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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 629/2017
CL EDUCATE LTD. Plaintiff
Through Mr.Sanchit Shivakumar, Adv.

versus

SUMIT KUMAR AND ORS Defendants
Through None.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH
ORDER
% **31.07.2018**

1. Defendant Nos.2 and 3 have been served through publication. As none has appeared for them, they have proceeded *ex-parte*. Defendant Nos.1, 5 and 6 were proceeded *ex-parte* on 30.01.2018.
2. The present suit is filed for permanent injunction restraining the defendant from infringing and the plaintiffs' registered trademarks Career Launcher and CL as detailed in the plaint including by using any deceptively similar trademark "CarrierLauncher" or the identical logo or trading style of the plaintiff in any manner whatsoever.
3. It is the case of the plaintiff that the plaintiff is an established player in the education sector operating as a diversified and integrated technology-enabled provider of education products, services etc. The plaintiff is said to be recognized under their umbrella brand Career Launcher which is usually abbreviated to 'CL' for their test prep centres spread across the length and breadth of the country. The plaintiff is said to be offering reputed test prep courses for MBA, Banking and Staff Selection Commission and Law

entrance examinations, as well as course of Engineering, Medical, Civil Services etc. It is stated that as on 30.09.2015, the plaintiff has a network of 146 test prep centres in 86 cities across India.

4. It is further pleaded that the plaintiff has made considerable investment towards promotion and advertisement of its business and services under the trademarks Career Launcher/CL, the details of which are given in the plaint. A sum of Rs.9,57,29,656/- was spent in the year 2015-2016. The brand Career Launcher has also been registered. The details of registration are provided in the plaint.

5. Defendant No.1 is said to be the registrant as well as the administrative manager for the domain name www.carrierlauncher.co.in. Defendant No.2 has been impleaded as he claims to be the proprietor. Defendant No.2 is also mentioned in the website. Defendant No.3 appears to be an entity operated by defendant Nos.1 and 2 by the name Careerlauncher Consultancy Pvt. Ltd. The defendants claim to be involved in providing consultancy services with respect to building resumes and assisting those seeking employment as well as performing education and employment verification services. Defendant Nos.4 to 6 were impleaded as proforma parties.

6. It is pleaded that the use of trademark, website and logo by defendant Nos.1 to 3 is in violation of statutory and common law rights of the plaintiff. It is an attempt on the part of defendant Nos.1 to 3 to create an impression in the minds of the consumers and the members of the trade that there is an association with the plaintiff and the services provided are related to the plaintiff in some way. Hence, the acts of the defendants will result in loss and damages to the well known reputation of the plaintiff.

7. Despite service, none had appeared for defendant Nos.1 to 3. In my opinion, it is a fit case for passing of a decree under Order 8 Rule 10 CPC against the said defendants.

8. A decree is passed in favour of the plaintiff and against said defendant Nos.1 to 3 in terms of prayer para 46(a) and (b) of the plaint. The defendants will ensure transfer of domain name www.carrierlauncher.co.in, in the name of the plaintiff or have the same suspended. The plaintiff shall also be entitled for the loss and damages suffered. The plaintiff shall be entitled to recover a sum of Rs.5 lacs on account of the damages. A decree is also passed in favour of the plaintiff and against the defendants for a sum of Rs.5 lacs.

9. The suit is disposed of as above.

JAYANT NATH, J.

JULY 31, 2018/v