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

CNR No. DLHC010391152026

+ **CS(COMM) 918/2026**

AB SKF

.....Plaintiff

Through: Mr. Saif Khan, Mr. Prajjwal
Kushwaha and Ms. Diya Viswanath, Advocates.

versus

M/S B.M. BEARING SALES & ORS.

.....Defendants

Through:

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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21.08.2026

I.A. 22782/2026 (Exemption)

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

I.A. 22784/2026 (for pre-institution mediation)

3. This application is filed on behalf of the Plaintiff under Section 12-A of the Commercial Courts Act, 2015 read with Section 151 CPC seeking exemption from Pre-Institution Mediation.
4. 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 Plaintiff from Pre-Institution Mediation.



5. Application is allowed and disposed of.

I.A. 22783/2026 (u/O XI Rule 1 (4) r/w Section 151 CPC)

6. This application is filed on behalf of the Plaintiff seeking to place on record additional documents within 30 days.

7. Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly in accordance with provisions of the Commercial Courts Act, 2015.

8. Application is allowed and disposed of.

CS(COMM) 918/2026

9. Let plaint be registered as a suit.

10. Issue summons to the Defendants through all permissible modes, returnable before the learned Joint Registrar on 24.09.2026.

11. Summons shall state that the written statements shall be filed by the Defendants within 30 days from the receipt of summons along with affidavit of admission/denial of the documents filed by the Plaintiff.

12. It will be open to the Plaintiff to file replications within 30 days from the date of receipt of written statements along with affidavit of admission/denial of documents filed by the Defendants.

13. 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.

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

I.A. 22781/2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

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



16. Issue notice to the Defendants through all permissible modes, returnable before Court on 18.01.2027.

17. Case of the Plaintiff as set out in the plaint is that Plaintiff is a company incorporated under the laws of Sweden and is engaged in the business of manufacturing and supplying bearings, seals, lubrication systems and related products and services and is a global leader in the production of various types of bearings with more than 241 variants *inter alia* ball bearings, roller bearings and plain bearings, which are essential components in machinery and equipment across various industries. In India, Plaintiff was carrying on business through its Indian subsidiary SKF India Limited, which has recently undergone a demerger of its Industrial Bearing Business Undertaking pursuant to a Scheme of Arrangement between SKF India Limited and SKF India (Industrial) Limited approved by the NCLT, Mumbai Bench and consequently, with effect from 01.10.2025, all business operated by SKF India Limited, excluding its automotive business, stands transferred to and vested in SKF India (Industrial) Limited on a going-concern basis.

18. It is stated that Plaintiff started its operations in India in 1923 and over the years has evolved from being a pioneer ball bearing manufacturing company to a knowledge-driven engineering company focused on helping customers achieve sustainable and competitive excellence. Plaintiff has a pan India footprint consisting of 6 manufacturing facilities, 12 offices, supplier network of over 300 authorized distributors and an employee base of more than 2600 professionals. Genuine products of Plaintiff are sold only through its authorized distributors and partners, a list of which is publicly available on Plaintiff's website <https://www.skf.com/in/support/find-a-distributor>.

19. It is stated that Plaintiff is committed to research-based innovation and offers customized value-added solutions to its customer base, including test



and measurement equipment, maintenance products, condition monitoring and actuation systems and serves various industries such as aerospace, construction, general machinery, railways, oil and gas, to name a few. Plaintiff has been manufacturing and marketing its bearings under the ‘SKF’ mark, which it has used since 1907 and has been recognized as a brand leader in the rolling bearing industry with immense reputation and goodwill internationally and within India. Plaintiff has a comprehensive network of sale and after-sale service for the products manufactured by it in over 129 countries in the world, including India; a workforce of approximately 42,000 employees worldwide; an expansive network of over 17,000 distributors; 29 manufacturing sites; and 15 technology centres. Extensive reach of the Plaintiff in respect of the products under the ‘SKF’ mark as also the immense goodwill and reputation is reflected in its robust sale figures for the last four years globally as also in India respectively, which are as follows:-

Year	Turnover Globally (In SEK Million)	In Indian Rupees
2024	98.7	9,77,13,00,000
2023	103.9	10,28,61,00,000
2022	96.9	9,59,31,00,000
2021	81.7	8,08,83,00,000

