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

+ **CS(COMM) 765/2026**

AKTIEBOLAGET VOLVO & ORS.

.....Plaintiffs

Through: Mr. Pravin Anand, Ms. Vaishali Mittal, Mr. Siddhant Chamola and Mr. Jitesh Prakash Gupta, Advocates.

versus

M/S SHREE VISHWAKARMA ENGINEERING WORKS

.....Defendant

Through:

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **22.07.2026**

I.A. 18969/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

I.A. 18968/2026 (u/O XI Rule 1(4) r/w Section 151 CPC)

3. This application is filed on behalf of the Plaintiffs seeking 30 days' time to file additional documents.
4. Plaintiffs, if they wish to file additional documents at a later stage, shall do so strictly in accordance with the provisions of the Commercial Courts Act, 2015.
5. Application is allowed and disposed of.

I.A. 18966/2026 (for pre-institution mediation)

6. This application is filed on behalf of the Plaintiffs under Section 12A of the Commercial Courts Act, 2015 read with Section 151 CPC seeking



exemption from Pre-Institution Mediation.

7. Having regard to the facts of the present case wherein urgent relief is prayed for and in light of the judgment of Supreme Court in ***Yamini Manohar v. T.K.D. Keerthi, (2024) 5 SCC 815***, as also Division Bench of this Court in ***Chandra Kishore Chaurasia v. RA Perfumery Works Private Ltd., 2022 SCC OnLine Del 3529***, exemption is granted to the Plaintiffs from Pre-Institution Mediation.

8. Application is allowed and disposed of.

I.A. 18967/2026 (u/O XI Rule 2 r/w Section 151 CPC)

9. This application is filed on behalf of Plaintiffs under Order XI Rule 2 of Commercial Courts Act, 2015 read with Section 151 CPC seeking interrogatories.

10. Issue notice to the Defendant through all permissible modes, returnable before Joint Registrar on 25.08.2026.

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11. Let plaint be registered as a suit.

12. Upon filing of process fee, issue summons to Defendant through all permissible modes, returnable before the learned Joint Registrar on 25.08.2026.

13. Summons shall state that the written statement shall be filed by Defendant within 30 days from the receipt of summons along with affidavit of admission/denial of the documents filed by the Plaintiffs.

14. It will be open to the Plaintiffs to file replication within 30 days from the date of receipt of written statement along with affidavit of admission/denial of documents filed by Defendant.

15. If any of the parties wish to seek inspection of any documents, the



same be sought and given within the timeline prescribed in Delhi High Court (Original Side) Rules, 2018.

16. Learned Joint Registrar will carry out admission/denial of documents and marking of exhibits.

I.A. 18965//2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

17. This application is filed on behalf of the Plaintiffs under Order XXXIX Rules 1 and 2 read with Section 151 of CPC for grant of *ex parte* ad interim injunction.

18. Issue notice to Defendant through all permissible modes, returnable before Court on 30.11.2026.

19. Case of Plaintiff is that Plaintiff No. 1 is a public limited company under the laws of Sweden and Plaintiffs No. 2 and 3 are companies with their registered offices in Sweden. Plaintiff No. 3 carries on business through number of dealerships in India. Plaintiff No. 1 is an international automotive and transport vehicle group employing over 1,00,000 persons worldwide across 180 markets and is today a world leader in heavy commercial vehicles such as trucks, buses as also in construction equipment etc. Plaintiff No. 3 designs, develops, manufactures and offers for sale a range of premium cars and mobility services, including plug-in hybrid and fully electric cars in estate, saloon, crossover and SUV models.

20. It is stated that Plaintiffs adopted the trademark and trade name 'VOLVO' on 11.05.1915 and the word is not part of any English dictionary and being a coined word is an inherently distinctive trademark. On account of extensive and continuous user over decades, VOLVO trademark is associated with the Plaintiffs alone and owing to prior adoption and long use, Plaintiffs enjoy common law rights in the mark. Additionally, to secure



statutory rights, Plaintiffs have obtained registrations in the mark VOLVO and its formative marks all over the world, including India, where the earliest registration of the mark VOLVO dates back to 10.09.1975 in Class 07. Details of registrations in India are as follows:-

10.		3249588	12.02.2005	4,12,17,35	Protection granted
11.		1930763	4/03/2010	7, 12	Registered

