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

+ CS(COMM) 275/2022

HINDUSTAN UNILEVER LTD & ANR. .... Plaintiffs

Through: Mr. Saikrishna Rajagopal, Mr. Nitin  
Sharma, Mr. Vivek Ayyagari and Mr. Angad S.  
Makkar, Advocates.

versus

UNILEVERR1.IN & ORS. .... Defendants

Through:

**CORAM:**

**HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER**

% **28.04.2022**

**I.A. 6540/2022 (Exemption)**

1. Subject to the Plaintiffs filing originals, clearer copies and documents with proper margins, which it may seek to place reliance on, within four weeks from today, exemption is granted.

2. Application is allowed and disposed of.

**I.A. 6539/2022 (Additional Documents)**

3. Present application has been preferred on behalf of the Plaintiffs seeking leave to file additional documents under Order 11 Rule 1(4) CPC.

4. Plaintiffs, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act, 2015.

5. Application is allowed and disposed of.

**I.A. 6538/2022 (Exemption from issuing notice to Defendants No. 18 and 19)**

6. Since there is an urgency in the matter and the matter is being heard

today, Plaintiffs are exempted from serving the Defendants No. 18 and 19 with advance notice.

7. For the reasons stated in the application, the same is allowed and disposed of.

**I.A. 6536/2022 & 6537/2022 (Directions)**

8. List on 19.05.2022.

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9. Let plaint be registered as a suit.

10. Upon filing of process fee, issue summons to the Defendant, through all permissible modes, returnable on 28.07.2022. Summons shall state that the written statement shall be filed by the Defendant within 30 days from the receipt of summons. Along with the written statement, Defendant shall also file an affidavit of admission/denial of the documents of the Plaintiff.

11. Replication be filed by the Plaintiff within 15 days of the receipt of the written statement. Along with the replication, an affidavit of admission/denial of documents filed by the Defendant, shall be filed by the Plaintiff.

12. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

13. List before the learned Joint Registrar on 28.07.2022.

14. List before the Court on 19.05.2022.

**I.A. 6535/2022 (under Order 39 Rules 1 and 2 of CPC)**

15. Present application has been preferred by the Plaintiff under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure 1908 for grant of *ex-parte ad-interim* injunction.

16. Issue notice to the Defendants through all prescribed modes, returnable on 19.05.2022.

17. *Dasti* in addition to Defendants No. 9, 14, 20 and 21.

18. It is averred that Plaintiffs are popularly known, recognized and referred to, globally and in India, as 'Unilever', which word, apart from being a house mark, also forms a prominent, inseparable and integral part of their corporate names. Plaintiff No. 1 is a subsidiary of Plaintiff No.2. Plaintiff No. 2 is the owner of various trademarks including the




trademark 'Unilever' ("Unilever Logo") and has licensed the use of the same to Plaintiff No. 1 in India. Registrations for the Unilever logo



'Unilever' and "Hindustan Unilever" obtained by the Plaintiffs have been detailed in para 18 of the plaint and are stated to be valid and subsisting. Plaintiffs have incurred significant expenditure on promotion of their products/services sold/provided under the Plaintiffs' Marks through advertisements and brand building, which for the year 2020-2021 is Rs.4,737/- Crores. The immense goodwill and reputation of the Plaintiff is evident from the tables incorporated in paras 24 and 25 of the plaint, which reflect not only the magnitude of the sales revenue and turnover but also the fact that Plaintiffs are continuing to grow rapidly.

