



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 17TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S. No.735 of 2000

MRF Limited,
124, Greams Road,
Chennai-600 006.

... Plaintiff

-Versus-

1. Mr.Sujavudeen,
6/45, Nethaji Road,
Hosur-635 125.

2. Mr.Ramesh,
6/45, Nethaji Road,
Hosur-635 125.

... Defendants

C.S. No.735 of 2000:-

Civil Suit praying that this Hon'ble Court be pleased to grant a judgment and decree:-

(a) granting a permanent injunction restraining the defendants, by themselves or through their servants, agents, distributors, dealers, representatives or any one claiming through them, from reproducing, publishing, printing or causing to publish or using in any manner or in any material form or on any goods, display boards, packaging, visiting cards, bill, books or advertising/ sales promotional literature/ material, the impugned MRF CONNECTED LETTER DEVICE artistic work shown in



Document No.2 to the plaint or any other artistic work which contains a reproduction of the whole or any part of the plaintiff's MRF CONNECTED LETTER DEVICE artistic work displayed in Document No.1 to the plaint and/ or in any manner infringing the copyright of the plaintiff in the above said MRF CONNECTED LETTER DEVICE artistic work shown in Document No.1;

(b) granting a permanent injunction restraining the defendants and their servants, agents, dealers, distributors, representatives or any one claiming through them, from using in connection with their business or goods name/ the trade mark MRF and/ or the impugned MRF CONNECTED LETTER DEVICE trade mark shown in Document No.2 to the plaint or any other names/ trade marks which are identical with or deceptively similar to the plaintiff's name/ trade marks 'MRF' or MRF CONNECTED LETTER DEVICE trade mark, shown in Document No.1 to the plaint and passing off or enabling others to pass off the defendants' business and goods as and for those of the plaintiff;

(c) directing the defendants to surrender to the plaintiff, all representations in any material form and all their goods, packaging materials, cartons, sales promotion material, advertising material and visiting cards, office stationery and all other material containing/ bearing

the trade mark MRF and/ or the trade mark/ artistic work shown in



Document No.2 to the plaint, for destruction;

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(d) for a preliminary decree in favour of the plaintiff, directing the defendants to render an account of profits made by them by the use of the trade marks MRF and the trade mark/ artistic work shown in Document No.2 on their goods or any of their goods or services in any other manner and a final decree in favour of the plaintiff for the amount of the profit found to have been made by the defendants, after the defendants have rendered accounts and

(e) directing the defendants to pay to the plaintiff the costs of the suit.

This civil suit coming on this day before this court for hearing in the presence of Mr.Madhan Babu for M/s.Kurian & Kurian, advocate for the plaintiff herein and the defendants herein not appearing in person or by an advocate and the said defendants herein having been set ex-parte and upon reading the plaint filed herein and the other exhibits therein referred to and upon perusing the evidence adduced therein, and this court having observed that the plaintiff has made out a case for infringement of copyright and grant of injunction, since the business which the defendants were carrying on is in a completely different goods, this court do not think that the plaintiff would be entitled to the relief of accounts, the mark used by the defendants, which is not exactly similar, though substantially similar and the business is also



plaintiff and it is ordered and decreed as follows:-

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That 1. Mr.Sujavudeen, 2. Mr.Ramesh, the defendants herein, by themselves or through their servants, agents, distributors, dealers, representatives or any one claiming through them, be and are hereby restrained by an order of permanent injunction from reproducing, publishing, printing or causing to publish or using in any manner or in any material form or on any goods, display boards, packaging, visiting cards, bill books or advertising/ sales promotional literature/ material, the impugned MRF CONNECTED LETTER DEVICE artistic work shown in Document No.2 to the plaint or any other artistic work which contains a reproduction of the whole or any part of the plaintiff's MRF CONNECTED LETTER DEVICE artistic work displayed in Document No.1 to the plaint and/ or in any manner infringing the copyright of the plaintiff in the above said MRF CONNECTED LETTER DEVICE artistic work shown in Document No.1.

