Tata Sons Pvt Ltd vs. Younis Wani & Ors.

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In June 2018, it came to the knowledge of the plaintiff (TATA) that the defendants were engaged in the wholesale and retail sale of the fabrics and garments products like Ladies suit, fancy dress etc. under the name and style of 'TATA Fabrics' by incorporating the well-known trademark of the plaintiff 'TATA'. TATA, deployed an independent investigator to verify the activities of the defendants using the Trademark TATA. As per the report of the investigator, the defendants are engaged in the business of selling goods in the name of 'TATA'. The plaintiff based on the report findings sought an ex-parte ad interim injunction against the defendants on various grounds inter alia that the use of an identical trademark 'TATA Fabrics' creates confusion and deception in the minds of the purchasing public and members of the trade who will be misled into purchasing the defendants products enabling the unjust enrichment of the defendants at the plaintiff's as well as the consumer's expense. Based on our arguments and investigator findings the court granted: 1. An ex-parte interim injunction in favor of the plaintiff. 2. The defendants were restrained from manufacturing, processing, selling, offering for sale, supplying, advertising, directly or indirectly dealing in any business whatsoever under the name/mark 'TATA Fabrics'/ TATA or using any trademark/description/name/device/domain name bearing the trademark TATA or any mark/name deceptively similar to the well-known trademark 'TATA'. 3. Facebook and IndiaMart are directed to remove the web links that supported the defendants business.

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