

Exxon Mobil Corporation vs Exoncorp Private Limited on 28 February, 2019

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CS (COMM) 111/2019
EXXON MOBIL CORPORATION Plaintiff
Through: Ms. Anuradha Salhotra, Mr. Sumit
Wadhwa and Ms. Meenakshi Prasad,
Advocates. (M:9899783837)
versus
EXONCORP PRIVATE LIMITED Defendant
Through: None.
CORAM:
JUSTICE PRATHIBA M. SINGH
ORDER
% 28.02.2019
I.A. 3120/2019 (exemption)

1. This is an application seeking exemption from filing original documents. Recording the Plaintiff's undertaking that the inspection of original documents shall be given, if demanded, or that the original documents shall be filed prior to the stage of admission/denial, the exemption is allowed. I.A. is disposed of.

I.A. 3121-22/2019 (exemption)

2. Allowed, subject to all just exceptions. I.As. are disposed of. I.A. 3123/2019 (additional documents)

3. This is an application seeking leave to file additional documents under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (hereinafter, 'Commercial Courts Act'). Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act. I.A. is disposed of. CS (COMM) 111/2019 & I.A. 3119/2019 (u/O XXXIX Rules 1 & 2 CPC)

4. Complaint be registered as a suit.

5. Plaintiff - Exxon Mobil Corporation has filed the present suit seeking an injunction restraining the infringement of trademark 'EXXON'. Plaintiff claims to be the owner of the well-known trademark 'EXXON'. The mark has been in use since 1882. The grievance of the Plaintiff in the present case is

that the Defendant - Exoncorp Private Limited is using the mark in its corporate name 'EXONCORP' and the domain name www.exoncorp.com. Ld. counsel for the Plaintiff submits that the Defendant registered the domain name in February, 2017 but the company with the name 'EXONCORP' has been registered as of December, 2018. Ld. counsel further submits that the website of the Defendant shows that the Defendant claims to be an IT services, IT support, IT training company. Reliance is placed on the fact that the mark 'EXXON' has been declared to be a well-known trademark in a judgment passed by this Court. The Plaintiff had issued cease and desist notice in November, 2018 but the Defendant has chosen not to respond.

6. Considering the fact that the Defendant claims to have 500-1000 employees, the prayer for ad-interim injunction shall be considered after issuing notice to the Defendant. Summons in the suit and notice in the application be issued to Defendant upon filing of process fee. Plaintiff is permitted to serve the Defendant by email. Defendant to put in a reply to the interim injunction application within 10 days of service.

7. List for hearing of application and consideration of interim relief on 20th March, 2019.

PRATHIBA M. SINGH, J.

FEBRUARY 28, 2019/dk