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

+ **CS(COMM) 779/2018 & I.A. 4555/2018, I.A. 7864/2020**

EUREKA FORBES LTD. & ANR.

.....Plaintiffs

Through: Mr. Shivankar Sharma, Mr. Ayush Singh and Ms. Urvashi Raj, Advocates
Mob: 8979253282
Email: shiv.nalsar@gmail.com

versus

MR. VAHID ALI & ORS.

.....Defendants

Through: Mr. V.S. Dubey, Mr. Suryakant, Mr. Shubham Pandey, Advocates along with Mr. Vahid Ali, defendant in person (through VC)
Email id. vvvsdubey@gmail.com
Mobile no. 9899237692

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

24.02.2025

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1. The present suit has been filed seeking a permanent injunction restraining the defendants from using the marks "EUROFOBES", "EUROFOBES MARKETING PRIVATE LIMITED", "EUROFOBES WATER TECH PRIVATE LIMITED" or any other mark/logo or web address, which is deceptively similar to the plaintiffs' registered marks/web address.

2. It is the case of the plaintiffs that the plaintiff no. 1 is the pioneer and



market leader in domestic and industrial water purification systems, vacuum cleaners, air purifiers and security solutions.

3. The plaintiffs have various registered marks in their favour under the mark 'Eureka Forbes' for carrying on their aforesaid business, the details of which have been given in the plaint.

4. Thus, it is the case of the plaintiff that on account of registration of various trademarks, designs and copyright in their brand name, product name and product design, the plaintiffs have subsisting rights in the trademarks, designs and copyright in the artwork contained in the original artistic work in terms of the Trade Marks Act, 1999, the Design Act, 2000 and the Copyright Act, 1957.

5. It was discovered by the plaintiff that defendant no. 1 was using the mark "EUROFOBES" to sell identical products, which is identical/deceptively similar to the registered mark of the plaintiffs, i.e., Eureka Forbes. It was further found that defendant nos. 2 and 3 companies had been incorporated under infringing names, with defendant nos. 1 and 4, as Directors.

6. Learned counsel appearing for the defendants submits that the defendants have already stopped the user of the infringing marks in question and that the defendants have no objection, if the suit is decreed in favour of the plaintiffs.

7. Mr. Vahid Ali, defendant no. 1, appears through video conferencing (VC) before this Court and confirms the fact that the defendant no. 1 is no longer using the infringing mark 'EUROFOBES' and does not intend to use the same in future also.

8. The statement made by defendant no. 1 is hereby recorded and the



defendant no. 1 is held bound by the same.

9. Mr. Vahid Ali, confirms that he is the Director of defendant nos. 2 and 3 and states that the said defendants shall not use the infringing marks as their company names.

10. Accordingly, the following directions are issued:

I. The suit is decreed in favour of the plaintiffs and against the defendants in terms of Prayer (a), (b), (c) and (d) of the prayer clause in the plaint.

II. The defendant no. 1, being the Director of defendant nos. 2 and 3 company, shall take appropriate steps for striking off the name of the company from the record of the Ministry of Corporate Affairs ("MCA"), if not done already.

III. In case any listings with the infringing mark "EUROFOBES", are found by the plaintiffs on any e-commerce or social media sites, the plaintiffs are at liberty to write to such e-commerce/social media websites, to remove the said listings.

IV. In case requisite action is not taken by the e-commerce/ social media websites in terms of the directions passed by this Court, the plaintiffs are at liberty to file appropriate application before this Court for requisite orders against such e-commerce/social media websites.

11. Let decree sheet be drawn up.

12. The present suit, along with the pending applications, accordingly stands disposed of.

MINI PUSHKARNA, J

FEBRUARY 24, 2025

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