

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
29.06.2026PRONOUNCED ON
07.09.2026CORAM
THE HON'BLE MR.JUSTICE K.KUMARESH BABU

A Nos. 446 & 447 of 2026
in OA Nos. 1120 & 1121 of 2025
in C.S.(COMM.DIV.)No.307 of 2025

A.Nos.446 & 447 of 2026

Vikas Mandoth,
KLP Abhinandan, F-1701,
No.1, Strahans Road, Pattalam,
Perambur Barracks Road,
Chennai, Tamil Nadu 600 012. India

..Applicant(s) in both
A.Nos.446 & 447 of
2026

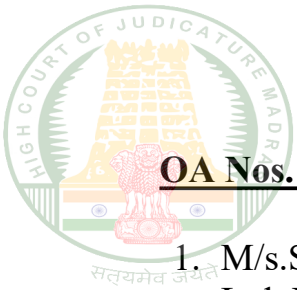
Vs

1. M/s.Shanghai Huanqiu Lock Making Company
Ltd, Xiaodong Street, Loutang Town,
Jiading District, Shanghai, China.

Represented by its Authorised Representative
Vikram Kumar,
Having Office at
No 8 Reddy Raman Street, 4th Floor
Sowcarpet, Chennai 600079,
Tamil Nadu, India.

2. Mr.Valaram,
Proprietor of M/s.Prince IMPEX,
No 33 Reddy Raman Street, Sowcarpet,
Chennai 600079, Tamil Nadu, India.

..Respondent(s) in both
A.Nos.446 & 447 of
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OA Nos. 1120 & 1121 of 2025

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..Applicant(s) in both
OA Nos. 1120 & 1121
of 2025

Vs

Mr VIKAS MANDOTH,
KLP Abhinandan, F-1701, No.1, Strahans Road,
Pattalam, Perambur Barracks Road, Chennai-12

..Respondent(s) in both
OA Nos. 1120 & 1121
of 2025

PRAYER in O.A.No.446 of 2026:- Application filed to vacate the ex-parte
injunction order dated 28.11.2025 granted in O.A.No.1120 of 2025.

PRAYER in O.A.No.447 of 2026:- Application filed to vacate the ex-parte
injunction order dated 28.11.2025 granted in O.A.No.1121 of 2025.

PRAYER in OA No. 1120 of 2025:- Original Application filed to grant an ad
interim injunction restraining the Respondent, all his principal officers, staff,
men, agent, servants, successors, assigns, in business, representatives and any



other person from passing off their goods by using impugned trade marks



and marks under the brand “GLOBE” in Class 06

which are identical as trade mark



and associated marks particularly



under the brand “GLOBE” of the Applicant No.1 registered in

China, or any other word/ words/logo/ artistic work/ design/ device that are identical or deceptively similar to the said registered trade mark of the applicants in respect of padlocks and other hardware equipment's and thereby restraining the respondent in any manner from passing off, pending the disposal of the main suit.

PRAYER in OA No. 1121 of 2025:- Original Application filed to grant an ad-interim injunction restraining the Respondent, all his principal officers, staff, men, agent, servants, successors, assigns, in business, representatives and any other person from infringing the copyright of the applicants by using the artistic work, trade dress and colour combination, which are identical and deceptively similar to that of the applicants' artistic works, colour combination and trade dress; or any other logo/ artistic work/ design/ device/ trade dress that are identical or deceptively similar to the said copyright of the applicants, pending disposal of the main suit.

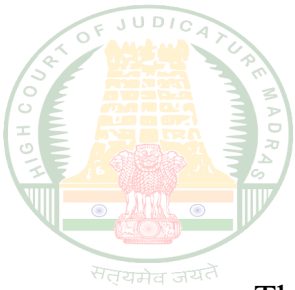
In A.Nos.446 & 447 of 2026

For Applicant(s):

Mr.Jayesh Kumar Daga

For Respondent(s):

Mr.Ramesh Ganapathy for RR1 & 2



COMMON ORDER

These instant applications have been filed to vacate the *ex-parte* injunction granted by this Court and hence, the applications where under the *ex-parte* order passed is also taken up together for disposal.

2. For clarification, the parties are referred to as per the rank in the suit.

3. Heard, Mr. Jayesh Kumar Daga, learned counsel for the applicant and Mr. Ramesh Ganapathy, learned counsel appearing on behalf of the respondents.

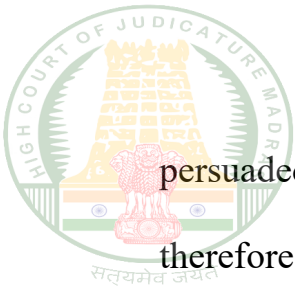
4. Learned counsel appearing for the plaintiff would submit that the plaintiff is a manufacturer of locks bearing a trademark which has been registered and has a reputation and good-will not only in the market in India but also the market in other countries. He would submit that the defendant had also adopted a phonetically and visually similar trademark which is wholly deceptive causing confusion in the mind of the end users. He would also submit that the defendants attempt to get a registered trademark would also indicate that there has been a categorical statement of a proposal to use which contradicts the claim of the defendant in the instant application to vacate is that he had been a prior user of the trademark of the so conceived trademark which is also phonetically and visually similar to that of the plaintiff's trademark thereby



infringing the trade mark of the plaintiff. He would submit that this Court while granting an *ex-parte* injunction was not only prima facie satisfied but had given a categorical finding that even on a simple scrutiny of the trade mark of the respective parties, the usage of the trademark by the defendant is identical and deceptively similar to that of the plaintiff and therefore, had granted an injunction. Hence, he would submit that this Court to affirm the order of injunction granted *ex-parte* and dismiss the application to vacate the same.

