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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

(T)OP(TM) No. 284 of 2023

CNR: {HCMA010808082023}

Case QR

Crompton Greaves Consumer Electricals Limited
an Indian Company of Equinox Business Park,
Tower 3, 1st Floor,
East Wing,LBS Marg,
Kurla (West),Mumbai,
Maharashtra - 400 070, India.

..Petitioner(s)

Vs

1. Himmatram K

2. The Registrar of Trade Marks
   Trade Marks Registry,
   Chennai.

..Respondent(s)

Prayer: Trademark Original Petition filed under Section 57 of the Trademarks Act, 1999, praying that a) the application made by the Applicant for Rectification be allowed; b) Entry made in respect of Trade mark number 3348784 of August 24 2016 for the mark H CRAMTAN be removed from the Register and c) cost be awarded to the Applicant for Rectification.

For Petitioner(s): Mr.Hemant Daswani

For Respondent(s): Mr.C.Kulandaivel
Senior Panel Counsel for R2
R1- set ex-parte on 14.11.2024.

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The proceedings were originally initiated before the Intellectual Property Appellate Board at Chennai in ORA/40/2018/TM/CHN by the petitioner herein for rectification by removing entry made in respect of Trademark No.3348784 dated 24.08.2016 in respect of mark 'H CRAMTAN'.

2.I have heard Mr. Hemant Daswani, learned counsel for the petitioner and Mr.C.Kulandaivel, learned Senior Panel Counsel for the 2nd respondent.

3.The 1st respondent, who ought to have contested the OP, chose to remain ex-parte and in fact, this Court, by order dated 14.11.2024, has already set the 1st respondent ex-parte.

4.The learned counsel for the petitioner would submit that the petitioner is a very reputed public limited Company, involved in manufacturing and marketing of consumer electrical goods. He would further state that the adoption of the word 'CROMPTON' by the petitioner relates back to the times of a British Engineer by name Col. R.E.B.Crompton, who was an invitee to India for drafting a legislation governing generation of electricity. He would further contend that a firm was constituted under the name and style of R.E.B.Crompton & Co., and subsequently the firm was converted into a

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Company styled as Crompton & Co., which later merged with a French Company F & A Parkinson in the year 1927.

5.According to the learned counsel for the petitioner, the merged entity came to be known as Crompton Parkinson Limited, United Kingdom. Later, the Company set up a wholly owned subsidiary in Mumbai, India and the Indian Company was named as Crompton Parkinson Works Limited and was incorporated on 01.04.1937. However, the goods of the said Crompton Parkinson Works Limited were sold under the mark 'CROMPTON' eversince 1943. The said Company had also applied for registration of the mark 'CROMPTON' under the Trademarks Act, 1940 and the Company was also given registration. He would further state that in the year 1947, the Company joined hands with Greaves Cotton and Company and in the year 1966, the said Greaves Cotton Company and Crompton Parkinson Limited stood amalgamated with Crompton Parkinson Works Limited and a new Company by name, Crompton Greaves Limited came into existence. Much later, in the year 2015, the present petitioner was demerged from Crompton Greaves Limited vide an order of the Bombay High Court.

6.The learned counsel for the petitioner further states that the petitioner's predecessors were market leaders in electrical goods, especially Fans and related electrical equipments and have earned the tag of well known mark as

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well. He would further state that the brand Crompton has been in the Indian market eversince 1943 and enjoys registrations in Clauses 7 and 11 also, again eversince 1943. The learned counsel for the petitioner took me through various documents, leading to the demerger and the petitioner ultimately taking over the business of manufacturing and marketing electrical goods which are sold under the brand name CROMPTON. He would also take me through various registration certificates that have been issued in favour of the petitioner and the petitioner's predecessors in interest. He would further state that apart from registrations under Clauses 7 and 11, the petitioner also enjoys registration under Clauses 9 and 12 as well. He would also take me through the chartered accountant's certificates with regard to sale turnover and also huge expenditure incurred by the petitioner even towards advertisement of the product for the purposes of marketing and sale of Crompton group of products.

