Court cognizant of defendant's attempt to evade liability in awarding damages

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Tata Sons Limited, the registered proprietor of the TATA mark, had initiated proceedings against the defendants who were manufacturing and selling bags and suitcases under the mark TATA-L. Based on the evidence and upon seizure of a substantial amount of infringing products by the Local Commissioner, the court granted an injunction against the defendants. In a claim set up by Defendant No.1 regarding his non-involvement in the manufacturing business of Defendant Nos 2 to 4, the court took note of the fact that the Commissioners had found infringing goods at the premises of Defendant No.2, where Defendant No.1 was also present. Convinced of efforts to evade liability, the court observed, "From the seizure of the goods by the Commissioner appointed by this court including from the premises of Defendant No.1, it is quite clear that the Defendant No.1 has indeed been engaged in selling and marketing the [infringing] goods". Furthermore, "...the person who had applied for trademark registration is admitted to be the brother of the Defendant No. 1, it is clear that the Defendant No. 1 is in collusion with his brother...the manufacturing indeed has been done by the brother of the Defendant No. 1". On the basis of such conduct, the court assessed Tata to be entitled to damages. It passed a decree of permanent injunction and awarded costs totalling about Rs.8 lakhs, towards damages and legal costs. *Tata Sons Limited v. Mohammad Zafir & Ors; before the Delhi High Court; order dated 17.01.2018*

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