2. That 1. Mr.Sujavudeen, 2. Mr.Ramesh, the defendants herein, their servants, agents, dealers, distributors, representatives or any one claiming through them, be and are hereby restrained by an order of permanent injunction from using in connection with their business or goods name/ the trade mark MRF and/ or the impugned MRF CONNECTED LETTER DEVICE trade mark shown in Document No.2 to the plaint or any other



names/ trade marks which are identical with or deceptively similar to the plaintiff's name/ trade marks 'MRF' or MRF CONNECTED LETTER DEVICE trade mark, shown in Document No.1 to the plaint and passing off or enabling others to pass off the defendants' business and goods as and for those of the plaintiff;

3. That the defendants herein be and are hereby directed to surrender to the plaintiff, all representations in any material form and all their goods, packaging materials, cartons, sales promotion material, advertising material and visiting cards, office stationery and all other material containing/ bearing the trade mark MRF and/ or the trade mark/ artistic work shown in Document No.2 to the plaint, for destruction.

4. That the defendants herein do pay to the plaintiff herein the costs of this suit as and when taxed by the taxing officer of this court and noted in the margin thereof.

5. That the prayer (d) of the plaint be and is hereby rejected.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
17TH DAY OF AUGUST 2021.

Sd/-

ASSISTANT REGISTRAR (Comm. Cases)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)



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C.S. No.735 of 2000

DECREE

DATED: 17.08.2021

THE HON'BLE MR. JUSTICE
R.SUBRAMANIAN

FOR APPROVAL: 29.12.2021

APPROVED ON: 05.01.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.735 of 2000

MRF Limited,
124, Greams Road,
Chennai – 600 006.

...Plaintiff

.Vs.

1.Sujavudeen

2.Ramesh

... Defendants

Plaint filed under Order VII Rule 1 of the Code of Civil Procedure, Order IV Rule 1 of the Original Side Rules and Sections 27, 105 and 106 of the Trade and Merchandise Marks Act, 1958 and Sections 55 and 62 of the Copy Right Act, 1957 praying for a judgment and decree:

(a) granting a permanent injunction restraining the defendants, by themselves or through their servants, agents, distributors, dealers, representatives or any one claiming through them, from reproducing, publishing, printing or causing to publish or using in any manner or in any material form or on any goods, display boards, packaging, visiting cards, bill books or advertising/ sales promotional literature/ material, the impugned MRF CONNECTED LETTER DEVICE artistic work shown in



Document No.2 to the plaint or any other artistic work which contains a reproduction of the whole or any part of the plaintiff's MRF CONNECTED LETTER DEVICE artistic work displayed in Document No.1 to the plaint and/ or in any manner infringing the copyright of the plaintiff in the above said MRF CONNECTED LETTER DEVICE artistic work shown in Document No.1;

(b) granting a permanent injunction restraining the defendants and their servants, agents, dealers, distributors, representatives or any one claiming through them, from using in connection with their business or goods name/ the trade mark MRF and/ or the impugned MRF CONNECTED LETTER DEVICE trade mark shown in Document No.2 to the plaint or any other names/ trade marks which are identical with or deceptively similar to the plaintiff's name/ trade marks 'MRF' or MRF CONNECTED LETTER DEVICE trade mark, shown in Document No.1 to the plaint and passing off or enabling others to pass off the defendants' business and goods as and for those of the plaintiff;

(c) directing the defendants to surrender to the plaintiff, all representations in any material form and all their goods, packaging materials, cartons, sales promotion material, advertising material and visiting cards, office stationery and all other material containing/ bearing

the trade mark MRF and/ or the trade mark/ artistic work shown in



Document No.2 to the plaint, for destruction;

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(d) for a preliminary decree in favour of the plaintiff, directing the defendants to render an account of profits made by them by the use of the trade marks MRF and the trade mark/ artistic work shown in Document No.2 on their goods or any of their goods or services in any other manner and a final decree in favour of the plaintiff for the amount of the profit found to have been made by the defendants, after the defendants have rendered accounts and

(e) directing the defendants to pay to the plaintiff the costs of the suit.

