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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ CS(COMM) 46/2026

RCF S.P.A .....Plaintiff

Through: Mr. Sharabh Shrivastava, Ms. Taaniyaa Dograa and Ms. Anushka Aman, Advocates.

versus

LALIT SETH TRADING AS SETH DJ AND SPEAKER/ SETH AUDIO & ANR. ....Defendants

Through:

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

O R D E R

% 19.01.2026

I.A. 1348/2026(Additional Documents)

1. The present application has been filed on behalf of the plaintiff under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (*'CPC'*) as applicable to commercial suits under the Commercial Courts Act, 2015 ('*CC Act'*) seeking leave to place on record additional documents.

2. The plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.

3. Accordingly, the application stands disposed of.

I.A. 1349/2026 (Exemption)

4. This is an application filed on behalf of the plaintiff under Section 151 of CPC seeking exemption from filing clear and true typed copies of the documents.

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5. The clear and typed/translated copies of the documents with proper margins of the dim annexures be filed within four weeks with an advance copy to the defendants.

6. The application stands disposed of.

I.A. 1351/2026 (seeking leave to file certain documents on a CD / pen drive)

7. This application has been filed by plaintiff seeking permission to place on record CD / pen drive containing video clips of defendants' infringing activities.

8. For the reasons stated therein, the same is allowed. The CD / pen drive be filed within 2 weeks and be taken on record.

9. Accordingly, the application stands disposed of.

I.A. 1350/2026(Exemption from Pre-Institution Mediation)

10. This is an application filed by the plaintiff seeking exemption from instituting Pre-Litigation Mediation under Section 12A of the CC Act.

11. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in ***Yamini Manohar v. T.K.D. Keerthi***, **(2024) 5 SCC 815**, exemption from the requirement of Pre-Institution Mediation is granted.

12. The application stands disposed of.

I.A. 1352/20262026 (Exemption from Advance Service of Suit to Defendant)

13. This is an application filed by the plaintiff under Section 151 of the CPC seeking exemption from advance service of suit to the defendants.

14. Mr. Saurabh Shrivastava, learned counsel for the plaintiff submits that there is a real and imminent likelihood that the defendants may take immediate steps to dispose of, conceal or suppress its infringing business operations and digital footprints bearing the deceptively similar trademark.

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15. In view of the fact that the plaintiff has sought an urgent *ex-parte ad-interim* injunction along with the appointment of the Local Commissioner, the exemption from advance service of suit to the defendants is granted.

16. The application stands disposed of.

I.A. 1347/2026 (Interim Injunction)

17. Present application has been filed on behalf of the plaintiff under Order XXXIX Rules 1 & 2, CPC, seeking *ex-parte* injunction against the defendant.

18. The plaintiff claims to be a joint stock company duly organized and existing under the laws of Italy having its principal place of business at Via Raffaello, 13 I-42124 Reggio Emilia (RE), Italy. Plaintiff claims to have adopted the mark "RCF" and has been using the same globally since the year 1949. It claims to have adopted the mark "RCF" and its variants across the world and also in India in the year 1994. It also claims that the mark "RCF" stands for Rossi from where the first letter 'R' has been taken, Campari from where the letter 'C' has been taken and Ferrari, from where the letter 'F' has been taken. It also claims to have been registered under Class IX for speakers, sound boxes, amplifiers, microphones etc.

19. The plaintiff claims to have entered India in the year 1994 and have been operating through distributors like 'Audio Plus', 'Hi-Tech Audio and Image LLP'. Apart from its global turnover and expenditure on advertisement and promotion, it has enumerated its turnover in India and advertisement and promotional expenses in Euros in para 11. The plaintiff has also claimed to have participated in several exhibitions in India as also abroad and has provided details in para 14 of the plaint to establish its global expanse and reach. In order to sustain its claim for being recognized for its quality products under the RCF trademark, the plaintiff has enumerated the awards received by it from world renowned accredited bodies which have stringent quality standards. Those are listed in para 15.

