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

+ CS(COMM) 714/2017 and IA No. 13793/2017

CROSSFIT INC. .... Plaintiff  
Through Ms.Asavari Jain and Ms.Prakriti  
Sharma, Advs.

versus

MR. JAISON PAULSON & ANR ..... Defendants  
Through

**CORAM:**  
**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**  
**04.07.2018**

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1. The present suit is filed for permanent injunction restraining the defendants from infringement, passing off, dilution and tarnishment of trademark of the plaintiff.
2. As per the plaint, the plaintiff has used the mark 'CrossFit' continuously and without interruption as a part of its trading style. The plaintiff is said to be the registered proprietor of the trade mark CrossFit in India. The details of the registration of the trade mark are given in para 10 of the plaint. It is also stated that the said mark has protection in several countries, details of which are given in para 12 of the plaint.
3. The case of the plaintiff is that defendant No. 1 is the proprietor of defendant No.2. The said defendants are said to be running a gym which provides fitness training including personal training, physio training, etc.

4. On 11.04.2017, the plaintiff came across the defendants' website and was shocked to learn that the defendants were offering without any authorisation 'CrossFit' as one of its fitness programme in the gym. It is also stated that the defendant has uploaded a video on Youtube regarding its 'CrossFit' training in a gym. A notice through e-mail was sent on the defendants on 11.04.2017. The defendants responded on Whatsapp of defendant No.1 where he admitted the use of mark 'CrossFit' and stated that he would continue doing so despite being aware of the plaintiff's right. Hence. The present suit.

5. Despite service, none had appeared for the defendant nor written statement had been filed. The right to file the written statement of the defendant was closed on 17.05.2018.

6. In my opinion, it is a fit case for passing of a decree under Order 8 Rule 10 CPC . It is manifest that the defendant is violating the trade mark of the plaintiff and is trying to pass off its goods/services as that of the plaintiff.

7. Accordingly, a decree is passed in favour of the plaintiff and against the defendant in terms of the prayer Clause para 44(a), (b), (c) and (f) of the plaint. The plaintiff shall also be entitled to costs of the suit.

8. The suit stands disposed of as above.

9. All pending applications also stand disposed of.

**JAYANT NATH, J**

**JULY 04, 2018**

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