For Plaintiff : Mr. Madhan Babu
for M/s. Kurian & Kurian

For Defendants : Set exparte

J U D G M E N T

The suit is one for permanent injunction restraining the defendants from reproducing, publishing, printing or causing to be published or using in any manner or in any material form, the trademark of the plaintiff 'MRF' which is in the form of MRF CONNECTED LETTER DEVICE/ artistic work, thereby, infringing the copyright of the plaintiff, permanent injunction restraining the defendants from using in connection with the business or goods the mark of the plaintiff MRF as shown in Document No.2 of the plaint, directing the defendants to surrender to the plaintiff all



representations in any material form and all their goods, packaging materials, cartons, sales promotion material, advertising material and visiting cards etc., a preliminary decree for accounts and for costs of the suit.

2. The claim of the plaintiff is that it is trading automobile tyres and sports goods under the trademark 'MRF' written in a particular format as a connected letter device. According to the plaintiff, the mark 'MRF' has been popularized by the plaintiff and it has obtained the recognition in the market as well as in the minds of the consumers. Contending that the user of the letters 'MRF' as a trademark, by the defendants, would not only infringe the copyright of the plaintiff, it also amount to passing off of the goods of the defendants as that of the plaintiff. The defendants carry on business in the name and style of 'MRF Readymades' and 'MRF Enterprises' in Hosur Town.

3. Despite service, the defendants did not appear and they were set exparte. Mr.George Samuel, Senior Manager - Sales Planning of the plaintiff was examined as PW1. Apart from filing of proof affidavit reiterating the contents of the plaint, PW1 has also produced Ex.P1 to Ex.P6.

4. A perusal of Exs.P3 to P5 would show that the defendants are using a same mark 'MRF' in their business. Such user would undoubtedly



cause confusion in the minds of the customers of the plaintiff. Apart from causing confusion, the copyright of the plaintiff is also infringed by such use, by the defendant, of the trade name of the plaintiff 'MRF'.

5. Though there is a slight difference in the style of writing the word 'MRF' between the device shown in Ex.P2 and the documents in Ex.P3 to Ex.P5 as opined by PW1, the use by the defendants would definitely create confusion among the general public apart from amounting to infringing the copyrights. The evidence on record would amply support the case of the plaintiff.

6. Hence, I am convinced that the plaintiff has made out a case for infringement of copyright and grant of injunction. Since the business which the defendants were carrying on is in a completely different goods, I do not think that the plaintiff would be entitled to the relief of accounts. The mark used by the defendants, which is not exactly similar, though substantially similar and the business is also completely in different products which are not been dealt with by the plaintiff.

7. Therefore, the suit is decreed in respect of (a), (b), (c), and (e) alone. The prayer for accounting viz., (d) is rejected.

Sd./-R.S.M.J.
17/08/2021

List of the witnesses examined on the side of the plaintiff:

**List of Exhibits marked on the side of the plaintiff :**

Sl.No.	Exhibits	Description of documents	Date
1	Ex.P1	Original Authorization letter	30.07.2021
2	Ex.P2	Original of the plaintiff's MRF CONNECTED LETTER DEVICE Artistic work/ trademark representation	--
3	Ex.P3	Original photograph of the defendant's impugned MRF CONNECTED LETTER DEVICE as used by the defendant	--
4	Ex.P4	Original photograph of defendant's shop side showing use of the impugned MRF CONNECTED LETTER DEVICE Artistic work/ trade mark	--
5	Ex.P5	Original photograph of the defendant's impugned MRF CONNECTED LETTER DEVICE Artistic work/ trademark as used in their shop	--
6	Ex.P6	Original of the Investigators report with enclosures proving use of the impugned name by the defendants	07.08.2000

Sd./-R.S.M.J.
17/08/2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.