# Tolins Directors Imprisoned for Taking a False Stand in Court

Thought Leadership • August 21, 2017

*Pravin Anand and Raunaq Kamath discuss a recent decision of the Delhi High Court involving the BRIDGESTONE trademark. Read what compelled the court to order the defendant directors to spend a night in jail and in addition to compensation to Bridgestone, also deposit Rs.5 lakhs with the Delhi Legal Services Authority.* In many cases involving blatant counterfeiting or trademark infringement, it is not uncommon for defendants to falsely deny that they are engaged in the alleged activities, especially when the evidence collected by the plaintiff is not concrete. To overcome this, most plaintiffs seek an Anton Piller order so that a local commissioner can visit the defendants' premises without warning and collect evidence of the infringing activities. In such cases where a defendant simply denies dealing in the spurious goods and the plaintiff does not succeed in acquiring good evidence to the contrary, courts are usually constrained to dispose of the suit on the basis of the defendant's statement. A situation of this nature arose in a case filed by Bridgestone Corporation to the Delhi High Court against a company called Tolins Tyres Pvt. Ltd. According to Bridgestone's sources, Tolins was manufacturing tyres under the mark "Bridestone" and exporting these to Nepal. The clandestine nature of Tolins' activities, however, made it difficult to catch them red handed. On the first date that the suit was listed, Bridgestone relied on publicly available export data which indicated that "Bridestone" tyres were exported to Nepal on certain dates. While this export data did not expressly mention that these "Bridestone" tyres were being exported by Tolins, it was sufficient for the grant of an *ex-parte* interim injunction restraining Tolins from dealing in "Bridestone" products and the appointment a local commissioner to visit Tolins' premises and ascertain whether they were engaged in the alleged activities. *This article was published in Asia IP.*

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