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21. It is stated that the registrations detailed in the plaint are valid and subsisting. Plaintiffs operate and maintain a website www.volvo.com, which provides information of the products and services offered by the Plaintiffs and was created on 09.12.1995. The website is an online gateway to interested consumers about various activities and initiatives undertaken by the Plaintiffs. Plaintiff No. 1 also operates a website www.volvoce.com, which provides information relating to Plaintiffs' range of equipment, vehicles and accessories in construction activities and also provides information specific to industrial oils and lubricants marketed under the



mark VOLVO. Plaintiffs are registered domain name holders of www.volvobuses.com, www.volvotrucks.com, www.volvobuses.in, www.volvotrucks.in and www.volvocars.com, through which they cater to numerous customers in India.

22. It is stated that trademark VOLVO has been included in the list of well-known trademarks in India by the Trade Marks Registry pursuant to judgment of the Division Bench of the Bombay High Court in *Aktiebolaget Volvo of Sweden v. Volvo Steels Ltd. of Gujarat (India)*, 1997 SCC OnLine Bom 578 and resultantly, it is entitled to the highest degree of protection across classes for dissimilar goods and services. The immense goodwill and reputation enjoyed by Plaintiffs is demonstrated by the number of products sold under the VOLVO trademarks worldwide and in India and illustratively in 2021, Plaintiffs sold over 6,60,000 cars globally. In 2023, Plaintiff No. 3 sold 2,423 cars in India, as detailed in the plaint. Figures showing number of VOLVO cars sold by Plaintiffs globally as also in India are separately detailed below:-

NUMBER OF VOLVO CARS SOLD BY PLAINTIFFS IN INDIA:

YEAR	CARS SOLD
2009	136
2010	128
2011	320
2012	811
2013	913
2014	1202
2015	1146
2016	1420
2017	2029
2018	2638
2019	2253
2020	1361
2021	1700



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23. It is stated that Plaintiffs have spent substantial money towards promotion, publicity and advertisement on their business under trademark/trade name VOLVO and as an example, the promotional expenses incurred by Plaintiff No. 1 globally in 2021 alone were around 1176 Million SEK and the worldwide expenses undertaken by Plaintiff No. 3 in the same period were 8709 Million SEK.

24. It is stated that Defendant is a proprietorship concern engaged in business of manufacture and sale of elevator components and spare parts for



elevators, which carry the logo on them. The products are being offered for sale through physical and online channels, including through Defendant's own website and third party e-commerce platforms such as Indiamart. While on its own website and other listings, Defendant uses the



mark potraying itself as having used 'volvo' brand since



2001, its Facebook page mentions the use of ‘volvo’ since 2014. Plaintiffs are not aware of any pending application for registration or registration by

the Defendant in the  mark and it is only during the market survey in March, 2026 that Plaintiffs came across the website www.elevatorpartsindia.com, which had pages displaying the said logo for an entity which claims to manufacture elevator components.

25. It is further stated that during physical investigation conducted at the premises of the Defendant located in Ahmedabad, the owner informed Plaintiffs’ investigator that Defendant was engaged in manufacturing elevators and their components/spare parts and that its sister concern M/s. Advance Elevators also operates from the same address and is responsible for assembly and installation of elevators at clients’ sites. The Defendant, after manufacturing the components/spare parts, affixes stickers bearing the



logo on them and on inspection of the premises, few elevator components with the said logo were actually found. Significantly, the business card of the owner provided to the investigator also bears the logo



and the listings by the Defendant on third party websites such as



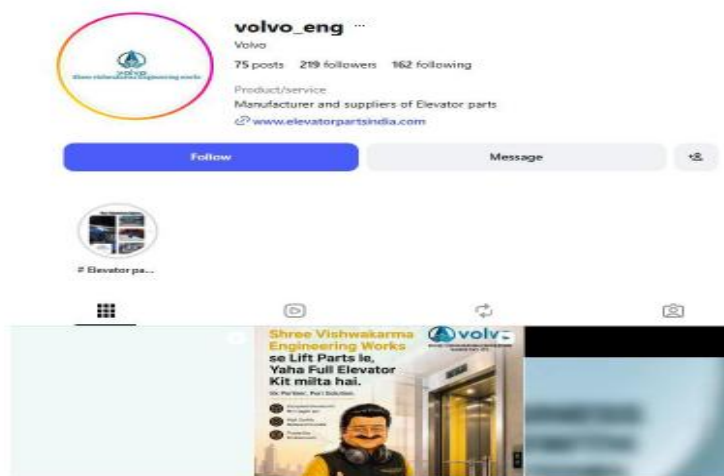
Indiamart and JustDial clearly show use of the mark

