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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 447/2025 & I.A. 11828-11834/2025

CHRISTIAN LOUBOUTIN SAS & ANR.Plaintiffs

Through: Mr. Dhruv Anand, Ms. Udit Patro,
Mr. Dhananjay Khanna, Ms.
Sampurnaa Sanyal and Ms. Nimrat
Singh, Advocates

versus

M/S ITALIAN SHOES CO. & ORS.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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09.05.2025

I.A. 11831/2025 (exemption from filing original documents)

1. Allowed, subject to plaintiffs filing clearer and translated copies within four (4) weeks.
2. The application stands disposed of.

I.A. 11830/2025 (O-XI R-1(4) of the Commercial Courts Act)

3. The present application has been filed on behalf of the plaintiffs seeking leave to file additional documents under the Commercial Courts Act, 2015.
4. The plaintiffs are permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.
5. Accordingly, the application is disposed of.

I.A. 11832/2025 (u/s 149 of the CPC)

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6. Mr. Dhurv Anand, counsel appearing on behalf of the plaintiffs submits that the requisite court fees has been filed.

6.1. Statement of counsel is taken on record.

7. The application is disposed of.

I.A. 11833/2025 (u/s 12A of Commercial Courts Act, 2015)

8. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC Online SC 1382, exemption from the requirement of pre-institution mediation is granted.

9. The application stands disposed of.

I.A. 11834/2025 (seeking time to file required certificate under Section 63(4)(c) of Bhartiya Sakshya Adhiniyam, 2023)

10. Mr. Dhurv Anand, counsel appearing on behalf of the plaintiffs submits that the required Certificate under Section 63(4)(c) of Bhartiya Sakshya Adhiniyam, 2023 shall be filed within thirty (30) days from today.

10.1. The aforesaid statement of counsel is taken on record.

11. The application stands disposed of.

I.A. 11829/2025 (Order XI Rule 1, 3 and 5 of the CPC seeking discovery, production and inspection of the defendants' documents as well as that of the payment gateway (Easebuzz Pvt. Ltd.)

12. This application has been filed on behalf of the plaintiffs under Order XI Rule 1, 3 and 5 of the Code of Civil Procedure, 1908 ('CPC') seeking discovery, production and inspection of the defendants' documents as well as that of the payment gateway (Easebuzz Pvt. Ltd.)

13. Issue notice to the defendants through all permissible modes, including e-mail.

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14. Reply(ies) be filed within four (4) weeks from today.
15. Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter.
16. List before the Court on 22nd September, 2025.

CS(COMM) 447/2025

17. Let the plaint be registered as a suit.
18. None appears on behalf of the defendants despite advance service.
19. Issue summons.
20. Summons be issued to the defendants through all modes. The summons shall state that the written statement(s) shall be filed by the defendants within thirty days from the date of the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiffs, without which the written statement(s) shall not be taken on record.
21. Liberty is given to the plaintiffs to file replication(s), if any, within thirty days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiffs, affidavit of admission/denial of the documents of the defendants be filed by the plaintiffs.
22. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.
23. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
24. List before the Joint Registrar on 31st July, 2025, for completion of service and pleadings.

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25. List before the Court on 22nd September, 2025.

I.A. 11828/2025 (u/O-XXXIX Rule 1 & 2 of Code of Civil Procedure, 1908)

26. The present suit has been filed seeking permanent injunction restraining the defendants from infringing the trademark and copyright of the plaintiffs, along with passing off and other ancillary reliefs.

CASE SET UP IN THE PLAINT

27. The plaintiff no.1, Christian Louboutin SAS derives its name from Mr. Christian Louboutin, the famous French Fashion designer of high-end luxury products, most renowned for his signature “RED SOLE” shoes. The plaintiff no.2 is a trust by the name of Clermon ET Associes (hereinafter referred to as “the plaintiffs”).

28. The plaintiffs are entities existing in France. The first shop of the plaintiffs is stated to have opened in 1991 in Paris. The plaintiffs are known for the well-known ‘RED SOLE’ shoes which are manufactured and sold by them. Plaintiff no.1, Christian Louboutin SAS is the exclusive licensee of all the intellectual property from the plaintiff no.2. The ‘RED SOLE’ is a signature of the plaintiffs which is also registered as a trademark. Some very well-known celebrities have endorsed the plaintiffs’ products as detailed in the plaint. The shoes of the plaintiffs have been depicted in well-known TV series and films including ‘Sex and the City Part-I & II’, ‘Devil Wears Prada’, ‘The Proposal’ and ‘Suits’.