5. Countering his arguments, learned counsel appearing on behalf of the defendant would submit that the trade name as conceived by the defendant was through an independent and deliberate process keeping in the nature of goods and its functional activities. He had also been benefited with the registration of the trade name '**Globe**' in Tamil for its device and therefore cannot be enjoined in any way from using the said trade name.

6. He would further submit that the suit as filed by the plaintiff is also without following the mandatory procedure under section 12A of the commercial Courts Act and in that regard the suit itself would not be maintainable. He would further submit that the plaintiff cannot claim to be an exclusive owner of the trademark which is generic in nature. He would further submit that there has been a commercial enmity, competitive motive between the second plaintiff and the defendant and in that regard the second plaintiff had



persuaded the first plaintiff without any relationship to institute the suit and therefore the suit itself is also not maintainable.

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7. He would also submit that various documents that had been filed before this court in support of the plaintiffs claim are all fabricated particularly the use of the words '*Chennai*' and '*Madras*' interchangeably in various invoices would show that the said documents are fabricated. In a suit filed by the plaintiff for infringement of the trademarks of the plaintiffs by the defendants by using identically or deceptively similar word, logo, artistic works or other reliefs the plaintiff had been however benefited with an order of interim injunction, passed *ex-parte* which is sought to be vacated by the defendant. Hence, he prays this Court to vacate the order of injunction that has been granted by this Court *ex-parte*.

8. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

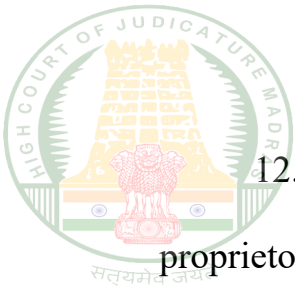
9. The primordial contentions of the defendant is that it had also been benefited with a registration of a device however in the language Tamil of the very same trade name '**Globe**' and cannot be restrained with a grant of injunction from using the said registered trade name. That apart, various arguments as regards to the maintainability of the suit and of fabricated



documents in support of the plaintiff's claim were made. The issue with relation to maintainability of the suit or the fabrication of documents can only be concluded after the trial takes place and after hearing the arguments of the respective parties in a suit.

10. Be that as it may, it is to be noted that the suit summons were served on the defendants as early as on 11.12.2025 and the application to reject the plaint also came to be dismissed by this Court on 23.03.2026. This Court also do not find any written statement filed within the stipulated time as mandated under the Provisions of the Commercial Court's Act.

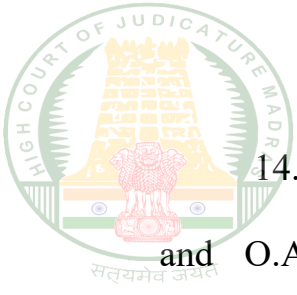
11. It is also an admitted fact that the application for rectification and opposition are also pending in respect of the trade marks at the behest of the plaintiffs and is also pending before the Registry. The plaintiffs have placed materials on record to substantiate that they have been in use of trademark that is alleged to have been infringed and also is a prior user of the said trademark. Even though the defendants claim to be a prior user, as rightly pointed out by the learned counsel for the plaintiff, in the application that had been filed by the defendant for registration of the Trademark they had indicated that they had proposed to use the trademark and the said application had been made in the year 2023.



12. It is true that a registration of a trademark would give a right to its proprietor to use the trademark. But however the very same Statute also enables a person to get the trademark rectified or removed from the register.

Proceedings of opposition/ rectification in respect of the defendants mark are pending with the Registry. From the documents that have been produced, this Court had come to a categorical finding that there has been an infringement of the plaintiff's trademark by the defendants. To off set the categorical finding with the available facts that had been placed by the respective parties in these applications that has been dealt with, this Court do not find any substantial reasons to vacate the order. The objections that have been raised particularly with regard to fabrication of the documents and for the maintainability of the suit at the behest of the second plaintiff or the first plaintiff could only be decided after the trial of the suit.

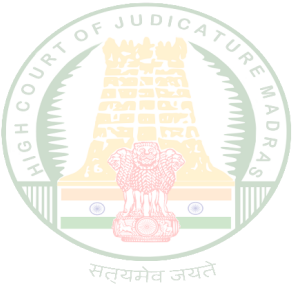
13. This Court *prima facie* concludes that the plaintiff had been the prior user of the trade mark which commends a good reputation and good will in the market. The defendants attempt to use a phonetically and visually similar trademark/ device however, in a vernacular language would not entitle him to infringe the trademark of the plaintiff which had been established to have a good reputation and good will.



14. For the aforesaid reasons, A.Nos.446 & 447 of 2026 stands dismissed and O.A.No.1120 of 2025 granting injunction is made absolute and consequently, O.A.No.1121 of 2025 are allowed. However, there shall be no order as to costs.

07.09.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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A Nos. 446 & 447 of 2



K.KUMARESH BABU J.

GBA

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