Year	Revenue in India (INR)
2024-2025	5, 021
2023-2024	4,664
2022-2023	4,357
2021-2022	3,700
2020-2021	2,707

20. It is stated that Plaintiff is a recipient of innumerable awards and accolades and has gained considerable media traction within India and



globally. Documents evidencing the awards and media coverage etc., are filed with the plaint. Plaintiff, as an industry leader in research and development, has invested substantial funds over the years in constantly enhancing and developing new products and spends an extensive amount annually on publicity in print and electronic media worldwide as also in India and details of the expenditure incurred globally as also in India towards advertising and brand support for the last few years are as follows:-

Year	Marketing Expenses Globally (in SEK Million)	In Indian Rupees
2020	57,857	5,72,78,43,000
2021	68,949	6,82,59,51,000
2022	76,536	7,57,70,64,000
2023	84,189	8,33,47,11,000
2024	92,607	9,16,80,93,000

Year	Expenses (Rs.)
2019	2,36,59,677
2020	59,61,505
2021	3,99,75,199
2022	3,53,11,169
2023	3,88,42,286
2024	4,27,26,514

21. It is stated that Plaintiff manages and operates an online e-marketplace, <https://www.emarketplace.in.skf.com/>, through which customers can directly purchase genuine and high-quality ‘SKF’ products, which are delivered all over India. Plaintiff has obtained trademark registrations in ‘SKF’ marks in order to obtain statutory protection and details of the registrations in India, which are valid and subsisting, are as follows:-



Registered trademark No., Application Date	User Basis	Trademark	Class
5982 30.09.1942	Proposed to be used		6
5984 30.09.1942	Use claimed from 01.01.1913		7
192919 22.10.1959	Proposed To Be Used		7
320662 25.11.1976	Use Claimed From 01.01.1964		6
320663 25.11.1976	Use Claimed From 01.01.1963		7
320664 25.11.1976	Use Claimed From 01.01.1965		8
320665 25.11.1976	Prior Use Claimed From 01.12.1963		9
320666 25.11.1976	Proposed To Be Used		12
957480 20.09.2000	Proposed to be used		16
1237479 16.09.2003	User claimed since 31.12.2002		99
1621048 15.11.2007	Proposed to be used		17
4285953 06.09.2019	Use claimed from 20.08.2004		99

22. It is stated that Plaintiff has been manufacturing and selling bearings on a global scale under the ‘SKF’ mark in a unique trade dress having a distinctive colour scheme of red, white and blue as also arrangement of artistic features such as ‘SKF’ written in bold white letters in a stylized form. The get up of the product is such that it creates a visual impression in the minds of the



onlookers and is distinctive for Plaintiff's products. The trade dress has been conceptualized, curated and developed by and at the instance of Plaintiff and the copyright in the artistic work therein vests in the Plaintiff. Owing to prior, continuous and extensive use of the trade dress on the products under SKF marks, trade dress is associated in the minds of the public only with the Plaintiff. For ready reference, the distinctive trade dress is as follows:-



23. It is stated that in order to enable users to identify counterfeit products in the market, Plaintiff has put in place several mechanisms and in case of a suspected product, one can contact genuine@skf.com and request verification of authenticity of the product by Plaintiff's team. Plaintiff also has a smartphone application 'SKF Authenticate' through which customers can upload photographs of suspected products directly for verification and Plaintiff's team reverts with the results at the earliest. Most of the newly manufactured genuine SKF products also contain a unique Data Matrix Code (DMC), which can be scanned through the SKF Authenticate App.

24. It is stated that Plaintiff has been consistently receiving complaints of counterfeit products under the SKF marks in the market and has been taking strict measures to prevent infringement. In the instant case, Defendants No. 1 and 2 are two business entities acting in collusion with each other and are selling counterfeit ball bearings with SKF marks and in a packaging, which is identical to Plaintiff's packaging for the said product. Defendant No.1 has no



official website but the GST records show that it is owned and operated by a sole proprietor, Mr. Bharat Jain and its product is listed on various online trade directories, including IndiaMart, JustDial, Trade India and EC21 etc. and listing on EC21 specifically references dealings in Plaintiff's SKF brand. Screenshot of EC21 is as follows for ready reference:-

Home Company Profile Contact

Home > Company Profile

Company Overview

Company Introduction

WE DEAL IN ALL KIND OF BEARINGS WITH ALL BRANDS SKF, NTN, FAG. NO MINIMUM QUANTITY REQUIRED. WE CAN SHIP BEARING ANYWHERE IN THE WORLD.