19. It is averred that Defendants No. 1 to 5 are Rogue Defendants (hereinafter referred to as “Rogue Defendants”), who are offering jobs/programs for selling and marketing products of the Plaintiffs in return for monetary considerations, attracting unsuspecting members of the public by utilizing and/or using trademarks of the Plaintiffs herein. Information regarding such jobs is made available by the Rogue Defendants through Instagram ads, social media messaging apps and on the impugned domain name/Defendant No. 1, i.e. <https://unilever1.in/#/home>, which blatantly copies the house mark/trademark ‘UNILEVER’ in order to deceive and lure customers into believing that they have some association/affiliation with the Plaintiffs. Defendants No. 2, 3 and 4, as well as the Telegram Handle @nandanabhasin888 (Defendant No. 5) appear to be acting in concert with each other since the complaint which the Plaintiff had received refers to the interaction of the complainant with the said Defendants. A comparison of the mark used by Defendant No.1 with Plaintiffs’ mark, as brought out in the plaint, is as under:

<i>Plaintiff's Marks</i>	<i>Defendant No. 1 &amp; 5's/use of the Plaintiff's Marks in an identical manner</i>
	


20. It is averred that use of the Plaintiffs trademark ‘Unilever’ by the Defendant No. 1 as a part of its domain name as well as use of the Plaintiffs’

Unilever Logo, in an identical manner, is essentially to deceive the public at large. Rogue Defendants' use of the Plaintiffs' Unilever Logo, which is nearly identical to that of the Plaintiffs' Unilever Logo, constitutes infringement of the said trademark, passing off, dilution of the Plaintiffs' goodwill and unfair trade practice.

21. Having heard learned counsel for the Plaintiffs, this Court is of the view that Plaintiffs have made out a *prima facie* case for grant of *ex parte ad-interim* injunction. Balance of convenience lies in favour of the Plaintiffs and they are likely to suffer irreparable harm in case the injunction, as prayed for, is not granted.

22. Accordingly, Defendants No. 1 to 5, their owners, partners, proprietors, officers, servants, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under them, are restrained from using the impugned mark



“UNILEVERR” and the logo  etc. and/or any or any other mark identical/deceptively similar to the Plaintiffs' Unilever Logo/Hindustan Unilever trademark and/or any other mark associated with the Plaintiffs, in any manner amounting to infringement of Plaintiffs' trademarks, till the next date of hearing.

23. Defendants No. 1 to 5, their owners, partners, proprietors, officers, servants, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under them, are further restrained from using the impugned mark “UNILEVERR” and the



logo and/or any other mark identical/deceptively similar to the Plaintiffs' Unilever Logo and trademark Hindustan Unilever/Plaintiffs' Marks in respect of domain name or any other manner amounting to passing off the Plaintiffs' goods/services, till the next date of hearing.

24. Defendants No. 1 to 5, their owners, partners, proprietors, officers, servants, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under them, from, in any manner are further restrained from using directly or indirectly the Plaintiffs' Marks or any other mark identical/deceptively similar to the Plaintiffs' Marks, amounting to unfair competition, misappropriation, dilution and tarnishment, of the Plaintiffs' Marks, till the next date of hearing.

25. Defendant No. 7 (i.e., Namesilo.com/Domain Name Registrar), its directors, partners, proprietors, officers, affiliates, servants, employees, and all others in capacity of principal or agent acting for and, on their behalf, or anyone claiming through, by or under it, are directed to suspend and block access to Defendant No. 1 (Rogue Website).

26. Defendants No. 8-17, their directors, partners, proprietors, officers, affiliates, servants, employees, and all others in capacity of principal or agent acting for and, on their behalf, or anyone claiming through, by or under them, are directed to block access to the Rogue Website identified as Defendant No. 1 along with the instant suit.

27. Defendants No. 18 (DoT) and 19 (MEITY) are directed to issue Notifications calling upon the various internet and telecom service providers

registered under them to block access to the various websites/Rogue Defendants identified by the Plaintiffs in the instant suit or such other websites that may subsequently be notified by the Plaintiffs to be infringing of its exclusive rights.

28. Defendant No. 6 (Telegram – Social Media Intermediary) is directed to block/suspend fake account of Rogue Defendant No. 5 (i.e., @nanadanabasin888) as identified by the Plaintiffs now and/or at any subsequent time.

29. Plaintiffs shall comply with the provisions of Order 39 Rule 3 CPC within two weeks from today.

**JYOTI SINGH, J**

**APRIL 28, 2022/rk**