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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

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THE HON'BLE MR. JUSTICE P.VELMURUGAN

C.S.(Comm Div) No.293 of 2023

and

O.A.Nos.1026 & 1027 of 2023

Rane Holdings Limited,
Represented by its Authorised Signatory,
Mr.Jaison K.Wilson-Senior Manager Legal,
Having Registered Office at “Maithri”,
No.132, Cathedral Road,
Chennai – 600 086.

... Plaintiff

Vs.

RSR Petro Chemicals Private Limited,
C-38/1-B,
Khasra No.61/10 Naresh Park Extn.,
New Delhi 110 041.

... Defendant

PRAYER: The Plaint filed under Order IV Rule 1 of Original Side Rules of this Court read with Order VII Rule 1 of C.P.C., and Sections 2(1)(c)(xvii) read with Section 7 of the Commercial Courts Act 2015 read with Sections 28 & 29 and Sections 134 & 135 of the Trademarks Act, 1999 and numbered as C.S.(Comm Div) No.293 of 2023, praying for judgment and decree against the defendant, as follows:

(a) Permanent Injunction restraining the Defendant, its men, agents, servants, employees, licensees, distributors and anyone claiming under or through it, from in any manner infringing the registered trademark of the Plaintiff RANE / Rane with or without similar logo, or by any other identical name or deceptively similar name as that of the Plaintiff, with or without any



deceptively similar or same logo as that of the Plaintiff in its registered marks RANE/ Rane or any of the other names and logos for which registration has been applied for by the Plaintiff

b. Grant a Permanent Injunction restraining the Defendant, its men, agents, servants, employees, licensees, distributors and anyone claiming under it, from in any manner passing off its business as that of the Plaintiffs by using the name RANE / Rane with or without similar logo, or by any other identical name or deceptively similar name as that of the Plaintiff, with or without any deceptively similar or same logo as that of the plaintiff in its registered mark RANE / Rane or any of the other names and logos for which registration has been applied for by the Plaintiff.

c. Direct the Defendant to render accounts of profit made by the use of the deceptively similar trademark/tradename **Rane**, *Rane* and Rane amounting to infringement of the registered trademark and or passing off and pay the same to the Plaintiff.

d. Direct the Defendant to pay to the Plaintiff a sum of Rs.10,00,000/- as damages for committing infringement and passing off of the Plaintiff's registered marks RANE / Rane

e. Direct the Defendant to surrender to the Plaintiff for destruction, labels, invoices bills, advertising material and all material with the Defendant containing the trademark/tradename **Rane**, *Rane* and Rane and

f. Direct the Defendant to pay the costs of the suit.

For Plaintiff : M/s.Mithreyi Kasthuri Rangan
for M/s.KHarishankar

Defendant : Set exparte on 17.04.2024



J U D G M E N T

The suit is filed by the plaintiff for (a) permanent Injunction restraining the defendant, its men, agents, servants, employees, licensees, distributors and anyone claiming under or through it, from in any manner infringing the registered trademark of the Plaintiff RANE / Rane with or without similar logo, or by any other identical name or deceptively similar name as that of the Plaintiff, with or without any deceptively similar or same logo as that of the Plaintiff in its registered marks RANE/ Rane or any of the other names and logos for which registration has been applied for by the Plaintiff, (b) to grant a permanent injunction restraining the defendant, its men, agents, servants, employees, licensees, distributors and anyone claiming under it, from in any manner passing off its business as that of the Plaintiffs by using the name RANE / Rane with or without similar logo, or by any other identical name or deceptively similar name as that of the plaintiff, with or without any deceptively similar or same logo as that of the plaintiff in its registered mark RANE / Rane or any of the other names and logos for which registration has been applied for by the plaintiff. © to direct the defendant to render accounts of profit made by the use of the deceptively similar trademark/tradename **Rane**, *Rane* and Rane amounting to infringement of the registered trademark and or passing off and pay the same to the plaintiff. (d) to direct the defendant to pay



to the Plaintiff a sum of Rs.10,00,000/- as damages for committing infringement and passing off of the Plaintiff's registered marks RANE / Rane (e) to direct the defendant to surrender to the Plaintiff for destruction, labels, invoices bills, advertising materials and all materials with the defendant containing the trademark/tradename **Rane**, *Rane* and Rane and (f) to direct the defendant to pay the costs of the suit.

2. It is the case of the plaintiff that the plaintiff is a private limited, trading in auto mobiles and parts. The plaintiff has been using the trademark “Rane” continuously since 1929. The Rane group commenced manufacturing operations and marketing of automotive components from 1959. The plaintiff has various trademark registrations incorporating the word “Rane” in various classes. The registered trademarks of the plaintiff are well known trademarks in the market. The defendant has illegally adopted the marks which are similar and identical to that of the plaintiff by using the same logo, font and background and colour palette in order to get gain on the reputation and good will earned by the plaintiff and also to deceive the customers of the plaintiff, by using the plaintiff's registered trade mark “Rane”. The defendant is continuously infringed the plaintiff's registered trademarks, which caused great loss to the plaintiff. Hence, the plaintiff has filed the suit.



