



\$~27

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 322/2023 & I.A. 9738/2023**

MEKO AUTO COMPONENTS INC THROUGH PARTNER MR.

SURINDER RAWAL

.....Plaintiff

Through: Mr. Ashok Goel, Advocate with Mr.
Anshul Goel, Mr. Ranjeev Kumar,
Advocates with Mr. Surinder Rawal,
Partner of the plaintiff.
Mob: 9810149404

versus

MR. VIRENDER RAWAL & ANR.

.....Defendants

Through: Mr. Alok Kumar, Sr. Advocate with
Ms. Manisha A. Narain, Mr. Amit Kr.
Singh, Mr. Junaid Alam, Ms. Radhika
Arora, Mr. Varun Maheswari, Mr.
Manan Soni, and Mr. Pranav Sharma,
Advocates along with Mr. Kanish
Rawal, AR in person
Mob: 9971761673

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

29.08.2024

%

1. The present suit has been filed seeking a permanent injunction against the defendants from reproducing, publishing and/or visual representation

and/or using in any manner of the packaging



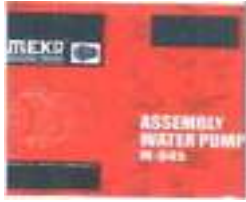
and/or line



drawing  and/or any other packaging and/or line drawing which is

substantial reproduction of the plaintiff's packaging



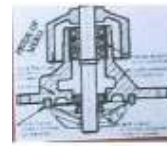
and/or  and/or  and/or line drawings



and/or



and/or



amounting to

infringement/passing off, of the plaintiff's copyright vesting in the artistic

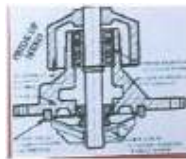
work of the said packaging  and/or line drawings



and/or



and/or



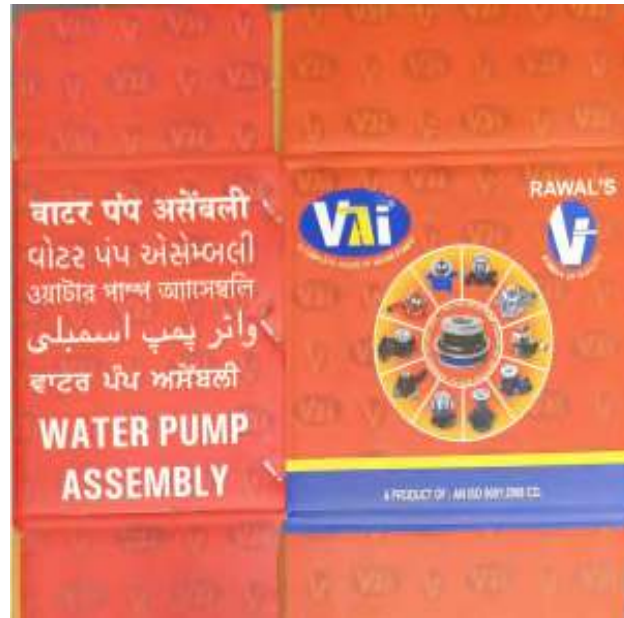
2. The matter was earlier referred to mediation. However, the mediation talks between the parties have failed.

3. This Court notes that the essential dispute in the present case is with respect to packaging and trade dress adopted by the defendant.

4. Learned counsel appearing for the defendant has handed over the



packaging of the defendants' products, which has been newly adopted. The said packaging of the defendant, is reproduced, as under:



5. The same is taken on record.
6. Thus, it transpires that the defendant has deleted the reproduction of



the line drawings from its packaging.

7. At this stage, learned counsel appearing for the plaintiff submits that the watermarking on the packaging of the plaintiff is its distinctive feature. He submits that the watermark on the packaging of the defendant is deceptively similar to the watermarking on the packaging of the plaintiff. He submits that when the said watermarking is seen from a distance, the watermarking of the plaintiff, as well as of the defendants, seems deceptively similar.

8. Thus, he submits that the watermarking on the packaging of the defendants, needs to be changed.

9. Learned counsel appearing for the defendants upon instructions from Mr. Kanish Rawal, director of defendant no. 2, submits that without prejudice to his rights and contentions, and without making any admission, the defendant is ready to change the colour of the watermarking in its packaging, which will not be black, near black or having any black image/shade of black.

10. Learned counsel appearing for the plaintiff submits that in view of the aforesaid statement made by learned counsel for the defendant, the grievance of the plaintiff, stands satisfied.

11. Accordingly, with the consent of the parties, the following directions are issued:-

(i) The defendants, its agents, servants, dealers, representatives and all other persons acting on their behalf, are restrained from reproducing, publishing and/or visual representation and/or using in any manner of the



packaging and/or line drawing and/or any other packaging and/or line drawing, which is substantial reproduction of the plaintiff's packaging, and/or deceptively similar to the same.

(ii) The defendants shall change the colour of the watermarking in its packaging, which will not be black, near black or having any black image/shade of black.

12. Accordingly, the suit is decreed in favour of the plaintiff and against the defendant in terms of the aforesaid.

13. In view of the fact that the parties have agreed to resolve their differences by way of settlement, the Registry is directed to issue a certificate for refund of 50% of the Court fees to the plaintiff.

14. Decree sheet be drawn up.

15. The present suit is accordingly disposed of, along with the pending applications.

MINI PUSHKARNA, J

AUGUST 29, 2024

Ak