26. It is stated that Defendant has its presence on social media platforms and is running an Instagram handle ‘volvo_eng’, where the word ‘Volvo’ is



prominently displayed with a large bold font and Defendant's trade name is hardly visible. A Facebook page of the Defendant titled 'Shree

Vishwakarma Engineering Works' does not have the mark  but contains a post stating 'new brand name volvo' and another post has 'Volvo Elevators' in bold text. Relevant screenshots are as follows:-

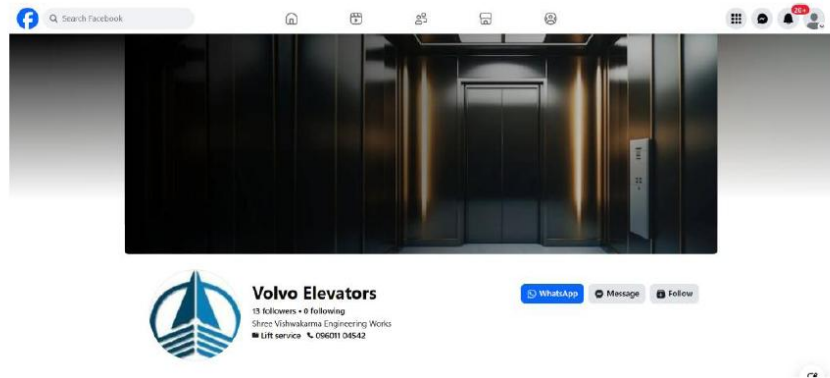


Source: https://www.instagram.com/volvo_eng/



Source:

<https://www.facebook.com/VishwakarmaEngineeringWorks/posts/pfbid0XK6USUX563jAdVyqgwHudQtMwZHqYdnYOpjoUsgwKSMQGGbouPMioxi4xtpd4arkDI>



Source: <https://www.facebook.com/people/Volvo-Elevators/61559569741762/>

27. Mr. Pravin Anand, learned counsel for Plaintiffs submits that the word VOLVO is an inherently distinctive word with no English dictionary meaning and Plaintiffs are registered proprietors of the mark VOLVO and its formative marks. The trademark VOLVO is included in the list of well-known trademarks in India and is entitled to highest degree of protection across classes. The earliest registration in India dates back to 10.09.1975 in Class 07. Defendant has cautiously and dishonestly adopted the mark VOLVO as part of its logos. While Plaintiffs are entitled to restrain third parties from using the VOLVO marks even for dissimilar goods, in the present case, Plaintiffs have a registration for the mark VOLVO in Class 07, which *inter alia* pertains to shafts, shaft seals, gear wheels, springs, gear boxes, pulleys, drive chains and belts etc. and therefore, even otherwise, the impugned goods are allied and cognate with Plaintiffs' goods being elevator spare parts. It is urged that this Court has passed several orders against third party misuse of VOLVO marks in relation to a wide range of goods and services such as financial services, towels, locks, clothing etc.

28. It is further argued that the VOLVO mark is synonymous with the Plaintiffs and owing to the extensive use of the mark over decades, the



public associates the mark only with the Plaintiffs and hence, there is no gainsaying that the use of the impugned marks by the Defendant in relation to elevators, in any manner whatsoever, will create confusion amongst members of public as also cause dilution of the distinctive character and



repute of the mark. Defendant's use of the marks and



therefore, clearly violates the statutory rights of the Plaintiffs and amounts to infringement of the VOLVO trademarks.

29. It is urged that the adoption of the imugned marks by the Defendant is neither innocent nor co-incidental but is a deliberate and calculated attempt to come close to Plaintiffs' marks and ride on the formidable goodwill and reputation of the Plaintiffs by mirepresenting to the public that its goods have an association with the Plaintiffs. The activities of Defendant are causing irreparable harm and damage to Plaintiffs' goodwill and reputation earned over the years and amount to passing off. Looking at the distinctive character and the repute of the well-known mark VOLVO, use of the imugned mark, blatantly by the Defendant is eroding its uniqueness and diminishing its capacity to exclusively identify the goods of the Plaintiffs.