7.The learned counsel for the petitioner would further state that in May 2018, the petitioner came to know while browsing the records of the Registrar of Trademarks, that the respondent has obtained a registration over the impugned mark 'H CRAMTAN' under Application No.3348784. The learned counsel for the petitioner would further state that 'H CRAMTAN' is phonetically very same to the well known mark of the petitioner and the 1st respondent, the registered proprietor of 'H CRAMTAN' is also dealing with electrical equipments and in the event of the mark continuing to be registered in

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the name of the 1st respondent, then there is every likelihood of confusion being caused amongst the general public. He would further state that it is very likely the goods of the 1st respondent may be passed off, as if they are the goods of the petitioner, which would result in irreparable loss and damage, not only financial, but also to the reputation of the petitioner. He would also state that the mark not only sounds similar, but also looks similar and the petitioner is therefore entitled to the reliefs sought for in the OP. He would further state that the 1st respondent has not even chosen to contest the present proceedings and therefore, the said conduct also exposes the attitude of the 1st respondent to only ride on the goodwill and reputation of the petitioner, unauthorisedly and illegally, as long as possible. In support of his contentions, the learned counsel for the petitioner has relied on the following decisions:

1.K.R.Chinna Krishna Chettiar Vs. Shri Ambal and Co., 1969 (2) SCC 131.

2.K.R.Chinnikrishna Chetty Vs. K.Venkatesa Mudaliar, 1972 SCC Online Mad 173.

3.Encore Electronics Vs. Anchor Electronics, 2007 SCC Online Bom 147.

4.Glaxo Group Vs. Neon Laboratories, 2003 SCC Online Bom 1126.

5.Smithkline Beecham Vs. Hanish Ajmera, 2014 SCC online Del 150.

6.Crompton Greaves Consumer Electricals Limited Vs. Bali Ram, 2025 SCC Online Del 4115.

7.Crompton Greaves Consumer Electricals Limited Vs. S.D.Electronics and Others, 2026 SCC Online Del 1344.

He would therefore pray for the original petition being allowed.

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8.Per contra, Mr.C.Kulandaivel, learned Senior Panel Counsel for the 2nd respondent would submit that the 2nd respondent is willing to abide by any orders passed by this Court.

9.As seen from the narration of facts, which is corroborated by pleadings and documentary evidence produced before this Court, I am satisfied that the petitioner's predecessors originally and subsequently, the petitioner have been in the market dealing with 'CROMPTON' and they have earned enormous goodwill and reputation in the electrical goods market. The Chartered Accountant's certificates fortify the claims made in this regard in the original petition. The trademark journal No.9142 dated 24.02.2020 confirms the fact that the mark 'CROMPTON' under lighting products, fans, pumps and consumer appliances has been included in the list of trademarks, which would be a well known trademark.

10.Coming to the grievance of the petitioner, I am in entire agreement with the argument of the learned counsel for the petitioner that mark of which registration has been obtained by the 1st respondent is phonetically very similar and almost identical to the mark of the petitioner 'CROMPTON'. There is every likelihood of the public being deceived by the said mark, which has been registered in favour of the 1st respondent.

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11.The said view of mine is also supported by legal precedence. As early as in 1969, the Hon'ble Supreme Court in *K.R.Chinna Krishna Chettiar's case*, affirming the judgment of this Court, deciding the dispute between two distinguishing marks 'Sri Andal' and 'Sri Ambal', the Hon'ble Supreme Court held that even though there is no visual similarity attracting the eye and there is also no phonetic similarity, upheld the view of this Court, holding that the words 'Sri Andal' and 'Sri Ambal' are deceptively similar and even adding of the word 'Radha' to the objected mark would not impact any difference and held that there is tangible danger that substantial number of persons will confuse 'Radha's Sri Andal' with 'Sri Ambal'.

12.In *Encore Electronics case*, the Division Bench of the Bombay High Court held that the element of phonetic similarity has always been regarded in the law to be an important index in an action for passing off.

13.In *Glaxo Group's case*, the Bombay High Court held the marks 'TREX' and 'TROX' to be deceptively similar and granted relief.

14.In *Smithkline Beecham's case*, the Delhi High Court relied on the decision of the Hon'ble Supreme Court in *Ramdev Food Products Private Limited Vs. Arvindbhai Rambhai*, reported in *(2006) 8 SCC 726*, held that in an

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action for infringement where the defendant's trademark is identical to the plaintiff's mark, then the Court need not enquire whether the infringement is such as is likely to deceive or cause confusion and the test is as to likelihood of confusion or deception arsing from similarity of marks is the same, both in infringement and passing off action.

15.The learned counsel for the petitioner has relied on the decisions of the Delhi High Court, where the petitioner herein has approached the Court and obtained relief. He would therefore state that the petitioner has all along be vigilant to protect his registered mark. The ratio laid down in the above decisions can be safely applied to the facts of the present case, I having already found that the mark adopted by the 1st respondent is deceptively phonetically similar to the registered mark of the petitioner.

16.In the light of the above, this Trademark Original Petition is allowed, as prayed for, with costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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P.B.BALAJI, J.

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