Exemplary damages and settlement of suit in its nascent stages

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Tata vs. Kiran Jain CS (Comm) 145/2019 *A suit was filed for permanent injunction restraining infringement and passing off of its registered trademarks, dilution and tarnishment of its trademarks, rendition of accounts, delivery up, damages, costs, etc. against the Defendant.* The Plaintiff is a registered proprietor of the trade mark TATA as well as other TATA formative trade marks in several Classes including Class 30 in relation to agricultural products and other related businesses. The Hon'ble court was also informed that because of the nature of the goods involved in the suit, it warranted exemplary damages. It was also averred that the TATA trade mark has been continuously and extensively used by the Plaintiff since 1868 as a result of which, the said mark enjoyed an unparalleled reputation and goodwill and had acquired the status of a well-known trade mark. After hearing the submissions of both the parties, the Hon'ble Court decreed the suit in favour of the Plaintiff vide the following order dated 22 July 2019:

1. The Defendant is injuncted from using the mark TATA or any other deceptively similar mark, in any manner whatsoever.
2. Looking at the volume of the infringement, nature of goods and the fact that Defendant did not contest on being informed of his wrong-doings, the Hon'ble Court ordered the Defendant to pay Rs. 5 lacs in damages to the Plaintiff within the next 4 weeks (i.e., by 20 August 2019).
3. Moreover, as a reformatory measure, the Defendant was directed to pay a sum of Rs. 50,000/- towards charity.
4. The Defendant was thereafter directed to co-ordinate with the Plaintiff and destroy all the infringing materials within the next 2 weeks.
5. Lastly, due to the fact that the suit was being settled in its nascent stages, the Hon'ble Court granted a full refund of the court fee to the Plaintiff, that was paid at the time of filing of the suit.

Orders such as these are an example of the judiciary's ambitions in balancing the interest of both the parties and to highlight the fact that Delhi High Court has taken note of the infringement on the first date itself and decreed the matter with exemplary damages owing to the well-known nature of the mark 'TATA'. Team Anand and Anand: Pravin Anand, Achuthan Sreekumar and Akshay Agarwal.

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