

IN THE HIGH COURT AT CALCUTTA
(Intellectual Property Rights Division)
ORIGINAL SIDE

IA NO. GA-COM/1/2025

In

IP-COM/26/2025

JAY BABA BAKRESWAR RICE MILL PRIVATE LIMITED

Vs

BALRAM VERMA AND ORS.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 8th August, 2025

Appearance:

Mr. Debnath Ghosh, Sr. Adv.

Ms. Sanchari Chakraborty, Adv.

Ms. Sourojit Dasgupta, Adv.

Ms. Tanishka Khandelwal, Adv.

...for the petitioner.

Mr. Sayantan Basu, Sr. Adv.

Mr. Suryaneel Das, Adv.

Ms. Oindrila Ghosal, Adv.

Mr. Chiranjit Pal, Adv.

...for the respondents.

The Court: This is a suit for infringement and passing off. The petitioner is carrying on business under the name and style of “Jay Baba Bakreswar Rice Mill”. The petitioner is manufacturing, selling and distributing rice under the mark “Swastik”. The petitioner has also obtained registration of its mark “Swastik” both under the Trademarks Act, 1999 and the Copyright Act, 1957.

The grievance of the petitioner in the suit is directed against launch of a similar rice product by the respondents having a strikingly and deceptively similar trade dress, i.e., yellow as that of being used by the petitioner.

By an interim order dated 23rd May, 2025, this Court had passed an order in terms of prayer (a) of the Notice of Motion and the same has been continuing from time to time.

The crux of the grievance between the parties pertains to the impugned trade dress and packaging of the impugned product by the respondents.

Pursuant to directions of Court, Mr. Sayantan Basu, Senior Advocate appearing on behalf of the respondents has fairly submitted that the respondents are ready and willing to package their product in any colour other than the colour 'yellow'. In this connection, the respondents have also furnished a copy of a change of the trade dress which they intend to use.

It is fairly agreed by both the parties that the change in the trade dress of the respondents should be in any colour other than 'yellow' i.e. the colour being used by the petitioner.

A sample of such packaging is also filed in Court and has also been handed over to the petitioner.

In view of the above, nothing survives in this application. The change of the trade dress of the impugned product should be effected within a period of two weeks from the date of this order.

With the above directions, IA No.GA-COM/1/2025 stands disposed of.

By consent of the parties, the suit is also treated as on the Day's list and disposed of recording the above suggestion.

The Department is directed to draw up a decree in terms of the above.

IP-COM/26/2025 stands disposed of.

(RAVI KRISHAN KAPUR, J.)