

**IN THE COURT OF MS. PRABH DEEP KAUR, DJ-05 SOUTH EAST
DISTRICT, SAKET COURTS, NEW DELHI.**

TM No. 115/17
CNR No.: DLSE01-007941-2017

LOUIS VUITTON MALLETIER

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Through
Meena Bansal
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.... Plaintiff

VERSUS

Sh. Majeet Singh,

S/o Sh. Harbhajan Singh,
Trading as Dashmesh Footwear,
Building No. 2333/15,
Shop No. 114, Beadon Pura, Karol Bagh, Delhi -110005

Sh. Kapil Kumar,

S/o Bharat Bhushan,
Shop No. 1, Gaffar Market,
Karol Bagh, New Delhi -110005
also at D-51, Swarn Park, Mundka,
Delhi -110041

...Defendants

Date of institution of the suit : 26.10.2017
Date of reserved for judgment : 24.03.2026
Date of pronouncement of judgment : 08.05.2026

**SUIT FOR PERMANENT INJUNCTION, RESTRAINING
INFRINGEMENT, PASSING OFF, DELIVERY UP AND RENDITION
OF ACCOUNTS
JUDGMENT**

1. Vide this judgment, the suit for permanent injunction qua infringement of registered trademark and copyright and rendition of account/damages against the defendant, has been disposed of.

2. Plaintiff's version as per averments in the plaint :-

The case of the plaintiff as set out in the plaint in nutshell is that plaintiff, plaintiff is the owner and proprietor of the trademark "Louis Vuitton" initials of Louis Vuitton namely "LV" represented in a special logo format and many other label /device (represented below and in the details of registered trademarks of plaintiff in India which is collectively referred as Louis Vuitton labels)(hereinafter all of them together referred to as the said trademark/label/device).

The Plaintiff's said goods and business are known, recognized, demanded, sold and traded world over with reference to its said Trade Mark/Label/ Device. The members of the trade, industry, the consumers and general public at large world over and in India are well aware of the Plaintiff, the Plaintiff's said trademark/label/device and the Plaintiff's said goods and business there under. The Plaintiff said trademark/label/ device are well known Trade Marks within the meaning of Section 2 (1) (zg) of the Act.

In view of plaintiff's aforementioned statutory and common law right, any use of identical/ similar trademark/ label/device by any other party in

relation to same/ similar business and services does amount to violation of plaintiff's afore mentioned rights. By virtue of operation of Section 29 (4) of the Trade Marks Act 1999, any use of identical/ similar trademark/label/ device by any other party in relation to even different business and services does amount to violation of plaintiff's aforementioned rights, which is not permissible in law.

In view of the Plaintiff's proprietary rights both statutory and common law in its said Trade Mark/Label/Device its goodwill & reputation, and its copyrights, the plaintiff has the exclusive right to the use thereof and nobody can be permitted to use the same or any other deceptively similar Trade Mark/Label/Device thereto in any manner whatsoever in relation to any specification of goods without the leave and license of the Plaintiff.

The Defendant (as mentioned in Memo of Parties) is engaged in manufacturing, marketing, soliciting and trade of leather goods, accessories, handbags, wallets, watches, shoes and all lifestyle goods and accessories etc and other allied/cognate goods [referred to as "the impugned goods" & "impugned business"]. The Defendant has adopted and started using the Trade Mark/Label LV, LOUIS VUITTON in relation to their impugned goods and have been using the same individually or in combination of each other in logo/label form [hereinafter collectively referred to as the "impugned Trademark"]. The impugned Trademark adopted and being used by the Defendant in relation to their impugned goods and business are identical with and deceptively similar to the Plaintiff's said Trademark /Trade name in each and every respect including phonetically, visually, structurally, in its

basic idea and in its essential features. The Defendant is not the proprietor of the impugned Trade Mark/Label and have adopted and are so using the same in relation to their impugned goods and business and is otherwise dealing with it in the course of trade without the leave and license of the plaintiff.

Due to the Defendants impugned activities, the Plaintiff is suffering huge losses both in business and in reputation and such losses are incapable of being assessed in monetary terms. Unwary purchasers and trade are being deceived as to the origin of goods or business. The Defendant' gains are Plaintiff's losses. The Plaintiff has no access to the Defendant accounts and the Defendant is liable to render their accounts to the Plaintiff and to make good to the Plaintiff the profits and business earned by them.

