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

+ **CS(COMM) 411/2023 & I.A. 11266/2023, I.A. 12468/2023, I.A. 17118/2023**

**MEKO AUTO COMPONENTS INC THROUGH PARTNER
SURINDER RAWAL**

.....Plaintiff

Through: Mr. Ashok Goel, Mr. Ranjeev Kumar,
Advocates

versus

NAVAKAR PRODUCTS (INDIA)

.....Defendant

Through: Mr. Ayush Sharma, Mr. Ashish
Sharma, Advocates

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

13.09.2024

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1. The present suit has been filed seeking permanent injunction restraining the defendant from using the artistic work of packaging, i.e.,



, in relation to the same goods as that of the plaintiff, i.e., water pump assembly and allied cognate goods, thereby, amounting to infringement of copyright, in the artistic work of the plaintiff's packaging.

2. The table showing the artistic work of packaging registered in favour



of the plaintiff, is reproduced, as under:

Regn.Number	Packaging	Diary No
<u>A-61740/2002</u>		1756/2001-CO/A
		

3. The plaintiff is also the owner of the copyright in the artistic work of



various packaging, including packaging, i.e., red and blue color combination having design of line drawing printed in white colour on the said packaging, written matters printed in white colour on the said packaging, trade mark MEKO printed in white colour on the said packaging inside the blue colour rectangular device etc. Thus, as per the case of the plaintiff, these essential features combine to make the trade dress



of the said packaging, including, the packaging

Further, the plaintiff has been using the said artistic packaging



since the year 2013, openly, continuously, and extensively.

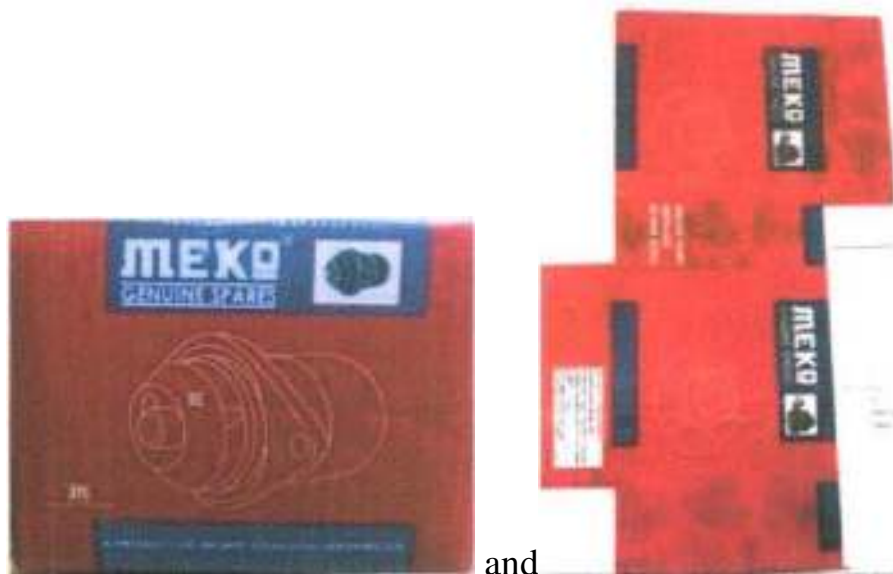
4. The present suit has been filed since the plaintiff was aggrieved by the fact that the defendant was selling water pump assembly in the packaging



having red and blue colour combination, designs of line drawings in white colour printed on it, trade mark in white colour printed inside rectangular device of blue colour, etc., which was a substantial reproduction and deceptively similar to the plaintiff's above said



packaging including the packaging



and

5. Therefore, as per the plaintiff, the defendant has no right whatsoever for adoption and use of the impugned packaging, trade dress/ line drawing, etc.

6. Learned counsel for the defendant has clearly stated that the defendant has not been using the blue and red trade dress/packaging, since the year 2019.

7. Today, learned counsel for the defendant has handed over a new packaging/ trade dress, which has been adopted by the defendant. The same is reproduced as under:



8. Learned counsel for the plaintiff submits that he has no objection if the defendant continues to use the same.

9. Accordingly, decree is passed in favour of the plaintiff and against the defendant, thereby, restraining the defendant, its agents, servants, dealers, representatives and all other persons acting on their behalf from reproducing, publishing and/or visual representation and/or using in any



manner of the packaging and/or any other packaging which is substantial reproduction to the plaintiff's packaging



and



amounting to infringement and passing off of the plaintiff's copyright in the artistic work of the packaging



and



10. Considering the fact that the matter is only at a nascent stage and has been settled by the parties, the Registry is directed to issue a certificate of refund of full court fees in favour of the plaintiff.
11. Decree sheet be drawn up.
12. The present suit, along with pending applications, stands disposed of.

MINI PUSHKARNA, J

SEPTEMBER 13, 2024
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