29. The plaintiffs state that their shoes have acquired enormous reputation and goodwill not only globally but also in India. Various Indian and international magazines have depicted the plaintiffs’ shoes and advertisements. A perusal of the same would show that the mark has been extensively used across the world. The details of the trademark registrations

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of the plaintiffs are set out below:

TRADEMARK	REG. NO.	DATE	CLASSES
CHRISTIAN LOUBOUTIN	1644051	22.01.2008	18 & 25
CHRISTIAN LOUBOUTIN	2341905	1.06.2012	16
	1922048	15.02.2010	25
	2341893	01.06.2012	18
	2341894	01.06.2012	25

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30. It is stated that this Court in the matter of ***Christian Louboutin SAS v. Mr. Pawan Kumar and Ors.***, CS (COMM) 714 of 2016, vide judgment dated 12th December, 2017 has declared the plaintiffs' 'RED SOLE' trademark i.e.,



to be a well-known mark in India and that accordingly the said mark merits the highest degree of protection.

31. In India, the plaintiffs launched their exclusive range of footwear in February, 2012. The plaintiffs have in view of the extensive reputation enjoyed by the plaintiffs' designs have also started a "Stopfake" program by which consumers or anyone interested could provide details of either counterfeit or look alike products which would then be looked into by the plaintiffs. It is also stated that the plaintiffs have in the past successfully restrained third parties from slavishly copying their uniquely styled shoes with 'Red Sole' and from commercially dealing in the same. The copies of such orders have been filed by the plaintiffs along with the documents filed with the suit and attention of this Court has been drawn to the same.

32. Apart from the 'RED SOLE' shoe, the plaintiffs are stated to have conceptualized and created various shoe styles that are highly distinctive in nature. These shoes include men's shoes. It is submitted that while some of these shoes have unique spike embellishments on the upper edge of the shoe, or sometimes on its heel, some of them have unique cuts and placement of embellishments, which give the plaintiffs' shoes an exclusive character evocative of the plaintiffs' famous designer Mr. Christian Louboutin. A

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common feature in all these shoe styles (including those of men's shoes) is that they are instantly recognizable as evocative of Christian Louboutin shoes. It is stated that the entire get-up, look and feel and trade dress of these products are so unique that any attempt by a third party to misappropriate them would cause immense confusion amongst the public as to the source of origin of these goods. If not confusion as to the source of origin, it is likely to cause confusion as to an association being drawn with the plaintiffs.

33. It is further stated that the plaintiffs' bold and catchy shoe styles have acquired a secondary meaning through extensive use, promotion, advertising, etc. In this regard, attention of the Court is drawn to the *inter alia* the sizable annual turnover of the plaintiffs in India for the years 2014-2024 as given in paragraph 40 of the plaint and it is highlighted that the sales figure of the plaintiffs for the year 2024 alone is Rs. 24 crores.

34. The case of the plaintiffs is that the defendant no. 1 is a partnership firm being operated by Mr. Gaurav Bhatia (defendant no. 2), Mr. Pushpit Bhatia (defendant no. 3) and Mr. Mohit Sharma (defendant no. 4) and that the defendants are manufacturing identically designed shoes with the same get up, which the plaintiffs state is clearly evident by a perusal of a sample purchase made from the defendants' website, which has been shown in Court. It is the case of the plaintiffs that the defendants have identically copied the shoe styles and the photographs and product descriptions of the plaintiffs' products.

35. The plaintiffs have filed the present suit being aggrieved by the following wrongdoing of the defendants:

- i. Passing Off: The defendants have been stated to be blatantly copying the plaintiffs' signature shoe-styles, selling their shoes as

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copies of the plaintiffs' shoe-styles, resulting in passing off. The plaintiffs have provided a comparison chart of the competing shoe styles of the parties at paragraph 52 of the plaint. It is highlighted that the defendants have not only systematically copied a large number of plaintiffs' signature shoe styles (including the red outsole, which is present on virtually every Christian Louboutin shoe), but that they are also advertising and selling their infringing shoes as 'copy of' the plaintiffs' famous shoe styles. Attention of this Court has been drawn to the defendants' website pages which mention that their shoes are a 'copy of' the plaintiffs' shoe styles and has also under the 'Description – Product Details' portion given a description which refers the shoes as emanating from 'Maison Christian Louboutin'.

ii. Copyright Infringement: The plaintiffs have shown that the defendants have also slavishly copied/reproduced the plaintiffs' photographs/images of their shoe-styles as present on the plaintiffs' official websites on their own website <https://italianshoescompany.com/>. The plaintiffs' images have been stated to be used either on an 'as is' basis or been digitally altered (photoshopped) to remove the plaintiffs' 'Christian Louboutin' trademarks from the shoes, to replace the same with the defendants' trademark or photo-shopped to change the colour of the shoes. The said comparison has been highlighted by the plaintiffs in paragraph 50 of the plaint.

