

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

IA NO. GA-COM/1/2025
In IP-COM/30/2025

ROHIT KUMAR JHA
Vs
BIJOY KUMAR SHOW

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 12th August, 2025.

Appearance:
Mr. Shuvasish Sengupta, Adv.
Mr. Balarko Sen, Adv.
Mrs. Sanchalita Sarkar, Adv.
...for plaintiff.

Mr. Shyamal Mukhopadhyay, Adv.
Ms. Priyanka Chatterjee, Adv.
...for respondent.

The Court: The suit is for infringement and passing off.

The petitioner is engaged in the business of manufacturing, selling and trading of zarda along with other chewing tobacco under the marks "SUROVI". The petitioner is also enjoying several registrations both under the Trade Marks Act, 1955 and Copyright Act, 1957. The petitioner has also substantial sales and advertisement expenses. The petitioner has been selling goods both under the name "SUROVI" and SUROVI 55" openly, continuously and uninterruptedly for a considerable period of time. The petitioner also claims to have registration of the device mark and the trade dress in respect of the above products and as well as the word marks.

The grievance of the petitioner in the suit is directed against the respondent carrying on business under a deceptively similar mark “SURUBI 55”.

The petitioner claims that the respondent carrying on business with a similar trade dress and in a deceptively similar manner with the ultimate aim to ride on the goodwill of the petitioner. For convenience, the rival marks are set out hereinbelow:

Petitioner's Mark



Respondent's Mark



Pursuant to orders of Court, the respondent is personally present and has signed an undertaking (wrongly described as Terms of Settlement), a copy whereof is kept with the records.

The respondent unequivocally undertakes to change the colour of the impugned product and not to use the impugned colour combination in any manner whatsoever. The respondent also undertakes not to use the trade mark “SURUBI 55” or any other deceptively similar mark.

In view of the above, nothing survives in the suit, IP-COM/30/2025 stands decreed in terms of the above undertaking furnished by the respondent. The respondent is directed to change the impugned trade dress and mark of the impugned product within a period of six weeks from the date of this order.

Let a decree be drawn up in terms of the above.

In view of the above, IP-COM/30/2025 and GA-COM/1/2025 stands disposed of.

(RAVI KRISHAN KAPUR, J.)

SK.