



Injunction Granted on Mis-statement of Fact Vacated by Court

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Delhi High Court vacates ex parte injunction granted against defendant finding permeation of its trans-border reputation and plaintiff's mis-statement of facts in pleadings in case involving rival claims to the PARAMOUNT mark. The defendant, a Japanese company, adopted the PARAMOUNT mark in 1987 for its business in hospital beds and holds registrations of the mark in other countries albeit not in India. The plaintiff on the basis of its registration of the same mark in India, and averring that the defendant's adoption of the PARAMOUNT mark was dishonest and that it had learnt of this adoption only in 2017, obtained an ex parte interim injunction from the Single Judge of the Delhi High Court. The Judge later set aside the injunction order after a hearing spanning several dates during which she observed that the plaintiff did not approach the court with clean hands. Among other mis-statements and questionable conduct, the plaintiff had made patently incorrect statements regarding its knowledge of the defendant's prior use of mark. Specifically, the plaintiff had opposed the defendant's trademark application in 2009 and the two parties had exchanged settlement related correspondence in 2012. The court accepted that the defendant has a large business presence and tremendous reputation and goodwill vested in the PARAMOUNT mark in India. Its [trans-border reputation](#) had also permeated into India. The court held that the plaintiff had failed to establish a prima facie case in its favour and found the [balance of convenience](#) was in favour of the defendant. *Paramount Surgimed Limited v Paramount Bed India Private Limited; before the Delhi High Court; judgment dated 25.05.2017*