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20. To sustain the claim of it being a registered proprietor of the "RCF" mark in India, the details are provided in para 16 are provided hereunder:-

Mark	Application number and Date	Status, Publication, Registration and Validity details
RCF	842060 Dated: February 19, 1999	**Registered** Certificate No. 501132 Dated: December 29, 2005 Published in Journal No.: 1328-3 Dated: February 28, 2005 Renewed up to: February 19, 2029
Goods: **Class 09:** ***Speaker, Sound Boxes, Sound Amplifiers, Microphones, Video-Projectors Included in Class 9.***		
RCF PRECISION TRANSDUCERS	IRDI-3949623 International Registration Number: 1422890 Dated: June 11, 2018	**Protection Granted** Published in Journal No.: 1870-0 Dated: October 08, 2018 Statement of grant of protection dated: April 18, 2019 Valid up to: June 11, 2028
Goods		
Class 09: ***Public address speaker systems; speaker enclosures; audio amplifiers; loudspeakers; sound reproduction apparatus.***		

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The worldwide recognition and registration of its trademark "RCF" have also been enlisted in para 17 which depict that the trademark "RCF" and "RCF PRECISION TRANSDUCERS" are registered in almost all major continents. It also has referred to a website which provides a platform to consumers to receive information in respect of plaintiff's goods.

21. It also claims to have a large presence over social media websites like Facebook, Linkedin, Instagram, YouTube and X. The plaintiff claims to have established strong public recognition of the mark "RCF". On account of such use, plaintiff claims to have attained the status of a well-known trademark and that the mark "RCF" is exclusively associated with it and thus use of such mark without authorization constitutes violation of its legal and proprietary rights over mark "RCF".

22. Plaintiff also asserts ownership of copyright in artistic works as enumerated in para 25, which is extracted hereunder:

"RCF", "RCF", "RCF PRECISION TRANSDUCERS"

23. The plaintiff also claims to have a unique and a distinctive trade dress which is claimed to have come to be exclusively associated with it. The representation of the goods is enumerated in para 29 of the plaint. Plaintiff claims that it came to know of the defendants' illegal activities in and around the last week of October, 2025, when its representative came across an 'IndiaMart' listing of a of a third parties, who has covered and advertised the defendant's business and products claiming the same to be "RCF" models. As per the report of the private investigator who was engaged, it has received credible information that the defendants are producing the impugned goods under the trademark "RCF" and have mentioned these infractions in detail in

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the plaint. The photograph showing the impugned goods with the impugned trademark are extracted hereunder:-

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24. The plaintiff claims that the defendants have admitted to the infractions which have been recorded and enumerated in paras 42 and 43 of the Suit/Plaint. In order to *prima facie* establish the counterfeit products carrying the impugned RCF trademark, certain goods which were purchased by the investigator which would clearly indicate the impugned acts, have been also placed on record in para 50 and are enumerated hereunder:

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25. The comparison chart between the product of the plaintiff and the defendants carrying the RCF trademark are extracted hereunder:

PLAINTIFF'S PRODUCTS	**DEFENDANTS' IMPUGNED PRODUCTS**

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26. The plaintiff claims that the essential ingredients of the infringement that is identity and deceptively similar marks, identity of goods and the likelihood of confusion and association of those impugned in failure goods with the plaintiff are *prima facie* established. It also claims dilution and erosion of the distinctiveness of the plaintiff's marks. Plaintiff also claims that such infringement amounts to unfair practices and competition apart from likelihood and confusion amongst the consumers.

27. It is on the aforesaid facts as pleaded, the plaintiff seeks *ex parte ad interim* injunction against the defendants.