Company Basic Information

Order Credit Report

- Company Name : Bm Bearing Sales

- Location : NEW DELHI

- Business Type : Distributor/Wholesaler

- Year Established : 2015

- Employees Total : 11 - 50

- Annual Revenue : USD 100,000 - 500,000

- Website : -

- EC21 Storefront : bmbearingsales.en.ec21.com

- Selling Categories : General Mechanical Components > Other Ball Bearings

- Keyword : BEAR

Contact Information

- Address : GOLCHA CINEMA, ANSARI ROAD, DARYAGANJ, NEW DELHI NEW DELHI, NEW DELHI

- Country/Region : India

- Phone : 91 - 9555 - 861434

- Fax : 11000 - 9779 - 134

- Contact : BHARAT JAIN

Contact Now

25. It is stated that on 02.03.2026 during an investigation conducted at Defendant No. 1's premises, it was discovered that Defendant No. 2 operates from the same address and is also unlawfully selling counterfeit bearings with SKF marks and its product is also listed on online trade directories, including IndiaMart, JustDial and Trade India etc. Further investigations have revealed that Defendants No. 1 and 2 are using the following bank accounts for depositing moneys received from infringing activities relating to the product in question. From the invoices collected during investigation, it emerges that



an amount of Rs. 4,97,481/- has been received by Defendant No. 1 and an amount of Rs. 1,95,817/- by Defendant No. 2 as follows:-

Entity	Account No. and IFS Code	Bank
B.M. Bearing Sales (Defendant No. 1)	Account No: 08240200001282 IFSC Code: BARB0DARYAG	Bank of Baroda (Proforma Defendant No. 3)
Oriental Enterprises (Defendant No. 2)	Account No: 08240200000593 IFSC Code: BARB0DARYAG BARB0VJCCWK	Bank of Baroda (Proforma Defendant No. 3)

Invoice Amount (INR)	Corresponding enquiry
Defendant No. 1	
25,720	07.06.2021
13,198	23.05.2021
3,18,464	19.07.2023
33,899	13.06.2024
1,06,200	11.03.2026
Total: 4, 97, 481	

Invoice Amount (INR)	Corresponding enquiry
Defendant No. 2	
68,260	13.08.2023
58,968	24.05.2024
10,743	05.08.2025
57,846	26.03.2026
Total: 1,95, 817	

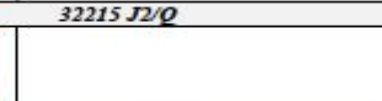
26. Mr. Saif Khan, learned counsel submits that Plaintiff is the registered proprietor of SKF marks and entitled to their exclusive use owing to statutory protection under Section 28 of Trade Marks Act, 1999 ('1999 Act'). Plaintiff also has a right to restrain third parties from using the marks and infringing



them. Defendants No. 1 and 2 are selling counterfeit products i.e., ball bearings, identical to the ball bearings manufactured and sold by the Plaintiff, using the SKF mark. The consumer base and trade channels being common, confusion amongst members of public is not only likely but inevitable. It is also evident from the investigations conducted that Defendants No. 1 and 2 are selling inferior quality ball bearings and public is purchasing them under a mistaken belief that the product emanates from the Plaintiff or has some association with the Plaintiff and this is causing irreparable harm to the reputation and goodwill of the Plaintiff and amounts to passing off, apart from being detrimental to the public since the safety of a vehicle depends to a large extent on the quality of the ball bearings. Defendants No. 1 and 2 have also copied the original artistic work in the stylized SKF mark and the packaging of the Plaintiff's product and are thus also violating Plaintiff's copyright. For ready reference, a table showing Plaintiff's product as also the counterfeit goods of Defendants No. 1 and 2 is as follows:-