3. The defendant has been set ex-parte by this Court on 17.04.2024. The plaintiff has recorded the ex-parte evidence. The authorised Signatory of the plaintiff Mr. Jaison K Wilson was examined as PW1. He has also filed a proof affidavit reiterating the contents of the plaint filed in support of the suit. Since the defendant had already been set ex-parte, in order to prove the case of the plaintiff, the plaintiff has filed the proof affidavit for chief examination and also marked 15 documents Ex.P1 to P15 to substantiate his claim. Ex.P1 is the photocopy of the Annual Report showing the Group Aggregate Net Sales Turn Over for the past few years in respect of business of the plaintiff's under the trademark. Ex.P2 is the Photocopy of the Trademark Logo of the plaintiff. Ex.P3 is the Photocopy of the Trademark Logo of the defendant. Ex.P4 is the certified copy of the Legal use Certificate of Trademark Application No.612517 under Class 12 dated 24.11.1993. Ex.P5 is the certified copy of the Legal use Certificate of Trademark Application No.618129 under Class 12 dated 31.01.1994. Ex.P6 is the photocopy of the Trademark Application No.3651685 in Class 4 filed by the defendant for its infringing mark dated 06.10.2017. Ex.P7 is the Photocopy of the Legal use Certificate of Trademark Application No.4145795 under Class 4 dated 12.04.2019. Ex.P8 is the photocopy of the Legal use Certificate of Trademark Application No.4858526 under Class 4 dated 07.08.2019. Ex.P9 is the Photocopy of the Legal use



Certificate of Trademark Application No.4258528 under Class 8 dated 07.08.2019. Ex.P.10 Photocopy of the Legal use Certificate of Trademark Application No.4258529 under Class 12 dated 07.08.2019. Ex.P11 is the Photocopy of the List of Newspaper Articles featuring the plaintiff . Ex.P12 is the Bill and Sales Receipt issued for defendant's product dated 10.01.2023. Ex.P13 is the Office copy of the Cease and Desist Notice issued by the plaintiff to the defendant dated 27.04.2022. Ex.P14 is the Reply Notice issued by the defendant to the plaintiff dated 02.06.2022. Ex.P15 is the Authorisation Letter dated 13.07.2023.

4. On a perusal of the averments made in the plaint and proof affidavit filed by P.W.1 and also the documentary evidence marked on the side of the plaintiff, this Court finds that the plaintiff has proved his claim. Therefore, the plaintiff is entitled for the relief as sought for in the plaint.

In view of the same, Civil Suit is decreed with costs. Consequently connected applications are closed.

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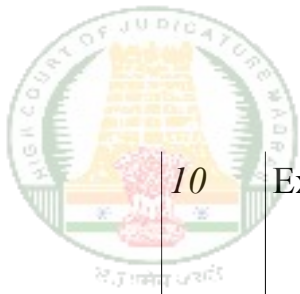


Plaintiff's witness: P.W.1 –Mr.Jaison K Wilson

Defendants' witness: Nil

Documents exhibited by the plaintiff:

SNo	Exhibit	Date	Description of the document
1	Ex.P1	-	Photocopy of the Annual Report showing the Group Aggregate Net Sales Turn Over for the past few years in respect of business of the plaintiff's under the trademark
2	Ex.P2	-	Photocopy of the Trademark Logo of the plaintiff
3	Ex.P3	-	Photocopy of the Trademark Logo of the defendant
4	Ex.P4	24.11.1993	Certified copy of the Legal use Certificate of Trademark Application No.612517 under Class 12 dated 24.11.1993
5	Ex.P5	31.01.1994	Certified copy of the Legal use Certificate of Trademark Application No.618129 under Class 12 dated 31.01.1994
6	Ex.P6	06.10.2017	Photocopy of the Trademark Application No.3651685 in Class 4 filed by the defendant for its infringing mark dated 06.10.2017
7	Ex.P7	12.04.2019	Photocopy of the Legal use Certificate of Trademark Application No.4145795 under Class 4 dated 12.04.2019
8	Ex.P8	07.08.2019	Photocopy of the Legal use Certificate of Trademark Application No.4858526 under Class 4 dated 07.08.2019
9	Ex.P9	07.08.2019	Photocopy of the Legal use Certificate of Trademark Application No.4258528 under Class 8 dated 07.08.2019



10	Ex.P10	07.08.2019	Photocopy of the Legal use Certificate of Trademark Application No.4258529 under Class 12 dated 07.08.2019
11	Ex.P11		Photocopy of the List of Newspaper Articles featuring the plaintiff
12	Ex.P12	10.01.2023	Bill and Sales Receipt issued for defendant's product dated 10.01.2023
13	Ex.P13	27.04.2022	Office copy of the Cease and Desist Notice issued by the plaintiff to the defendant dated 27.04.2022
14	Ex.P14	02.06.2022.	Reply Notice issued by the defendant to the plaintiff dated 02.06.2022.
15	Ex.P15	13.07.2023.	Authorisation Letter dated 13.07.2023.

Documents exhibited by the Defendant: Nil

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P.VELMURUGAN, J.

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