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

+ **CS(COMM) 506/2023 with I.A.14275/2023 and I.A.14276/2023**

L OREAL

.....Plaintiff

Through: **Mr. Manish Biala, Advocate**

versus

M/S FASHION HUB & ANR.

.....Defendants

Through: **Mr. Sumant De and Ms. Krati Tiwari,
Advocates**

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

19.11.2024

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1. The present suit has been filed seeking permanent injunction restraining infringement of trade marks and copyright, passing off along with other ancillary reliefs.

2. Mr. Sumant De, counsel appearing for defendants submits, on instructions from Ms. Krati Tiwari, the advocate on record, that the defendants does not object to a decree of permanent injunction being passed against the defendants, in terms of paragraphs no. 32 (i), (ii), (iii), (iv), (v) and (vi) of the plaint, which are set out below:-

“i. An order of permanent injunction restraining the Defendants, and all persons acting for or on their behalf, from using the impugned label



, in any manner whatsoever, amounting to infringement of

Plaintiff's copyright in the labels/artistic works

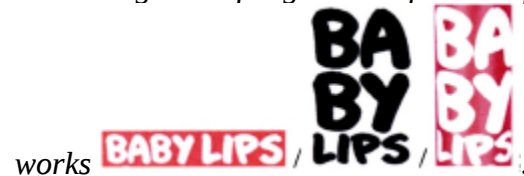




ii. An order of permanent injunction restraining the Defendants, and all persons acting for or on their behalf, from using the impugned labels



, in any manner whatsoever, amounting to infringement of Plaintiff's copyright in the labels/artistic



works

iii. An order of permanent injunction restraining the Defendants, and all persons acting for or on their behalf, from using the impugned mark



or any other mark, identical or deceptively similar to the Plaintiff's registered trademark MAYBELLINE FIT ME, in any manner whatsoever, amounting to infringement of Plaintiff's said registered trademarks under the trade mark application no. IRDI-3838714;

iv. An order of permanent injunction restraining the Defendants, and all persons acting for or on their behalf, from using the impugned marks



or any other mark, identical or deceptively similar to the Plaintiff's registered trademarks



BABY LIPS, in any manner whatsoever, amounting to infringement of Plaintiff's said registered trademarks under the trademark application nos. 1882848 and 2633368, respectively.

v. An order of permanent injunction restraining the Defendants, and all persons acting for or on their behalf, from using the impugned mark



or any other mark, identical or deceptively similar to the

Plaintiff's trademarks MAYBELINE FIT ME/FIT MET/ , in any manner whatsoever, amounting to passing off the impugned products of the Defendants as those of the Plaintiff;

vi. An order of permanent injunction restraining the Defendants, and all persons acting for or on their behalf, from using the impugned marks



 /  /  , or any other mark, identical or deceptively similar to the Plaintiff's trademarks BABY

  , in any manner whatsoever, amounting to passing off the impugned products of the Defendants as those of the Plaintiff;"

3. Consequently, a decree in terms of the aforesaid prayers in the plaint is passed against the defendants and in favour of the plaintiff.
4. In terms of prayer clause (viii), defendants are directed to deliver all the infringing goods which were seized by the Local Commissioner during the execution of the local commission, within two weeks from today.
5. After hearing the counsel for the parties, I am of the view that defendants should also be burdened with costs of Rs.5,00,000/- to compensate the plaintiff for the litigation expenses incurred by the plaintiff.
6. This is acceptable to Mr. Manish Biala.
7. Accordingly, it is directed that a sum of Rs.5,00,000/- towards costs shall be paid by the defendants to the plaintiff within four weeks from today, failing which, the defendant shall be liable to pay interest at the rate of 9% per annum.
8. In view of the above, Mr. Biala, does not press for the remaining reliefs claimed in the plaint.
9. Let the decree sheet be drawn.
10. In view of the fact that the matter has been settled at initial stage, the



Registry is directed to issue a certificate of refund of 50% of the Court Fees in favour of the plaintiff, in terms of Section 16A of the Court Fees Act, 1870.

AMIT BANSAL, J

NOVEMBER 19, 2024
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