



Injunction granted in favour of a large dairy concern

News & Updates • July 11, 2019

Mother Dairy Fruit and Vegetable Pvt Ltd vs. Kumar Prahlad and Another, CS(COMM) 297/2019
Plaintiff filed the suit for permanent and mandatory injunction, copyright, passing off, damages, rendition of accounts, delivery, etc. An application under Order XXXIX Rule 1 and 2 CPC seeking ex-parte injunction was filed to restrain Defendant No. 1 from using the domain name and website www.motherdairydistributor.com, from registering any other domain using the Plaintiff's trademark 'MOTHER DAIRY' and from using the Plaintiff's trademark 'MOTHER DAIRY'. The Plaintiff claimed that since 1974 they have been engaged in the business of manufacture and sale of milk and milk products under the trademark 'MOTHER DAIRY'. The said trademark was thus invented and adopted. It was also pleaded that in 2003 the Plaintiff started using the well-known 'MOTHER DAIRY' blue trademark/logo which is the most visible symbol/mark of the Plaintiff. The Plaintiff alleged that in May 2019 they came across the impugned website and domain name of the Defendant bearing identical trademark as that of the Plaintiff. Defendants had blatantly copied the contents of the Plaintiff's website, 'MOTHER DAIRY' logo or any other mark which is identical or deceptively similar to the Plaintiff's trademark 'MOTHER DAIRY'. An injunction was also sought to direct Defendant No. 2 to lock, take down and block access to the said website. Vide order dated 30.05.2019, the Hon'ble High Court of Delhi held that a prima facie case was made out by the Plaintiff and that the balance of convenience was in favour of the Plaintiff. Pursuant to which, the following order was passed: "Till further orders, Defendants are restrained from using the domain name www.motherdairydistributor.com or using any domain name using the plaintiff's domain name 'MOTHER DAIRY'. Defendants are also restrained from dealing with the mark 'MOTHER DAIRY' of the plaintiff or its logo in any manner whatsoever. Defendant No. 2 is directed to take down and block access to the aforesaid website domain name www.motherdairydistributor.com." Team Anand and Anand: Pravin Anand, Saif Khan and Shobhit Agrawal.

