents filed, has made out a case for grant of relief of permanent injunction as claimed and the need to relegate the plaintiff for leading *ex parte* evidence is not felt for the reasons stated in ***Satya Infrastructure Ltd. Vs. Satya Infra & Estates Pvt. Ltd.*** 2013 SCC OnLine Del 508.
8. The counsel for the plaintiff also states that website www.superbdealz.com is no longer in operation.
9. The counsel for the plaintiff, on the aspect of damages, states that the website of the defendants showed the value / price of the goods to be ranging from Rs.8,000/- to Rs.60,000/- and the investigator of the plaintiff also purchased a bag through the said website for Rs.17,000/- and documents in which regard have also been placed on record.

10. Considering the aforesaid facts, damages to which the plaintiff is found entitled to from the defendants no.1 to 4 are assessed in the sum of Rs.20 lacs.

11. The defendant no.5 being only a Registrar of the domain name, the plaintiff is not found entitled to any relief against the defendant no.5 save for not allowing the website under the name www.superbdealz.com to be registered or to become active again.

12. Accordingly, a decree is passed in favour of the plaintiff and jointly and severally against the defendants no.1 to 4 i) of permanent injunction in terms of prayer paragraph 52 (i), (ii) and (iii) of the plaint dated 11th May, 2016, and, ii) of recovery of damages in the sum of Rs.20 lacs.

13. The plaintiff shall also be entitled to costs of the suit.

14. The defendant no.5 to merely aid in implementation of the order.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J

MAY 07, 2018

‘gsr’..