Further, the defendants have also been stated to have completely

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copied names of the plaintiffs' signature shoes (such as 'Dandelion Spikes', 'Chambelimoc', 'Chambeliss', etc. as illustrated in paragraph 63 of the plaint) as also completely lifted from the plaintiffs' websites the product descriptions of the same.

It is stated that such unauthorized use of the plaintiffs' proprietary photographs / images or literary material amounts to infringement of the plaintiffs' copyright in the artistic work of the images and the act of the verbatim reproduction of the 'product details' section of the plaintiffs' websites amounts to infringement of the plaintiffs' copyright in their literary work. The plaintiffs have drawn attention in this regard to paragraph 61 of the plaint which shows the comparison between the plaintiffs' websites and the defendants' website highlighting complete lifting of images and literary works of the plaintiffs.

iii. Trademark Infringement: The plaintiffs also state that the use of the mark 'CHRISTIAN LOUBOUTIN' by the defendants in relation to their infringing shoe-styles on their website, in particular in their 'product description' portion, also amount to infringement of the plaintiffs' registered word mark 'CHRISTIAN LOUBOUTIN'. The plaintiffs have also highlighted that the defendants have misused the trademark in the source code of their website web-pages.

36. The plaintiffs have also highlighted the *malafide* modus operandi of the defendants and brought to the attention of the Court that the defendant no. 2 is a habitual offender and has in the past been involved in counterfeiting

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activities and various luxury brands such as Louis Vuitton, Cartier, Montblanc, Burberry have instituted infringement actions against the defendant no. 2, Mr. Gaurav Bhatia wherein orders of injunction and damages have been passed against him. The plaintiffs have filed these orders along with the documents filed with the suit and have drawn attention of the Court to the same, particularly to the order passed against the defendant no. 2 in the suit instituted by 'Cartier' wherein damages of INR 1 crore against the defendant no. 2 have been awarded by this Court.

37. None appears on behalf of the defendants despite advance service.

38. Issue Notice.

39. Notice be issued to the defendants *via* all permissible modes, including e-mail.

40. Reply(ies) be filed within four (4) weeks.

41. Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter.

42. Based on the averments made in the plaint, the plaintiffs have established their statutory as well as common law rights over the plaintiffs' mark 'CHRISTIAN LOUBOUTIN' and copyright over photographs/ images or literary material relating to plaintiffs' products.

43. Thus, I am of the view that a *prima facie* case of infringement of copyright as well as passing off is made out against the defendants.

44. The balance of convenience lies in favour of the plaintiffs and against the defendants. Irreparable injury would be caused not only to the plaintiffs but also to the public if an *ex parte ad-interim* injunction as prayed is not granted in favour of the plaintiff.

45. Consequently, the defendants, their proprietors or partners or sister concerns, as the case may be, their officers, servants and agents and all others

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acting for and on their behalf are restrained from the following:

- a. manufacturing, selling and/or offering for sale, advertising, directly or indirectly dealing in products including men's footwear bearing similarity/identity to the plaintiffs' shoe-styles (in particular the plaintiffs' 29 shoe styles depicted/mentioned in paragraph 52 of the plaint) or from doing any other act amounting to passing off of the defendants' products as those of the plaintiffs, through any of its shops, online platforms including their e-commerce website, social media platform/s or in any manner whatsoever;
- b. manufacturing, selling and/or offering for sale, advertising, directly or indirectly dealing in men's and women's footwear bearing similarity/identity to plaintiffs' shoe-styles or any similar footwear, so as to misrepresent the quality/origin of their goods and from taking unfair advantage of the plaintiffs' reputation and goodwill;
- c. copying / reproducing images / photographs of the plaintiffs' shoe styles (as available on the website of the plaintiffs – shown in paragraph 52 of the plaint), as well as from copying / reproducing literary content present on the plaintiffs' website (as shown in paragraph 61 of the plaint) amounting to infringement of copyright that the plaintiffs enjoy in their photographs / images of their shoe-styles and their literary content as available on the plaintiffs' official websites;
- d. using the 'CHRISTIAN LOUBOUTIN' trademark on the

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defendants' website <https://italianshoescompany.com/> or their social media handles, or in relation to their products, amounting to infringement of the plaintiffs' registered trademark 'CHRISTIAN LOUBOUTIN', in particular Trademark Registration Nos. 16644051 and 2341905;

e. using the famous names of the plaintiffs' signature shoe-styles (in particular those mentioned in paragraph 63 of the plaint) in relation to the defendants' footwear products, amounting to passing off their products as those of the plaintiffs.

46. Order XXXIX Rule 3 of Code of Civil Procedure, 1908 (hereinafter "CPC") be complied within five (5) days from today.
47. List before the Joint Registrar on 31st July, 2025, for completion of service and pleadings.
48. List before the Court on 22nd September, 2025.

AMIT BANSAL, J

MAY 9, 2025
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