John Doe order enables greater recovery of counterfeits

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Ahuja Radios, one of the largest makers of audio equipment in India, approached the Delhi High Court after learning of traders in Indore dealing in counterfeit audio equipment bearing its trademarks. While it was aware of the infringing activity of a few traders, a broader search in the vicinity was necessary to effectively curtail the trade in counterfeit goods. A John Doe order, a 'class action', was sought. This would allow impleadment of other traders in the suit if they were found to be dealing in the counterfeit goods. The court accepted that a prima facie case had been made out, and restrained the sole identified defendant from dealing in audio equipment bearing Ahuja Radios trademarks. In addition, the court allowed Local Commission at the "defendants' premises...and any other premises of the defendants where such counterfeit products are stocked/sold". Pursuant to this order, a raid was executed at the Defendant's premises as well as the premises of traders dealing in similar products in the vicinity. Counterfeit goods bearing the AHUJA mark were recovered from the Defendant's premises as well as from the premises of 2 other entities in the market. These entities will now be impleaded as Defendants in the suit. *Ahuja Radios v M/S OM Sound and Decoration & Anr; before the Delhi High Court; order dated 7.12.2017*

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