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

+ **C.O. (COMM.IPD-TM) 249/2024 & I.A. 47050-47052/2024**

JACK DANIELS PROPERTIES, INC.

.....Petitioner

Through: Mr. Ankit Sahni, Ms. Kritika Sahni,
Mr. Chirag Ahluwalia and Mr. Mohit
Maru, Advocates

versus

M/S MANGLAM KRUPA & ANR.

.....Respondents

Through: Mr. R. Venkat Prabhat, SPC with
Mr. Abhinav M. Goel, Advocate for
R-2

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **04.12.2024**

I.A. 47051/2024 (exemption from filing original documents)

1. Allowed, subject to just exceptions.
2. The petitioner is exempted from filing original and dim documents at this stage.
3. The application stands disposed of.

I.A. 47052/2024 (O-XI R-1(4) of the Commercial Courts Act)

4. The present application has been filed on behalf of the petitioner seeking leave to file additional documents under the Commercial Courts Act, 2015.
5. The petitioner is permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High



Court (Original Side) Rules, 2018.

6. Accordingly, the application is disposed of.

C.O. (COMM.IPD-TM) 249/2024 and I.A. 47050/2024 (u/O-XXXIX Rule 1 & 2 of Code of Civil Procedure, 1908)

7. The present petition has been filed under Section 57 of the Trade Marks Act, 1999 seeking removal/cancellation of the impugned mark “**JACK DANIEL’S**” bearing application no.5671320 in class 05.

8. It is the case of the petitioner that they have been using the mark “JACK DANIEL’S” since 1895 in respect of alcoholic beverages. Petitioner is the registered proprietor of various trademarks including “JACK DANIEL’S” and other formative part.

9. It is contended that the mark “JACK DANIEL’S” has been consistently and extensively used in India since 1997. The petitioner has also various registrations in respect of the mark “JACK DANIEL’S” in India across various classes, which are detailed in paragraph (vii) of the petition.

9.1 All the aforesaid registrations are valid and subsisting.

10. Despite the aforesaid, the respondent no.1 has got the mark “**JACK DANIEL’S**” registered under class 05 on a ‘*proposed to be used*’ basis.

11. Counsel appearing on behalf of the petitioner submits that the registration and adoption of the said mark by respondent no.1 is clearly *mala fide* and an attempt to ride over the goodwill and reputation of the petitioner’s mark. The same is likely to cause confusion and deception among the member of the public as well as cause harm to the reputation of



the petitioner.

12. In my view, a *prima facie* case is made out in favour of the petitioner and against the respondent no.1 that the registration granted in favour of the respondent no.1 is violative of provision of Section 9(2)(a) and Section 11 of the Trade Mark Act, 1999. Balance of convenience is in favour of the petitioner and against the respondent no.1 Irreparable harm will be caused to the petitioner if the operation of the impugned mark is not stayed.

13. Accordingly, the registration of the impugned mark “**JACK DANIEL’S**” bearing application no. 5671320 in class 05 granted in favour of respondent no.1, shall remain stayed till the next date of hearing.

14. Issue Notice.

15. Notice is accepted by counsel for respondent no.2.

16. Notice be issued to respondent no.1 *via* all permissible modes, including e-mail.

17. Reply if any be filed within two (2) weeks.

18. Rejoinder thereto be filed within two (2) weeks thereafter.

19. List on 26th March, 2025.

AMIT BANSAL, J

DECEMBER 4, 2024
ds