The Delhi High Court restrains the circulation of Counterfeit fire extinguishing water sprinklers by way of writ petition by a world famous brand

News & Updates • March 1, 2018

TYCO a world renowned name in the segment of Security Products, Fire Protection Products and Life Safety, approached the Delhi High Court through a writ petition to stop the circulation of counterfeit TYCO branded fire extinguishing water sprinklers, as the same were not only causing loss of reputation, but also posed immense threat to life and property... TYCO makes fire extinguishing water sprinklers bearing the brand name TYCO and the same is installed at various governmental and private premises across the globe. Counterfeit TYCO branded sprinklers are of inferior quality and not just adversely affect the immense goodwill and fame associated with the brand and trademark TYCO but also malfunction in case of fire and therefore poses an immense threat to life and property. There were certain persons / entities dealing in counterfeit TYCO branded sprinklers in Delhi. The said persons were not only causing wrongful gains to themselves by selling cheap, inferior and counterfeit TYCO branded sprinklers and causing revenue and reputation losses to TYCO but also endangering public safety. On receipt of the said information, Tyco immediately contacted the local police and filed a complaint. Despite constant follow-up with the police officials, no concrete action was taken to stop the infringers and to seize the counterfeit sprinklers. Pursuant thereto, TYCO even approached the concerned Magistrate, despite which there were various lapses in the progress of the investigation. TYCO was therefore forced to approach the Hon'ble High Court of Delhi by way of Writ Petition, which was listed before the Court on 8th February, 2018. On the said date, the police officials appeared before the Court and submitted that the address from where the infringing sprinklers have to be recovered was not disclosed by TYCO. TYCO categorically pointed out that this address cannot be disclosed till the last minute and there may be leakage of information which may then frustrate the seizure / raid. The Hon'ble High Court of Delhi very well appreciated TYCO's arguments and directed the Investigating Officer to immediately conduct the raid on a specific date. It was categorically directed that the address from where the infringing article have to be recovered will be made available to the Investigating Officer only on the morning of the date of the seizure / raid, which direction was given in order to safeguard the interest of TYCO. Post the seizure / raid, the Investigating Officer was directed to submit an appropriate status report with the concerned Magistrate. The said Criminal Writ Petition was disposed off on 8th February, 2018 by the Hon'ble High Court of Delhi making the above observations and directions. Tyco International Services GMBH v. State of NCT of Delhi & Anr.; Writ Petition (Criminal) No. 3516 of 2017

RELATED PRACTICES

PATENTS