28. Having regard to the facts as noted above, it appears that the plaintiff has been able to, *prima facie*, make out a strong case for passing an *ex parte ad interim* injunction against the defendants. The fact that the plaintiff is already registered trademark holder of the mark "RCF" coupled with the fact that it has a long and continuous presence in India with the global and Indian sales turnover and the expenditure on advertisement promotion being substantial in nature, the balance of convenience is also tilted in favour of the plaintiff. The presence of the plaintiff globally, as claimed from the year 1949 and in India from the year 1994 through its distributors, indicate the reputation and goodwill it has gathered over the years which may not be adequately compensated in monetary terms, if *ex parte ad interim* injunction is not passed. The products being similar to the consumer base logically would also be common to both the parties. Thus, an unwary consumer of average intelligence with imperfect recollection is likely to be confused or deceived by the impugned products of the defendants, as if they are products of the plaintiff. In that view of the matter, the case for *ex parte ad interim* injunction is clearly made out.

29. Accordingly, the following directions are passed:

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a. Defendants, their agents, affiliates, members, franchisees, officers, employees, servants, agents, delegates, representatives, assignees, associates and all other acting for and on behalf of the defendant are restrained from offering, advertising, supplying, manufacturing, selling, promoting, dealing in any goods/services of the plaintiff's and/or any goods/services same/similar/allied/cognate/complimentary to those of the plaintiff under the plaintiff's "RCF" marks and/or their variants and/or any other trade mark/name, identical with or deceptively similar to the plaintiff's "RCF" mark either as a trademark, trade name, corporate name, domain name or in any other manner whatsoever.

b. Defendants, their agents, affiliates, members, franchisees, officers, employees, servants, agents, delegates, representatives, assignees, associates and all other acting for and on behalf of the defendants, jointly or severally, to act on or behalf of either and/ or all the defendants directly or indirectly are restrained from copying, communicating, providing, reproducing, launching, advertising, directly or indirectly any works or materials by using the plaintiff's copyrighted works and/ or any other activity.

c. Defendants, their agents, affiliates, partners, stockists, representatives, agents, assigns in business, servants or any other person so authorized by the defendant, jointly or severally, are restrained from dealing in respect of audio products so manufactured bearing plaintiff's trade dress and/or any trade dress identical with or deceptively similar to the plaintiff's trade dress.

d. Defendants their proprietors, partners, officers, employees, servants, agents, representatives, affiliates, franchisees, associates, assigns and all other persons acting for or on their behalf, are directed to forthwith remove and take down, and ensure the removal and takedown, of all

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product listings, advertisements, images, audio visual content and videos, whether created by the defendants or by any third party at their instance or with their consent or knowledge, which depict, display, refer to, describe, invoke or otherwise make use of the plaintiff's "RCF" mark and/or any variants thereof and/or the plaintiff's trade dress, whether by visual representation or by spoken words, including content covering or promoting the defendant's business, from the worldwide web, including but not limited to e-commerce platforms, social media platforms and any other digital or electronic medium.

30. Let the reply to this application be filed by the defendants within 4 weeks from service and rejoinder, thereto, if any, be filed within 2 weeks thereafter.

31. List before the Joint Registrar (Judicial) for completion of service and pleadings on 26.03.2026.

32. List before this Court on 07.07.2026.

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33. In the above circumstances, let the plaint be registered as a suit.

34. Upon filing of the process fee, issue summons of the suit to the defendant through all permissible modes.

35. The summons shall state that the Written Statement shall be filed by the defendant within 30 days from the date of the receipt of summons. Alongwith the Written Statement, the defendant shall also file an affidavit of Admission/Denial of the documents of the plaintiff, without which the Written Statement shall not be taken on record.

36. Liberty is granted to the plaintiff to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the plaintiff, an affidavit of Admission/Denial of the documents of

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defendant be filed by the plaintiff, without which the Replication shall not be taken on record.