Apart from the sales to the direct customers from their respective Shop/Premises the Defendant is based in South-East Delhi and is supplying the impugned goods bearing the impugned Trade Mark/Label to the dealers/retailers/ distributors in the markets of South-East Delhi, including Greater Kailash, Lajpat Nagar, etc. who then supply the impugned goods bearing the impugned Trademark/Label to the various ensue. The defendant is committing act of infringement of plaintiff's trademark and copyright and passing-off within the territorial jurisdiction of this Court.

3. Record reveals that vide order dated 28.10.2017, summons of the suit and notice of applications under Order XXXIX Rule 1 & 2 CPC and Order XXVI Rule 9 CPC were issued. Vide the same order, a John Doe order was also passed. Pursuant thereto, Local Commissioner visited the premises in question and submitted report. Thereafter, vide order dated 20.11.2017,

application for substitution of John Doe defendant was allowed and present defendants were impleaded.

4. Defendant no.1 has filed written statement and has taken plea that plaintiff has no locus-standi to file or institute the present suit against the answering defendant in view of that the defendant have neither manufacturing shoes the alleged/impugned trademark label “LV, LOUIS VUITTON” nor selling the products; that all the averments, pleadings and contention are false, baseless, concocted, after thought and illegal. The plaintiff misrepresented the fact which amount to fraud and misuse of process of law; that the suit has not been properly valued for the purposes of court fees and jurisdiction as in the guise of permanent injunction the plaintiff is seeking restraining infringement, passing off, delivery up, rendition of accounts; that the defendant is not engaged in using the trademark/label “LV, LOUIS VUITTON” in relation to their impugned goods which is similar and identical with the plaintiff trademark/label and defendant is not indulging in counterfeiting the products of the products of the plaintiff; that the defendant have neither manufacturing the alleged trademark label “LV, LOUIS VUITTON” nor selling the products; that the answering defendant specifically denied that the defendant is engaged in using the trademark/label in their goods and it is further denied that the defendant is doing the business for reproducing their labels packing aging martial etc.

5. Defendant no.2 has filed separate written statement and has taken plea that the plaintiff has filed a false, fabricated and concocted suit under Trade Marks Act, 1999 against the present defendant; that the plaintiff has not filed

on record any memorandum and articles of association or incorporation document of the plaintiff company. There is only vague reference that the plaintiff is an France based company whereas no document as to plaintiff's incorporation is placed on record; that the plaintiff has not mentioned the name of copyright owner; that the plaintiff is a foreign company and is neither selling any of their goods under their trademark within the jurisdiction of this Hon'ble court nor has any subordinate office within the jurisdiction; that the plaint does not disclose any cause of action qua the claim as mentioned in the plaint as well as the present suit is barred by section 20 of CPC or Section 134 of Trademarks Act, 1999. Neither the plaintiff (which is a company/limited partnership) nor the defendants reside, carry on business or work for gain within the territorial jurisdiction of this court and on these very ground the plaint is liable to be rejected; that it is vehemently denied that in order to secure the right in the said Trade Mark/Label, the plaintiff has also applied for and obtained the Trade marks registration pertaining to its said Trade Mark/Label/device in world including in India; that the defendant no.2 is not the manufacturer he is only trader of the goods; that under the circumstances and in view of the extensive business disruption caused to the answering defendant no.2 business activities and the false, frivolous and vexatious litigation indulged in by the plaintiff, the defendant no.2 prays that the present suit ought to be dismissed filed by the plaintiff.

6. Plaintiff has not filed replication. From the pleadings of the parties, following issues were framed vide order dated 26.04.2018:

- i. Whether the plaintiff is registered owner and proprietor of the trademark/label and copyright “Louis Vuitton” and “LV”? OPP*
- ii. Whether the plaintiff is entitled to common law rights in the trademark “Louis Vuitton” and “LV”? OPP*
- iii. Whether the plaintiff is entitled to damages and/or rendition of accounts, if so, at what rate? OPP*
- iv. Whether the plaintiff is guilty of concealment of material facts? OPD*
- v. Whether this Court has no territorial jurisdiction to entertain and try the present suit? OPD*
- vi. Whether the suit is not filed by a competent and authorised person? OPD*
- vii. Relief.*

7. In support of its case, plaintiff examined its Authorized Representative as PW-1, who tendered evidence by way of affidavit and relied upon documents Ex. PW1/1 to Ex. PW1/8. Defendants have failed to cross examine PW-1 despite repeated opportunities.

