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O.A.Nos.204 & 205 of 2023
in C.S(Comm. Div.)No.61 of 2023

S.SOUNTHAR, J.

These applications have been filed by the applicant/plaintiff seeking injunction restraining the respondent/defendant from infringing its registered trademark "LIA" or passing off its goods in the name similar to that of the applicant's registered trademark.

2. According to the applicant it is a leading manufacturer and supplier in the industry of fragrances i.e., incense sticks and other allied products. The applicant's predecessor adopted the trademark "LIA" as early as in the year 2001 and has been using the same, openly, continuously and extensively for the past several decades without any interruption from any quarters. The mark "LIA" is used by the applicant in respect of their flower and fruit scented incense sticks manufactured and marked by them.

3. It is also asserted by the applicant that it has obtained registration of its trademark "LIA" and its various iterations as mentioned in Paragraph



No.8 of the affidavit. It is also asserted that the applicant possesses copyright registrations for various iterations of packaging labels marketed under the mark "LIA".

4. It is averred by the applicant that it is a prior user of the registered trademark "LIA" and the respondent is a subsequent adopter and recent entrant in the market. It is also asserted that the respondent by adopting the trademark deceptively similar to that of the applicant, is trying to usurp the hard-earned rights of the applicant. The respondent's adoption of the deceptively similar mark is calculated to take undue advantage of the tremendous goodwill and reputation garnered by the applicant by prior adoption and continuous usage.

5. In spite of the notice to the respondent and service of the same, no body has entered appearance for the respondent. The name of the respondent is printed in the cause list and there is no representation.



6. It is seen from the averments found in the affidavit and also other papers, the applicant is a registered user of the trademark "LIA" and the respondent is trying to adopt the deceptively similar trademark in order to take undue advantage of the reputation earned by the applicant. Thus, the applicant has made out a *prima facie* case for grant of order of injunction. If the respondent is allowed to use the deceptively similar mark pending disposal of the suit, the same would result irreparable loss to the applicant. In view of the fact that the applicant has been using the registered mark from the year 2001, the balance of convenience is also in favour of the applicant. In view of the same, there shall be an order of injunction as prayer for until further orders.

7. List the suit for further hearing on 19.06.2023

01.06.2023

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