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

Date of Decision: 24th March, 2022

+ **CS(COMM) 222/2020 & I.A. 3002/2022**

LOUIS VUITTON MALLETIER Plaintiff

Through: Mr. Pravin Anand, Mr. Dhruv Anand,
Ms. Udit Patro and Ms. Sampumaa
Sanyal, Advocates. (M:9313399860)

versus

FUTURETIMES TECHNOLOGY INDIA PRIVATE LIMITED &
ORS. Defendants

Through: Ms. Sucheta Roy, Advocate.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through hybrid mode.

I.A. 3002/2022 (for discharge)

2. This is an application filed by the advocates for the Defendants seeking discharge. It is submitted by Ms. Sucheta Roy, Id. Counsel that initially instructions were received from the Defendants who were running the website www.clubfactory.com. However, Id. Counsel submits that after the pandemic, the said website originating from China was banned by the Government of India and thereafter, they have stopped getting instructions from the Defendant.

3. The case of the Plaintiff herein is that the Defendants are indulging in sale of unauthorized products having Plaintiff's marks on www.clubfactory.com, thereby violating Plaintiff's rights in Louis Vuitton mark and various other device marks. It is submitted by Mr. Pravin Anand, Id. Counsel, that the Defendant was running a large scale portal where sales have been made of the infringing products.

4. The Defendants have stopped appearing in the matter after having contested the matter for several hearings. Accordingly, the following directions are issued:

i. Ld. counsel for the Defendants shall provide the Ld. Counsel for the Plaintiff the following particulars:

a) The email address of the Defendants with whom correspondence was taking place.

b) The names and other relevant information that the Ld. Counsel for the Defendant might have of the individuals who were giving instructions to the Ld. counsels including their mobile numbers.

c) Details of any bank account of the Defendants from where legal fees may have been received by the Ld. counsel for the Defendants.

ii. Subject to above particulars being provided to Ld. Counsel for the Plaintiff within two weeks, Ld. counsels for Defendants are discharged.

5. *I.A. 3002/2022* is allowed in these terms.

CS(COMM)-222/2020 & I.A. 5139/2020(u/O XXXIX Rule 1 & 2)

6. On the first date i.e., 3rd July, 2020 an undertaking was given by the Defendants that upon being notified, the URLs on which the infringing products are hoisted would be removed. It was submitted that this policy of the Defendants was in conformity with the Information Technology Act, 2000. However, it is submitted by Ld. Counsel for the Plaintiff that despite the said order being passed, the Plaintiff had realized that the URLs being notified by the Plaintiff to the Defendants were being merely masked/hidden and they continued to remain on the website of the Defendant. The Defendants have now stopped appearing in the matter and their website is also stated to have been suspended by the Department of

Telecommunications (DoT) and Ministry of Electronic and Information Technology (MeiTY).

7. Accordingly, having seen the products being made available on the Defendants portal despite the undertaking given to the Court which clearly contain the use of the various device and word marks of the Plaintiff, a permanent injunction restraining the Defendants from, in any manner, manufacturing, selling, offering for sale directly or indirectly any goods including face masks etc., bearing the following registered marks of Louis Vuitton on its portal www.clubfactory.com or any other portal run by the Defendants is granted-



8. Suit is decreed in terms of paragraphs 63(i), 63(ii) and 63(iii) of the plaint. Decree sheet be drawn, in these terms.

9. Insofar as the relief of damages is concerned, Plaintiff shall file its affidavit in evidence within four weeks.

10. *I.A. 5139/2020* is disposed of.

11. The DoT and MeiTY are directed to issue instructions to all ISPs to block the website www.clubfactory.com so that the same is also not accessible through VPN or other platforms.

12. List for hearing on 24th May, 2022.

PRATHIBA M. SINGH
JUDGE

MARCH 24, 2022

dj/sk