Record further reveals that defendants were proceeded ex-parte vide order dated 04.02.2026.

8. I have heard Ld. Counsel for plaintiff and carefully perused the record. Ms. Ayushi Arora, Ld. Counsel for plaintiff have addressed final arguments. She has filed written arguments in which she has reiterated the arguments addressed before the Court. The same are not reproduced here in verbatim for the sake of brevity but will be dealt alongwith the findings upon issues at the relevant stage. Record has been carefully perused.

9. Plaintiff has placed reliance upon following judgments :

- I. The Polo /Lauren Company L.P. Vs. Rohit S. Bajaj and Ors.*
- II. Jasdeep Singh Kalsi Vs. State and Ors – Manu/De/4655/2018*
- III. World Wrestling Entertainment Inc Vs. Reshma Collection; 2014 (60) Ptc 452 (Del)*
- IV. Kohinoor Seed Fields India Pvt. Ltd. Vs. Veda Seed Sciences Pvt. Ltd. 2025; DHC:10789-DB*
- V. Diamond Modular Pvt. Ltd. Vs. Vikash Kumar & Anr: 2025:DHC: 3619-Db*
- VI. Suman Devi & Anr. Vs. Rakesh Kumar Sharma 2025:DHC:6149-DB*
- VII. Sandisk L1c & Anr. Vs. Laxmi Mobiles & Ors CS(Comm) 589 of 2019;*
- VIII. Lt Foods Company Vs. Saraswati Trading Company, CS (Comm No. 413/2021.*

10. My issue-wise findings are as follows:-

Issue no. I: Whether the plaintiff is registered owner and proprietor of the trademark/label and copyright “Louis Vuitton” and “LV”? OPP

Issue no. ii: Whether the plaintiff is entitled to common law rights in the trademark “Louis Vuitton” and “LV”? OPP

Issue no. iii: Whether the plaintiff is entitled to damages and/or rendition of accounts, if so, at what rate? OPP

The onus to prove issue nos. i to iii was placed upon the plaintiff. These issues are taken together for the sake of brevity as these issues are interlinked and involve same discussion.

The principal question before this Court is whether the plaintiff has been able to establish that present defendants were actually involved in the alleged infringing activities.

11. Liability of defendant Manjeet Singh:

Now as per plaintiff, defendant is involved in infringement of trade mark of plaintiff while defendant has denied the same in the written

statement. To prove the liability of defendant, plaintiff has placed reliance upon the report of Ld. LC and the report is Ex. PW-1/8. The relevant paragraphs with respect to liability of defendant Sh. Manjeet Singh are as follows:

"8. That when the undersigned reached at Second shop/premises the undersigned inquired from the occupants of the said premises as to who is the owner of the said premises and also told them about the purpose/ object of our visit and showed them the order dated 30.10.2017 passed by this court. One person namely Manjeet Singh informed that he is the owner of the shop. The said person than disclosed the address of the said premises to be Building No 2333/15 Shop No 114, Beadon Pura Karol Bagh, New Delhi- 110005. The attendance sheet is attached herewith as Annexure-A. The copy of the order dated 30.10.2017 and the petition was handed over to the owner of the shop/premises. The photocopy of Addhar Card of Manjeet Singh is annexes herewith as Annexure-G.

9. That thereafter, the undersigned with the help of the plaintiff counsel inspected the said premises and found the infringing material lying in the premises bearing trade name "Louis Vuiton Malletier". The undersigned with the help of staff of the plaintiff company seized the infringing goods bearing the mark "Louis Vuiton Malletier" in the presence of the owner. The inventory of the seized material was prepared at the spot in presence of the owner which bears the signature of the owner and countersigned by the undersigned. The said inventory report is attached herewith as Annexure-H. The infringed material was placed in one white color gunny bag which were sealed and bears the signature of the undersigned. The said seizure of the infringed goods was photographed. The photograph of the same is attached herewith as Annexure-I.

10. The undersigned seized 15 Pairs of shoes bearing the mark "Louis Vuiton Malletier" in the presence of the owner from outside his shop which the owner stated that these are not belonging to him and also stated that these shoes belong to outside customer namely Rahul. The owner of the shop denies to take the custody of 15 Pairs of shoes. These 15 pairs of shoes was placed in one white color gunny bag which were sealed and bears the

signature of the undersigned has given to the counsel of the Plaintiff. The said inventory report is attached herewith as Annexure-H.

