




PT DJARUM v. CHANDER SHEIKHAR MARWAH & ORS

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PT Djarum is an Indonesian company, which sells and manufactures kretek cigarettes under the

brand . The company had filed a suit seeking permanent injunction against the Defendants who were selling cigarettes in a packaging and under the mark 'IJM Black Eye' which was identical to that of the Plaintiff's. The matter was at the stage of final arguments and since the main Defendant i.e. IJM Cigarette Company Private Limited, which manufactured the impugned cigarettes had not entered the witness box, the Court summoned and cross-examined the shareholders of the said company in court at the stage of final arguments. Summoning Defendants at the stage of final arguments, is a rarity and only adopted in cases where the court believes that a party has set up a false case. During cross-examination of the shareholders, various contradictory statements came to light. In the end, the matter was finally settled with the Defendants undertaking to pay Rs. 22 lakhs as settlement amount to the Plaintiff and also agreeing not to infringe the Plaintiff's copyright and trade mark in any manner in the future. The Defendants also agreed to withdraw its Trade Mark application for the mark 'IJM Black Eye' and other Trade Mark applications with the mark 'BLACK' as prefix.

