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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 9th September, 2022

+ **CS (COMM) 636/2021**

LOUIS VUITTON MALLETIER Plaintiff

Through: Ms. Pooja Dodd and Ms. Akanksha
Singh, Advocates. (M:9811045646)

versus

JAVED KHAN & ORS. Defendants


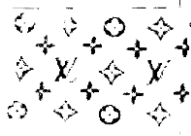




Through: Mr. Kapil Kumar Giri, Advocate with
D-1 & 2 in person. (M:9899739391)

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The Plaintiff - Louis Vuitton Malletier is a French company, having its registered office at 2 Rues du Pont-Neuf, 75001 - Paris, France. Its history traces back to 1854 and the mark 'LV' has since become well known. The Plaintiff is engaged in the business of manufacturing, distributing and selling high quality and high value luggage, handbags, wallets, footwear and fashion accessories for both women and men. It is a part of the Louis Vuitton Moet Hennessy (LVMH) group that owns over 75 prestigious brands with a retail network of over 5,000 stores worldwide and revenue of 44.7 Billion Euros as of 2020. In India, the Plaintiff's registration of the LV Marks are as follows:

<i>Date</i>	<i>Registration No.</i>	<i>Mark</i>
<i>8th August, 1985</i>	<i>441451</i>	LOUIS VUITTON

<i>8th August, 1985</i>	<i>441452</i>	
<i>8th August, 1985</i>	<i>441453</i>	
<i>20th December, 2000</i>	<i>978462</i>	
<i>20th December, 2000</i>	<i>978464</i>	
<i>26th November, 2014</i>	<i>3054827</i>	
<i>4th February, 2016</i>	<i>3177009</i>	

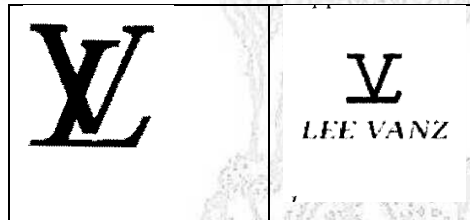
3. The Defendant No. 1- Javed Khan, is a wholesale supplier of footwear and menswear under the business name Jay Kay Sales. Defendant No. 2- Bilal Khan, is a listed entrepreneur on IndiaMart, who along with Defendant No. 1 runs the business and they operate out of two locations:

- i. 59/164-B Shyam Nagar, VIP Road, Khoja Ki Sarai, Hing ki Mandi, Agra, U.P. - 282001
- ii. Shop No. 8, Sarv Complex, Meera Hussaini Crossing, Hing ki Mandi, Mantola, Agra, U.P. - 282003.

4. Defendant No.3- Ashok Kumar, is an unknown person/identity based on the concept of John Doe who until October, 2021 was operating an online

e-commerce portal with website www.olvikart.com and social media handles like instagram that direct you to the said website, where it was offering for sale products such as footwear, wrist watches and other accessories bearing the logo as counterfeits.

5. The Plaintiff has filed the present suit seeking the reliefs of permanent & mandatory injunction, rendition of accounts/damages, delivery up and other appropriate reliefs against the Defendants who are selling footwear bearing the 'LV Logo' as well as using the 'LV Logo' under the name 'Lee Vanz' in the form of buckles on their footwear. The case of the Plaintiff is that 'LOUIS VUITTON' marks along with its distinctive floral pattern and logos are exclusive to the Plaintiff. However, the manner of use by the Defendants is set out below:



6. Vide order dated 09thDecember, 2021, an *ex parte* order of injunction was granted by the Predecessor Bench in the following terms:

“21. Accordingly, till further orders, the defendants and all those acting on their behalf from counterfeiting, manufacturing, using advertising, marketing, selling and/or offering for sale, distributing or directly or indirectly dealing in, in any manner bearing the registered trademarks "LOUIS VUITTON", "LV" logo, Toile monogram pattern or any similar trademark amounting to an infringement of plaintiffs registered trademarks, as also passing off of their goods as emanating from the plaintiff.”

7. Local Commissioners were also appointed in the matter, who had visited the premises of the Defendant Nos. 1 & 2 in Agra and seized the goods bearing the 'LV Logo'. The total seizure effected was to the tune of 343 pairs from the two premises of the Defendants, set out in the memo of the parties.

8. Defendant Nos.1 & 2, thereafter, have appeared before this Court and have agreed to bring a closure to the dispute with the Plaintiff. Today, the Defendants, namely, Mr. Bilal Khan and Mr. Javed Khan, who are present in the Court along with their Id. counsel, have made a statement before the Court that they are willing to pay a total sum of Rs.1,00,000/- towards litigation costs to the Plaintiff in instalments and that they further undertake not to use the 'LV Logo' or any other marks of the Plaintiff. The Plaintiff in return has no objection, if the defendant uses the mark 'Lee Vanz' so long as its abbreviated version 'LV' of the 'LV logo' is not used.

9. In view of the statements made before the Court today and the agreement arrived at between the parties, the suit shall stand decreed in terms of paragraph 53 (a), (b) and (c) of the plaint.

10. Insofar as the seized goods are concerned, the Defendants have agreed to produce the same before the Id. counsel for the Plaintiff on 15th September, 2022 so that the 'LV buckles' can be removed from the same and the footwear can be returned to the Defendants to be dealt with individually.

11. The amount of Rs.1,00,000/- shall be paid in five equal instalments of Rs.20,000/- per month in the following manner:

- i. The first instalment of Rs.20,000/- shall be paid on 15th September, 2022;
- ii. The second instalment of Rs.20,000/- shall be paid on 15th October, 2022;

- iii. The third instalment of Rs.20,000/- shall be paid on 15th November, 2022;
- iv. The fourth instalment of Rs.20,000/- shall be paid on 15th December, 2022;
- v. The fifth and final instalment of Rs.20,000/- shall be paid on 15th January, 2023.

12. The suit is decreed in the above terms. Decree sheet be prepared. None of the other reliefs are pressed by the Plaintiff. All pending applications are disposed of.

**PRATHIBA M. SINGH
JUDGE**

SEPTEMBER 9, 2022/dk/sr

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