Delhi High Court grants summary judgment under Commercial Courts Act

News & Updates • September 27, 2016

Early signs of the new shape of IP litigation under the Commercial Courts Act are being seen in the speed with which the Delhi High Court disposed of a suit filed by Tata Sons Ltd. on the second date of hearing, applying the 'summary judgment' provisions contained in this Act. The court noted that the main defendants had not entered appearance to participate in the legal proceedings even though local commissions had been successfully executed at their premises. In its order of the preceding date the Court had restrained the defendants from manufacturing and dealing in generators and pumps under the brand name TATA. Noting that the defendants' conduct suggested disregard for the sanctity of court orders, the court said that there was no need to relegate the plaintiff to lead ex-parte evidence as the defendants had undeniably infringed the plaintiff's intellectual property rights in its well-known trademark and household brand TATA. The court decreed the matter against all defendants and granted a permanent injunction restraining them from using the mark TATA in any manner whatsoever along with an order for destruction of all infringing goods bearing the brand TATA. A sum of Rs.2,00,000 was also awarded as costs to the plaintiff. *Tata v Mahaveer Parmar & Ors.; before the Delhi High Court; judgment dated 30.09.2016.*

RELATED INDUSTRIES

CONTRACTUAL AND COMMERCIAL IP

RELATED PRACTICES

COPYRIGHT
PATENTS
TRADEMARK