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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 181/2023 & I.A. 9922/2024**
VERIZON TRADEMARK SERVICES LLC & ORS. Plaintiffs

Through: Ms. Vaishali R. Mittal, Mr. Siddhant
Chamola and Mr. Shivang Sharma,
Advs.

versus

VERIZON TRADE SERVICES & ORS. Defendants

Through:

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
03.05.2024

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I.A. 9922/2024

1. This application has been filed under Order XIII-A along with Order VIII Rule 10 of the Code of the Civil Procedure, 1908 by the plaintiffs seeking a decree as prayed for in 78 of the plaint. An *ex parte ad interim* injunction was granted in favour of the plaintiffs on 21st April, 2023, which was subsequently made absolute on 11th January, 2024. It was noted in the order dated 11th January, 2024 that the defendants have not filed any written statements despite service, which has been recorded by the Joint Registrar in order dated 21st November, 2023 by which the right to file written statement stood closed. No replies have been filed by the defendants to any of the applications as well. The defendants were proceeded *ex parte*.

2. This Court while passing the *ex parte ad interim* order had recorded the background facts which are reproduced as under:



15. The plaintiff is a Limited Liability Partnership (LLP), incorporated in Delaware, US, and holds various trade mark registrations, including registration of the mark VERIZON, with which we are concerned in the present case.

16. The exclusive license, to use the trade mark VERIZON, as well as various logos incorporating the said mark, was granted by Plaintiff 1 to Plaintiff 2 who, thereafter, sub-licensed the said right to Plaintiff 3.

17. Details of the registrations held, in India, of VERIZON and similar marks, are provided thus in the documents filed with the plaint:

Trademark	Class	Regn. No.	Date of Regn.
VERIZON	09	907928	March 06, 2000
VERIZON	35	1238068	September 18, 2003
VERIZON	36	1238069	September 18, 2003
VERIZON	37	1238070	September 18,



			2003
VERIZON	38	1238071	September 18, 2003
VERIZON	42	1238067	September 18, 2003
VERIZON	41	1238072	September 18, 2003
VERIZON	16	907929	March 06, 2000
VERIZON	9,14,16,28,35,38,42	1405272	December 07, 2005
verizon	9,14,16,18,24,25,28,35,36,37,38,39,41,42,43,45	3068612	October 1, 2015
	16	963161	October 12, 2000
	09	963160	October 12, 2000
	41	1238077	September 18, 2003
	38	1238076	September 18, 2003
	42	1238078	September 18, 2003
	36	1238079	September 18, 2003
	37	1238080	September 18, 2003
	35	1238081	September 18, 2003
	42	1240041	September 18, 2003
	41	1240040	September 18, 2003
	38	1240039	September 18, 2003
	37	1240038	September 18, 2003
	36	1240037	September 18, 2003
	35	1240036	September 26, 2003

18. This Court has, while decreeing CS (Comm) 1434/2016



(Verizon Trademark Services LLC. v. Mr. Parth Solanki & Anr.)

returned a finding that the plaintiff's marks *prima facie* satisfies the test for being regarded as well-known marks within the meaning of Section 2(1)(zg) of the Trade Marks Act.

19. The plaintiff uses VERIZON both as a word mark and as device marks as is apparent from the chart above. The plaintiff has also provided its sales figures and expenditure incurred in advertisement and promotions, to vouchsafe its goodwill and standing in the market in para 16 and 17 of the plaint respectively. During the financial year 2021-2022, by use of the VERIZON trade marks, asserts the plaint, the plaintiff earned revenue to the tune of ₹ 82.54 crores. The plaint also sets out the various accolades and encomiums that the plaintiff has earned over a period of time. As a result, it is asserted, in the plaint, that the VERIZON marks have become indelibly associated with the plaintiff in the minds of the consumer public. It is also pointed out that the plaintiff holds registrations for VERIZON trade marks in over 200 jurisdictions. The plaintiff also operates through the domain names www.verizonbusiness.com, www.verizonenterprise.com and the website <https://www.verizonconnect.com>.

20. The plaint also provides details of various judicial orders which have upheld the plaintiff's intellectual property rights in the VERIZON trade marks, in para 33 of the plaint.

21. The plaintiff is aggrieved by the fact that the defendant, in a manner which infringes the plaintiff's registered trade marks, is using "VERIZON" not only as part of its domain name but is using a logo and device mark which is identical to that of the plaintiff.