37. In case any party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

38. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

39. List before the Joint Registrar on 26.03.2026 for completion of service and pleadings.

40. List before Court on 07.07.2026.

I.A. 1353/2026 (Appointment of Local Commissioner)

41. The present application has been filed by the plaintiff under Order XXVI Rule 9 read with Order XXXIX Rule 7 of the CPC seeking appointment of the Local Commissioner. The Court has considered the merits of the plaintiff's case and has granted an *ex-parte ad-interim* injunction as recorded above.

42. After having perused the plaint and the documents in support thereof and hearing learned counsel for the plaintiff, this Court is of the, *prima facie*, opinion that in order to preserve the evidence of the infraction by the defendants and in order to ensure that the injunction is fully complied with, it is deemed appropriate to appoint a Local Commissioner. Accordingly, the following are appointed as Local Commissioners with a direction to visit the premises of the defendants specified against their name:-

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S.no	Name and Contact Details of the Local Commissioner	Location
1	Mr. Srinath Ph: 9911564448	448, Lajpat Rai Market, Delhi-110006
2	Mr. Raghav Luthra Ph: 9871125373	495, Lajpat Rai Market, Delhi-110006
3	Mr. Das Harvinder Das Ph: 9958401460	441, Lajpat Rai Market, Delhi-110006

43. The Commission be executed with the following directions:-

i) Local Commissioners shall visit the premises of the defendant as outlined above to inspect and seize any infringing product of the defendant, and may be accompanied by representatives of the plaintiff in order to assist in conducting inspection of the said premises.

ii) Local Commissioners shall make an inventory of the products bearing the impugned trade dress/packaging and/or any other deceptively similar trade dress/packaging to the plaintiff's packaging along with any marketing/packaging material, labels, brochures, advertisements, etc. thereof and provide a copy of the same to the representative of the plaintiff;

iii) If knowledge is acquired of any other premises than the aforesaid premise, where the infringing product could be stored or services can be provided from, the Local Commissioners are free to record the same and then visit the other premises and conduct a seizure there as well;

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iv) Local Commissioners are permitted to take photographs/videos of the impugned material, products bearing the impugned packaging, and the defendants' premises so visited;

v) Local Commissioners shall seize any and all products/materials, stationery, goods, books of accounts etc., bearing the impugned trade dress/ packaging, procured at the premises of the defendants and release it on *superdari* to the representative of the defendants, with an undertaking that they will not be disposed of except under orders of this Court;

vi) Local Commissioners shall inspect and make copies of the account books/ledgers/case books, bill books and all other relevant documents (whether maintained as physical copies or e-records) discovered from the premises mentioned herein above;

vii) Local Commissioners are also permitted to break open the locks in case of resistance by the defendants and seek police assistance, if necessary;

viii) To ensure unhindered and effective execution of the Commission, the Station House Officer (SHO) of the local police station within whose jurisdiction the premises of defendants lie, is directed to render all necessary assistance and protection to the Local Commissioners, if and when sought;

ix) The Local Commissioners, while executing the Commission, shall ensure that there is no disruption to the business of the defendant, except for the purposes of the execution of the Commission. The Commission shall be executed in a peaceful manner.

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44. The Commission be executed within a period of ten (10) days from today and the report of the Local Commissioners shall be filed within a period of two weeks thereafter.

45. The fees of the Local Commissioners are fixed at Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) each, excluding out of pocket expenses, travel, lodging etc., to be borne by the plaintiff and paid in advance to the Local Commissioners.

46. Compliance of Order XXXIX Rule 3 of CPC shall be done within a week after the execution of the Commission.

47. It is directed that this Order shall not be uploaded on the Court's website till the execution of the commission is completed within the timeline and parameters directed in paras 43 and 44 above, so as to enable its effective execution.

48. Concerned parties shall comply with the directions in the order without waiting for the certified copy of the same.

49. Accordingly, the application is allowed and is disposed of.

50. Order *dasti* under the signatures of the Court Master.

TUSHAR RAO GEDELA, J

JANUARY 19, 2026
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