30. Having heard learned counsel for the Plaintiffs and upon perusal of the documents as well as the rival marks, I am of the view that the Plaintiffs have made out a *prima facie* case for grant of *ex parte* ad interim injunction against the Defendant. Balance of convenience lies in favour of the Plaintiffs and they are likely to suffer irreparable harm in case the interim injunction, as prayed for, is not granted.



31. From the narrative in the plaint, it emerges that Plaintiff No. 1 executed a Global Deed of Assignment in favour of Plaintiff No. 2, who became the subsequent proprietor of Plaintiffs' VOLVO trademark and licensed the same to Plaintiffs No. 1 and 3 to use the mark VOLVO in relation to their respective businesses. Plaintiffs adopted the trademark/trade name VOLVO on 11.05.1915 and the word 'VOLVO' is not found in any authoritative English dictionary and thus, inherently distinctive. Owing to continuous, extensive and uninterrupted use of the VOLVO marks, Plaintiffs have acquired common law rights in the marks and additionally, by virtue of registrations, Plaintiffs also enjoy statutory protection to use the VOLVO marks exclusively and restrain third parties from infringing them. With the well-known status of the VOLVO mark, Plaintiffs are entitled to restrain third parties from using the mark even for dissimilar goods and across classes.



32. Defendant has adopted the impugned marks and



in respect of its business of sale and installation of elevators and components and spare parts of elevators, which subsume and incorporate Plaintiffs' well-known mark VOLVO in entirety. The rival marks are visually deceptively similar since the dominant feature in them is the word 'VOLVO' and there is complete phonetic identify in the marks. *Albeit* with the well-known status of VOLVO, Plaintiffs are entitled to restrain third parties from use of deceptively similar/identical marks *qua* dissimilar goods, Plaintiffs have another advantage in this case owing to



registration in Class 07, which includes goods such as shafts, shaft seals, gear wheels, springs, gear boxes, pulleys, drive chains and belts etc. which are allied and cognate to the impugned goods. This Court has in a number of orders restrained third parties from using VOLVO marks in respect of clothing, financial services etc. Due to deceptive similarity of rival marks coupled with the immense reputation of VOLVO marks, there is likelihood of confusion amongst members of public and in my *prima facie* view, Defendant is infringing Plaintiffs' registered and well-known VOLVO mark.

33. The immense goodwill and reputation garnered by the Plaintiffs is demonstrated by the revenues earned over the years and the expenditure incurred on promotion and marketing of the products under the VOLVO marks. Plaintiffs have immense social media presence and several celebrities have endorsed the brand VOLVO. The well-known status accorded to the VOLVO mark is itself an indicator of the distinctiveness of the mark and its popularity across geographical locations. Defendant has adopted the imugned marks to misrepresent to the public that its goods have an association with the Plaintiffs and encash on their goodwill and reputation, which is causing irreparable damage to the Plaintiffs as also diluting the distinctiveness of the VOLVO marks and its acts amount to passing off. Comparative table showing the VOLVO marks of the Plaintiffs as also the imugned marks of the Defendant as displayed on the website and/or the products is as follows:-

Plaintiff's genuine VOLVO mark	Infringing marks being displayed on the website of the Defendant
VOLVO	



Plaintiff's genuine VOLVO mark	Infringing marks being displayed on the products of the Defendant
VOLVO	
Plaintiff's genuine VOLVO mark	Infringing marks being displayed on third party websites/Social media accounts of the Defendant
VOLVO	

34. Accordingly, till the next date of hearing, Defendant and all others

acting on its behalf are restrained from using the marks



and/or any other trade name/trademark deceptively similar to Plaintiffs' registered and well-known trademark VOLVO and its formative marks, in relation to the impugned goods as also in respect of elevators, amounting to infringement of trademarks and/or passing off.



35. Plaintiffs shall comply with the provisions of Order XXXIX Rule 3 CPC within a period of two weeks from today.

JYOTI SINGH, J

JULY 22, 2026/YA