Defendant's goods	Plaintiff's goods	Basis for identifying goods as counterfeit
B.M. Bearing Sales (Defendant No. 1)		
Customer enquiry dated 07.05.2021		
2310 K		
		1. Incorrect country of manufacturing . Plaintiff does not produce this item in Germany. 2. The Data Matrix Code (DMC) code is



		missing on the counterfeit package.
		3. There is an additional marking i.e. "SKF Explorer" on the counterfeit product which is incorrect.
		4. Markings on the package and the product are not as per the Plaintiff's standards.
		5. The batch code format marked on counterfeit product i.e. L165 & Q226 is incorrect and not as per the Plaintiff's Standards.
		1. The batch code format marked on the counterfeit product i.e. G105 is incorrect and not as per the Plaintiff's Standards.
		2. The barcode is incorrect. The correct

27. Having heard learned counsel for the Plaintiff, I am of the view that Plaintiff has made out a *prima facie* case for grant of *ex parte ad interim* injunction against Defendants No. 1 and 2. Balance of convenience lies in favour of the Plaintiff and it is likely to suffer irreparable harm in case the interim injunction, as prayed for, is not granted.

28. Plaintiff is the registered proprietor of the 'SKF' trademarks as also the owner of copyright in the artistic work comprised in its trade dress and packaging. Plaintiff has been using the mark since 1907 and in India since 1923 and the sales and promotional figures extracted above are reflective of the formidable goodwill and reputation earned by the Plaintiff in the market.



Defendants No. 1 and 2 are *prima facie* selling counterfeit ball bearings and related industrial equipment bearing identical marks and the trade channels and consumer base being common, there is every likelihood of confusion amongst members of public and this *prima facie* amounts to infringement under Section 29 of the Trade Marks Act, 1999. Comparison of rival trade dress/packaging shows that Defendants No. 1 and 2 have copied Plaintiff's packaging as a mirror image and this violates the copyright of the Plaintiff in the artistic work comprised in the trade dress/packaging. In fact, Plaintiff has copied the artistic work in the stylized version of the SKF marks, which has further enhanced the likelihood of confusion. The dishonest adoption of identical mark and trade dress/packaging for identical ball bearings is with *a mala fide* intent to come close to the Plaintiff and take unfair advantage of its immense goodwill and reputation, demonstrable from the sales figures, promotional expenses and awards and accolades earned. Members of the public are likely to buy counterfeit ball bearings under an impression that they are genuine and emanate from the house of the Plaintiff and in light of the categorical averment in the plaint that Defendants No. 1 and 2 are selling sub-standard/inferior quality ball bearings, there will be damage to image and reputation of the Plaintiff and dilution of the SKF marks, besides being a safety hazard for vehicle drivers and thus detrimental to public interest. *Prima facie*, activities of Defendants No. 1 and 2 amount to passing off and violate the common law rights of the Plaintiff.

29. It is rightly flagged by counsel for the Plaintiff that the sale of ball bearings is regulated by a strict statutory regime and safety standards and any violation could lead to accidents as also serious action against the Plaintiff since the goods of Defendants No. 1 and 2 are counterfeit and difficult to distinguish from the genuine products. Invoices placed on record *prima facie*



indicate that Defendants No. 1 and 2 are operating two bank accounts and are depositing the proceeds from sale of infringing goods in these accounts and there is merit in the contention of the Plaintiff that there is an apprehension that Defendants No. 1 and 2 may withdraw or transfer the monies in the bank accounts, if not restrained.

30. Accordingly, till the next date of hearing, Defendants No. 1, 2 and 4/John Doe and all others acting on their behalf are restrained from using the 'SKF' marks of the Plaintiff in any manner whatsoever, either as a trademark or as a part of domain name, email ID, social media handle or in any manner in the course of trade as also from using trade dress/packaging similar or identical to Plaintiff's trade dress/packaging in respect of ball bearings, amounting to infringement of Plaintiff's registered trademarks and copyright and/or passing off.

31. Defendant No. 3/Bank of Baroda is directed to mark a lien on the two Bank Account Nos. 08240200001282 and 08240200000593 (IFSC Code: BARB0DARYAG) to the extent of a sum of Rs. 4,97,481/- against Defendant No. 1 and sum of Rs. 1,95,817/- against Defendant No. 2, until further orders in this behalf by the Court.

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

JYOTI SINGH, J

AUGUST 21, 2026

S.Sharma