22. The defendant is using the domain name www.verizontrade.in and is also running an interactive website, in which it promotes and advertises its services under the impugned mark. The Domain Name Registrar (DNR) of the said domain name is Defendant 2.

23. It is also asserted, in the plaint, that the defendant is using the logo **verizon**^{trade} on its website which is identical to that of the plaintiff.

24. Ms. Mittal submits that, the defendant is now operating under the new domain name www.foxtrade.tech, of which, too, Defendant 2 is the DNR, and that it has shifted the entire content from the earlier website www.verizontrade.in to the said new website. These assertions have also been captured in an additional affidavit dated 17th April 2023 which has been filed by the plaintiff.

25. As such, the infringing mark **verizon**^{trade} is stated to be reflected in this new website www.foxtrade.tech.

26. Various other assertions are contained in the plaint, to buttress the plea of infringement and passing off. However, at this *prima facie* stage, it is not necessary to advert to all of them.

27. This Court had queried, of Ms. Mittal, as to whether the plaint asserts priority of user, of the plaintiff, over the defendant. However, as the plaint records the fact that the WHOIS details of the defendant reveals that the website www.verizontrade.in was itself registered only on 18th March 2023, whereas the plaintiff has registrations of its trade marks since 2000, the plaintiff, *prima facie*, has the advantage over the defendant both of priority of user and priority of registration.

3. This Court has perused the facts as stated above, and since there is no rebuttal on behalf of the defendants, the said averments of the plaintiffs are



taken as sustainable. Further, the documents have been perused by this Court which substantiate the said facts as recorded.

4. In view of the above facts and circumstances, the plaintiffs are entitled to a decree. A decree, therefore, is passed in terms of Prayers in para 78(i), (iii) and (iv), which are as under:

(i) A decree of permanent injunction restraining the Defendant Nos. 1 and 2, its directors, partners, proprietors, principal officers, servants, agents and distributors and all others acting on their behalf, as the case may be, from providing, marketing, selling, offering, or making for sale, or any services, or in any manner using the mark **verizon^{Trade}**, VERIZON TRADE, VERIZON

TRADE SERVICES, VERIZON,

verizon[✓], **verizon[✓]**, **verizon[✓]**, or

any other word, designation, label etc. Similar thereto, whether as part of trademarks or trading names, and other marks containing, or comprising of, the trademark VERIZON, leading to:

(a) *Infringement* of the Plaintiffs' VERIZON Trademarks, bearing registration numbers 3068612, 1238079, 1240037, 1238069;

(b) *Passing off* the Defendant's services as emanating from, or belonging to, the Plaintiffs;

(c) *Dilution and unfair competition.*



(iii) A decree and order of mandatory injunction directing Defendant No. 2 its directors, partners, employees, servants, agents, representatives and any other persons acting for or on behalf of the Defendant No. 2 to suspend, lock the impugned domain name <<https://www.verizontrade.in/>> during the pendency of the suit and transfer the same in favour of the Plaintiffs or block the impugned domain name from the .IN country domain and disclose the KYC particulars as well as the transaction details of the Registrant(s) at the time of purchasing of the impugned domain name;

(iv) A decree and order of mandatory injunction directing the Defendant No. 3 and 4 or any other person(s) acting for and on behalf of the Defendant No. 3 and 4 to ensure suspension, locking and transferring of the impugned domain name www.verizontrade.in to the Plaintiffs and/or block or remove the impugned domain name from the .IN country domain and disclose the KYC particulars as well as the transaction details of the Registrant(s) at the time of purchasing of the impugned domain name.

5. The relief under para 78(iii) shall also include the domain name www.foxtrade.tech aside from www.verizontrade.in considering the same had also been enjoined by this Court on 21st April, 2023.

6. In view of the facts and circumstances, counsel for the plaintiffs seeks costs against defendant No.1. Statement of costs is handed up in Court, which shall be also filed by the counsel for plaintiffs, seeking costs of around Rs.10 Lacs in this regard. However, it is noted that defendant No.1 has registered the domain name in March 2023 and due to the action taken by the plaintiffs immediately thereafter an injunction was passed and duly complied with by the DNR (*defendant No.2*).



7. In these circumstances, costs of Rs.1 Lac is awarded in favour of the plaintiffs *qua* defendant No.1.
8. Suit is decreed in the abovesaid terms.
9. Accordingly, suit is disposed of. Pending applications, if any, are rendered infructuous.
10. The next date, already fixed, stands cancelled.
11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 3, 2024/MK