



**O.A. Nos.1026 and 1027 of 2023
in
C.S. (Comm. Div.) No.293 of 2023**

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Rane Holdings Limited

... Applicant

Vs.

RSR Petro Chemicals Private Limited

... Respondent

ABDUL QUDDHOSE.J.,

The suit has been filed for infringement and for passing off.

2. The plaintiff claims to be a leader in the auto component and automobile industries. They access to technology from global leaders. Their products are also being exported to various countries across the globe. They obtained trademark registration for their trademark "Rane" in class 4. They have also disclosed in the plaint their turnover from the years 2018-19 to 2022-23 and as seen from the same, it runs to several thousands of crores of rupees. They have also incurred huge advertisement cost for marketing their products by using the trademark "Rane". They claim that ever since 2018-19 they have been using the trademark "Rane". The plaintiff also adopted the logos



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and



and it is in continuous usage by them since 1991. The plaintiff has obtained various trademark registrations under various classes which is disclosed in paragraph No.9 of the plaint. According to them, by virtue of the first adoption and their long and continuous extensive usage, the plaintiff has acquired substantial goodwill and reputation in the market and consumers are identifying the trademark "Rane" only with the plaintiff.

3. According to the plaintiff, they came to know that the defendant has been using the marks



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and



which are phonetically, visually and deceptively similar to the registered marks of the plaintiff. The plaintiff also claims that the defendant has also manufactured and marketing similar products as that of the plaintiff viz., engine oil, grease and coolants and passing them off in the market as that of the plaintiff's products. The plaintiff claims that theirs is a well known mark having reputation in the market.

4. According to the plaintiff, the defendant has wilfully adopted the mark that is deceptively similar and identical to that of the plaintiff's mark by using the same logo, font, background and colour palette with a malafide intention to confuse and misdirect the same class of consumers in the same market. Under the aforementioned circumstances, the suit for infringement



and passing off has been filed.

5. It is also pleaded in the plaint that the plaintiff had conducted a trademark search with the Registrar of Trademarks and they came to know that the defendant has applied for registration for the word mark "Rane" in class 4 on 06.10.2017. According to them, the defendant has illegally adopted the marks



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and



with the malafide intention to financially gain on the reputation and goodwill earned by the plaintiff through its continuous and popular usage of its registered marks 'Rane' and



6. The plaintiff had issued a cease and desist notices on 27.04.2022 to the defendant, calling upon them to cease and desist from offering services and offering for sale of products, using the plaintiff's trademark or any trademark deceptively similar to that of the plaintiff. A reply dated 02.06.2022 was also sent by the defendant to the plaintiff to the cease and desist notice.

7. According to the plaintiff, the defendant has illegally adopted the plaintiff's trademark and they have committed an act of infringement and passing off. The plaintiff has filed documents along with the plaint which includes the trademark registration certificates, legal usage certificates, the list of newspaper articles featuring the plaintiff's reputation in the market, copies of tax invoices issued for the defendant's products, cease and desist notice and the reply notice sent by the defendant to the plaintiff.



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8. As seen from the plaint averments and the affidavit averments and as well as from the documents filed along with the plaint, *prima facie*, it is noticed that the plaintiff's registered trademark "Rane" is a reputed trademark in the auto components and automobile industry. The plaintiff has also filed documents to substantiate their claim that they are a reputed player in the automobile market and their products are being exported across the globe and their turnovers are also huge and it runs to several thousands of crores of rupees.

9. This Court had earlier ordered notice to the respondent in these applications. However, despite service of notice in these applications, the respondent has chosen not to enter appearance. Infact, by an order dated 22.12.2023, this Court had earlier set the respondent *ex-parte* in O.A.Nos.1026 and 1027 of 2023 and in order to give one more opportunity for the respondent to enter appearance, considering the nature of the case, this Court had adjourned the case from 22.12.2023 to this date. Even today, no one has entered appearance on behalf of the respondent / defendant.



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10. This Court, after giving due consideration to the averments contained in the plaint, affidavit and the documents filed along with the plaint, is of the considered view that a *prima facie* case has been made out by the plaintiff for grant of interim injunction as prayed for in O.A.Nos.1026 and 1027 of 2023. Balance of convenience and irreparable hardship has also been established by the applicant / plaintiff.

11. Accordingly, the interim injunction is granted as prayed for in these applications and these applications are allowed. No Costs.

19.01.2024

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