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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 222/2020

LOUIS VUITTON MALLETIER

..... Plaintiff

Through: Mr. Pravin Anand, Mr. Dhruv Anand,
Ms. Nimrat Singh and Ms. Udit
Patro, Advocates. (M:9870201041)

versus

FUTURETIMES TECHNOLOGY INDIA PRIVATE LIMITED &

ORS.

..... Defendants

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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03.11.2022

1. This hearing has been done through hybrid mode.
2. Vide previous order dated 2nd August, 2022, this matter had been listed for *ex-parte* evidence in respect of the relief of damages.
3. Today however, Mr. Anand, Id. Counsel submits that owing to certain sensitivity, the Plaintiff only wishes to press for costs in this matter and does not wish to press for damages, though, the suit was decreed on 24th March, 2022 *qua* permanent injunction.
4. The operative portion of the order dated 24th March, 2022 reads as under:

“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.”

5. The decree that has been passed in this matter qua permanent injunction as encapsulated in the order dated 24th March, 2022, reads as under:

“This suit coming on this day for hearing before this Court in the presence of counsel for the parties as aforesaid; it is ordered that a decree for permanent injunction be and the same is hereby passed in favour of the plaintiff and against the defendants restraining the defendants, their partners their principal officers, if any, officers, servants, agents, their affiliates, subsidiaries, distributors, stockists and representatives and all others acting for and on their behalf from:-

i. importing, manufacturing, warehousing, selling and/or offering for sale, advertising, directly or indirectly dealing, in any manner, in any goods, including facemasks, etc. bearing the registered trademarks "LOUIS VUITTON", "LV" logo, Toile

monogram pattern, Damier pattern and/or LV Flower pattern or any similar trademark amounting to an infringement of registered Trademarks Nos. 441451, 448228, 448229, 441452B, 448230, 448231, 448235, 448234, 441453B, 861145, 1335385 and 1335386 on any platform whatsoever, including its website www.clubfactory.com, mobile apps, social media platforms, etc.;

ii. importing, manufacturing, warehousing, selling and/or offering for sale, advertising, directly or indirectly dealing, in any manner, in any goods, including face masks, etc. bearing the trademarks "LOUIS VUITTON", the "LV" logo, the "Toile monogram" pattern, the Damier pattern and/or the LV Flower pattern or any similar trademark or doing any other act amounting to passing off of the defendants' products as those of the plaintiff;

iii. using trademarks, patterns, labels, logos or devices, which are identical or deceptively or confusingly similar to the plaintiff's trademarks "LOUIS VUITTON", the "LV" logo, the "Toile monogram" pattern, the Damier pattern and/or the LV Flower patterns (the said trademarks) or any similar trademarks so as to misrepresent the quality/ origin of their goods and from taking unfair advantage of the plaintiffs reputation and goodwill in the said trademarks or any similar trademark thereby causing dilution and tarnishment of the plaintiff's abovementioned trademarks.

It is further ordered that the Department of Telecommunications and Ministry of Electronic and Information Technology 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.

It is lastly ordered that the matter shall be listed before the Hon'ble Court on 24.05.2022.

*Given under the hand and seal of **Hon'ble Mr. Justice Vipin Sanghi, Acting Chief Justice of the High Court of Delhi at New Delhi, this the 24th day of March, 2022.***

6. Pursuant to the above order, the bill of costs has been placed on record under signatures of Id. counsel for the Plaintiff shows that the total cost being claimed is Rs.32,29,416/-.

7. Considering the facts of this case, costs of Rs.20,00,000/- are awarded in favour of the Plaintiffs. No other reliefs are pressed by the Plaintiff.

8. Decree sheet be drawn accordingly.

PRATHIBA M. SINGH, J.

NOVEMBER 3, 2022

dj/ms