

# Reckitt Benckiser (India) Pvt. Ltd vs Mr. Alok Jain & Anr on 19 November, 2020

**Author: Mukta Gupta**

**Bench: Mukta Gupta**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CS(COMM) 508/2020  
I.A.10690/2020 (under Order XXXIX Rule 1 and 2 CPC)

RECKITT BENCKISER (INDIA) PVT. LTD. .... Plaintiff  
Represented by: Mr. Chander M. Lall, Senior  
Advocate with Ms. Nancy Roy and  
Mr. Jawahar Lal, Advocates.

versus

MR. ALOK JAIN & ANR. .... Defendant  
Represented by:

CORAM:  
HON'BLE MS. JUSTICE MUKTA GUPTA  
ORDER

% 19.11.2020 The hearing has been conducted through Video Conferencing. I.A.10692/2020 (exemption from filing original signed pleadings and and notarised affidavits)

1. Exemption allowed subject to just exceptions.
2. Original pleadings along with notarized original affidavit be filed within two weeks of the resumption of the normal Court functioning.
3. Application is disposed of.

I.A.10691/2020 (exemption from filing original documents)

1. Exemption allowed subject to just exceptions.
2. Original documents, if any, be filed within two weeks of the resumption of the normal Court functioning.
3. Application is disposed of.

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I.A.10690/2020 (under Order XXXIX Rule 1 and 2 CPC)

1. Complaint be registered as suit.
2. Issue summons in the suit and notice in the application to the defendants on the plaintiff taking steps through Email, SMS, Whatsapp, speed post and courier, returnable before the learned Joint Registrar on 8th January, 2021 for completion of service, pleadings and admission-denial of documents.
3. List before the Court on 23rd April, 2021.
4. Written statement to the suit and reply affidavit to the application along with affidavit of admission-denial be filed within 30 days.
5. Replication and rejoinder affidavit along with affidavit of admission- denial be filed within three weeks thereafter.
6. Case of the plaintiff is that the plaintiff company is dealing in manufacturing, packaging, sale and distribution of various healthcare, homecare and hygiene products such as Dettol Antiseptic Liquid, Dettol Masks, Dettol Hand Wash, Dettol Soap, Dettol Disinfectant Liquid, Harpic toilet and bathroom cleaner, Colin, etc. The marks of the plaintiff including the word marks and the device marks are duly registered in its favour. Plaintiff has also given its sales figures and its promotional figures to show the amount spent in promotions. The plaintiff is the registered proprietor of the mark 'DETTOL' not only in India but in various other countries. The mark of the plaintiff 'DETTOL' has already been declared a well known mark and according to the plaintiff it is being used all over the world.
7. Grievance of the plaintiff is to the adoption of the trademarks 'DELTON', 'HYDIS' and 'CLIN' by the defendant as also slavishly CS(COMM) 508/2020 PageGUPTA imitating the packaging of the plaintiff's products under the three trademarks 'DETTOL', 'HARPIC', and 'COLIN'.
8. A comparison of the plaintiff's and defendant's products are reproduced as under:-

Plaintiff's trade marks	Defendant's trade marks / products / products
DETLON	DETTOL
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CS(COMM) 508/2020 PageGUPTA	HYDIS
CS(COMM) 508/2020 PageGUPTA	COLIN
CLIN	

9. A perusal of the above comparison shows that not only has the defendant infringed the trademarks of the plaintiff but also the copyright of the plaintiff in its design, colour combination and trade dress, etc.

10. Consequently, this Court finds that the plaintiff has made out a prima facie case in its favour and in case no ex parte ad interim injunction is granted, the plaintiff would suffer an irreparable loss. The balance of convenience also lies in favour of the plaintiff and against the defendant.

11. Consequently, an ex parte ad interim injunction is granted in favour of the plaintiff and against the defendant in terms of Prayer A(i) to (iv) of I.A.10690/2020.

12. Compliance under Order XXXIX Rule 3 CPC be done within one week.

13. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

NOVEMBER 19, 2020/vk

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