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

+ **CS(COMM) 756/2022 & I.A. 17801/2022**

VERIZON TRADEMARK SERVICES LLC & ORS. Plaintiffs

**Through: Mr. Pravin Anand, Ms. Vaishali R.
Mittal and Mr. Shivang Sharma,
Advocates.**

versus

SELVAGANAPATHY SWAMINATHAN & ANR. Defendants

Through: None

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

04.03.2024

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1. It is noted by the order of 02nd February, 2024 of the Joint Registrar that defence of defendant no.1 has already been struck off *vide* order dated 11th August, 2022 since neither written statement was filed nor had they entered appearance.
2. Defendant no.2 was a Domain Name Registrar who had registered the infringing domain name. Written statement was filed by defendant no.2 on 09th December, 2022. It is stated that they have complied with order of this Court dated 02nd November, 2022 and suspended the domain name on 27th June, 2022 and later blocked it on 30th October, 2022.
3. In view of the same, counsel for plaintiffs seeks a decree in their favour under Order VIII Rule 10, Code of Civil Procedure, 1908 ('CPC').
4. The suit had been filed alleging infringement of plaintiffs' well-known trademarks:



and other marks, containing, or comprising of, the trademark 'VERIZON' by defendant no.1 on account of use of a nearly identical



trademark 'VERYZON',

for manufacturing lifts viz. heavy duty goods lift, industrial goods lift, structure goods lift, outdoor structure goods lift, vehicle goods lift, etc. and providing ancillary services.

5. Plaintiff no.1 is a part of the Verizon group of companies and has granted an exclusive license to plaintiff no.2 for use of the trademark 'VERIZON' and the 'VERIZON' logos in all its respects. Plaintiff no.2 further granted a sub-license to plaintiff no.3.

6. Counsel for plaintiff has pointed out to the order dated 11th July, 2023 passed by this Court in *CS (COMM) 220/2023* titled *Verizon Trademark Services LLC & Ors. V. Vikash Kumar, 2023:DHC:4911* wherein, pursuant to scrutiny of documents presented by plaintiffs, the Court declared the trademark 'VERIZON' a well-known trademark within the meaning of Section 2(1)(zg) read with Section 11(6) of the Trade Marks Act, 1999.

7. Grievance of plaintiff related to use of the mark 'VERYZON' by



defendants for their domain name and trading name.

8. This Court on 02nd November, 2022 passed an *ex-parte ad interim* injunction in favour of plaintiff, noting details of plaintiffs' registered trademarks as well as their pleadings in relation to their vast goodwill and reputation as well as knowledge of defendants' infringing trademarks. It is also noted that the cease and desist notice dated 24th June, 2022 was issued by plaintiffs and defendant no.2 had suspended the domain name subsequently.

9. An e-mail dated 08th December, 2022 was received from defendant no.1 by the plaintiffs, which is reproduced in order dated 23rd January, 2023 passed by this Court. Accordingly, interim order dated 02nd November, 2022 was confirmed *qua* defendant no.1.

10. Accordingly, in view of these facts and circumstances, plaintiffs are entitled to a decree in their favour. Accordingly, decree is passed in terms of prayer 75 (i), (ii) & (iii) of the plaint, extracted as below:



75. In light of the above, it is therefore prayed before this Hon'ble Court that it may be pleased to pass the following relief:

(i) A decree of permanent injunction restraining the Defendant, its directors, partners, proprietors, principal officers, servants, agents and distributors and all others acting on their behalf, as the case may be, from manufacturing, marketing, selling, offering, or making for sale, or providing goods and/or services, or in any manner using the impugned mark "VERYZON", "VERYZON" and "



or using any other mark identical or deceptively similar to the Plaintiffs' trademarks 'VERIZON',



and other marks containing, or comprising of, the trademark VERIZON, leading to:

(a) Infringement of the Plaintiffs' VERIZON Trademarks, trading name and logo for any goods and services;

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

(c) Leading to confusion and unfair competition.

(ii) To pass an order of declaration, declaring the Plaintiffs' VERIZON Trademarks and the labels as "well-known" trademarks within the

meaning of Section 2(1)(zg) and with Section 11 (6) of The Trademarks Act, 1999;

(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 lock the impugned domain name <https://www.veryzon.in/> during the pendency of the suit and transfer the same in favour of the Plaintiffs and/or lock or remove the impugned domain name from the IN country domain;

11. Decree sheet be drawn accordingly.

12. Counsel for the plaintiff prays for costs and damages. Taking into account these facts and circumstances, costs and nominal damages of Rs. 2,50,000/- (Rs. Two Lakhs Fifty Thousand only) are awarded in favour of the plaintiffs.



13. Suit stands disposed of in view of the above. Pending applications, if any, stand disposed of as infructuous.
14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

**MARCH 4, 2024/
kct/sc**