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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 995/2018, I.A. 15324/2019 (seeking summary judgment)
& I.A. 3057/2023 (seeking pronouncement of judgment on Prayer (i)
& (ii) of the plaint).

G4S PLC (FORMERLY KNOWN AS GROUP 4 SECURICOR
PLC) & ANR. Plaintiffs

Through: Mr. Essenese Obhan and Ms. Mehak
Dhingra, Advocates.

versus

MAHAVIR SINGH & ANR. Defendants

Through: Mr. Rahul Shukla, Advocate.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
23.02.2024

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CS(COMM) 995/2018 & I.A. 15324/2019 (seeking summary judgement)

1. This application has been filed on behalf of plaintiffs under Order 13A Rule 4 read with Section 151, Code of Civil Procedure, 1908 seeking summary judgment.
2. This suit was filed by the plaintiffs seeking a decree of permanent injunction against defendants and all acting on their behalf restraining them from unlawfully using the trademark 'G4S', device mark , registered in favour of plaintiffs, the earliest registration being of the year 2005.
3. Plaintiff no. 2 (a part of plaintiff no.1 group of companies) is a security company with intertentional reput providing security solutions for industries and homes. Plaintiffs carry on business around hundred countries



in the world and are using the aforementioned trademarks in India. Status of trademark applications of plaintiffs are extracted as under:

Trademark	Registration/ Application	Class	Registration/ Application Date	Date of use	Status
	1367702	99	June 29, 2005	June 29, 2005	Registered
	1435723	99	March 30, 2006	March 30, 2006	Registered
	2754523	45	June 12, 2014	January 01, 2009	Accepted

4. Grievance of plaintiff is against defendants who were using the trademark ‘C4S’ and “”. for providing similar security services. Pursuant to the suit being filed, this Court on 9th July, 2018 passed an *ex-parte ad interim* injunction against the defendants restraining them from using the impugned marks ‘C4S’ and “”. or any other trademark deceptively similar thereto. The defendants’ trademark was registered subsequently; however, pursuant to a rectification petition being C.O. (COMM..IPD-TM) 606/2022 preferred by plaintiffs, same was removed from the Register of Trade Marks.

5. On 25th May, 2023, the undertaking of defendants was taken on record by means of an affidavit stating as under:

“2. In the aforesaid affidavit, it has been stated, inter alia, as under: -

i. The defendant no.2 company has changed its name to 'CS5 Secured Solutions Private Limited'.



ii. *The defendant no.2 has made necessary changes on its website and removed the impugned*

trademark



iii. *A new PAN card has been obtained in the name of 'CS5 Secured Solutions Private Limited'.*

iv. *The defendant no.2 has applied to the Controlling Authority under the Delhi Private Security Agency (Regulation) Act for change of its name to the new name.*

v. *The defendant has already placed order for uniform with a new logo and the same is expected to be delivered in the next two-three weeks. Therefore, defendants will not use the uniform with the wordmark 'C4S' after 30th June, 2023.*

3. *The counsel for the defendants also makes a statement that they will not use the earlier name/mark proposed by them i.e., 'C5S'.*

4. *Further counsel for the defendants submits that they have removed the Facebook account in the name of 'C4s secure solutions pvt ltd' and also communicated to the company Justdial to remove any references to C4S Secure Solutions Pvt. Ltd."*

6. Subsequently, counsel for plaintiffs stated that they were pressing for damages and costs notwithstanding that the defendants have undertaken as aforementioned. The matter was, therefore, listed on the issue of aspect of costs. Counsel for plaintiffs has pointed out that the undertaking by defendants was given after four years of the litigation being pending before this Court and pursuant to two contempt applications being preferred by plaintiffs for continued violations of the injunction orders of this Court.

7. With regard to costs, statement of account has been handed up showing that legal costs of USD 38,130 (amounting to approximately



Rs.32,00,000/-) have been incurred by plaintiffs in regard to the suit. The mediation proceedings earlier which had been commenced between the parties also did not achieve a settlement.

8. Defendants' financial records had been filed by virtue of an Index dated 30th August, 2023. From the Income Tax Return for the assessment year 2022 – 23, an income of Rs.16,81,230/- has been returned, on which Rs.4,22,592/- was paid as income tax. The revenue, however, was generated of a higher figure, amounting to about Rs.3 Crores but expenses towards employees which were also in the range of Rs.3 Crore.

9. Counsel for defendants states that they are very small company and their income is in the range of Rs.10 Lakhs to Rs.20 Lakhs per annum at best, and that circumstances with regard to plaintiffs occurred due to wrong advice having been received. Defendants also incurred expenses owing to change in uniforms of all their security personnels.

10. Taking in view the facts and circumstances, the application of the plaintiffs is allowed and they are entitled for summary judgment. There would be no purpose achieved by pursuing the present litigation when defendants have already filed an undertaking. Counsel for defendants also states that they have no objection to the decree being passed in terms of the following prayers as stated in the plaint:

(i) For a permanent injunction restraining the Defendants, its directors, agents, sister concerns, servants, representatives and all other persons on their behalf from

infringing the well-known trademarks  and "G4S" and/or any other trademark deceptively similar thereto in relation to the services of the Plaintiffs being security services and any related services;



(ii) *For a permanent injunction restraining the Defendants, its directors, agents, sister concerns, servants, representatives and all other persons on their behalf from passing off their business under the infringing 52.*

trademarks "C4S" and "  " and/or any other trademark deceptively similar thereto in relation to the impugned services of the Plaintiffs being all kinds of security services as that of the Plaintiffs and any other services cognate and allied thereto;

11. As regards damages, keeping in view the facts and circumstances stated above, defendants shall be liable to pay damages of Rs. 15 Lakhs to plaintiffs.
12. Decree sheet be prepared accordingly in terms of Prayer (i) & (ii) of the plaint as stated above and the plea for damages.
13. Suit is disposed of in the aforesaid terms.
14. Pending applications, if any, are rendered infructuous.
15. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 23, 2024/kct/sc