Thus, the report of Ld. LC which is relied by the plaintiff itself, clearly recorded that defendant Manjeet Singh stated that goods don't belong to him and he had not even taken the custody of the goods. The plaintiff has not filed anything to prove that the goods belong to defendant Manjeet Singh. Thus, the LC report relied by the plaintiff itself demolished the very foundation of plaintiff case against the defendant Manjeet Singh.

12. Liability of defendant Kapil Kumar:

The plaintiff had impleaded defendant no. 2 in pursuant to proceedings conducted by Ld. LC in terms of order dated 30.10.2017. To prove the liability of defendant no. 2, plaintiff has relied upon the LC report. The relevant portion of report of Ld. LC is as follows:

4. That when the undersigned reached at First shop/premises the undersigned inquired from the occupants of the said premises as to who is the owner of the said premises and also told them about the purpose/ object of our visit and showed them the order dated 30.10.2017 passed by this Hon'ble court. One person namely Kapil Kumar informed that he is the owner of the shop. The said person than disclosed the address of the said premises to be Shop No.1 Gaffar Market Karol Bagh, New Delhi- 10005. The attendance sheet is attached herewith as Annexure-A. The copy of the order dated 30.10.2017 and the petition was handed over to the owner of the shop/premises. The photocopy of Aadhar Card of Kapil Kumar is annexes herewith as Annexure-B

5. That thereafter the undersigned with the help of the plaintiff counsel inspected the said premises and found the infringing material lying in the premises bearing trade name "Louis Vuitton Malletier". The undersigned with the help of staff of the plaintiff company seized the infringing goods bearing the mark

"Louis Vuitton Malletier" in the presence of the owner. The inventory of the seized material was prepared at the spot in presence of the owner which bears the signature of the owner and countersigned by the undersigned. The said inventory report is attached herewith as Annexure-C. The infringed material was placed in one white color gunny bag which were sealed and bears the signature of the undersigned. The said seizure of the infringed goods was photographed. The photograph of the same is attached herewith as Annexure-D.

6. That the said infringed material which was seized and sealed in the gunny bag was released to the owner on superdari with the direction not to open the seal without the permission of the court. The superdarinama is attached herewith as Annexure-E."

Alongwith the report, Ld. LC has filed the photographs of the infringed goods and same are Annexure -D. The perusal of photograph shows that there is only one pair of shoe having the similar trade mark LV as claimed by the plaintiff and one leather purse which does not find any mention in the inventory list prepared by Ld. LC. The remaining shoes have been logo as **"SO WHAT – IN YOUR MIND"**. The said logo nowhere resembles even remotely to the trade mark claimed by the plaintiff. Further, report of Ld. LC nowhere mentioned that defendant was asked for the bill of one pair of shoe having the logo /trade mark of plaintiff as claimed.

10. Thus, the material available on record itself probabilities the defence of defendants and demolishes the very foundation of plaintiff's case against present defendants. Mere existence of plaintiff's trademark registrations does not automatically entitle plaintiff to decree against a person against whom no actionable involvement has been proved. The burden remained upon plaintiff to establish that present defendants were indulging in infringing activities.

The same has not been proved on record.

This Court is therefore of the considered view that plaintiff has failed to establish entitlement to relief of injunction, damages or rendition of accounts against present defendants.

Accordingly, **issue Nos. i, ii and iii are decided against the plaintiff and in favour of defendants.**

11. Issue number iv. Whether the plaintiff is guilty of concealment of material facts? OPD

Issue no. v. Whether this Court has no territorial jurisdiction to entertain and try the present suit? OPD

Issue no. vi. Whether the suit is not filed by a competent and authorised person? OPD

The onus to prove these issues was upon the defendant, however, defendants have failed to lead any evidence on the issues and have also failed to address any argument on these issues. Accordingly, **issue no. iv, v, vi are decided in favour of plaintiff and against the defendants.**

12. RELIEF

In view of the aforesaid discussion and findings, the suit of the plaintiff stands dismissed. Parties shall bear their own costs. Decree sheet be prepared accordingly. File be consigned to Record Room after due compliance.

**Typed to the direct dictation and
announced in the open court
on this 08th May 2026**

**(Prabh Deep Kaur)
DJ-05, South East District
Saket Courts, New Delhi**