



\$~24

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

+ **CS(COMM) 686/2022**

LG CORP & ORS.

..... Plaintiffs

Through: Mr.Hemant Singh, Ms.Mamta Rani
Jha, Mr.Sambhav Jain, Ms.Ipshita
Dutta, Advs.

versus

MS S I TRADING CO & ORS.

..... Defendants

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

06.10.2022

%

I.A. 16217/2022

1. This is an application filed on behalf of the plaintiffs seeking time to file the original/certified documents.
2. The application is allowed subject to the condition that the original documents shall be produced by the plaintiffs as and when sought by the defendants or directed by this court. The plaintiff shall also file fair, clear, properly margined and translated copies of the documents within a period of four weeks.

I.A. 16219/2022

3. This is an application seeking exemption from making advance service of the suit paper book on the defendants.
4. Having considered the contents of the application, the same is allowed. The plaintiffs are granted exemption from making advance service of the suit paper book on the defendants.



I.A. 16218/2022

5. This application has been filed seeking exemption from instituting pre-litigation mediation under Section 12A of the Commercial Courts Act, 2015.

6. Having perused the contents of the application and the relief sought in the suit as also the application seeking an interim order as also appointment of Local Commissioners, the same is allowed.

CS(COMM) 686/2022

7. Let the plaint be registered as a suit.

8. Issue summons to the defendants to be served through all permitted modes, including electronically, returnable on 16th December, 2022 before the learned Joint Registrar (Judicial).

9. The summons to the defendants shall indicate that the written statement(s) to the plaint shall be positively filed within a period of 30 days from the date of receipt of summons. Along with the written statement(s), the defendants shall also file the affidavit(s) of admission/denial of the documents of the plaintiffs, without which the written statement(s) shall not be taken on record.

10. Liberty is given to the plaintiffs to file the replication(s) within a period of 15 days of the receipt of the written statement(s). Along with the replication(s), if any, filed by the plaintiffs, the affidavit(s) of admission/denial of documents of the defendants be filed by the plaintiffs, without which the replication(s) shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought



and given within the timelines.

I.A. 16215/2022

11. Issue Notice.

12. On the plaintiffs taking steps, let notice be served on the defendants through all permissible modes, including electronically, returnable on 16th December, 2022 before the learned Joint Registrar (Judicial).

13. Let reply(ies) to the application be filed by the defendants within a period of four weeks of receipt of the notice. Rejoinder(s) thereto, if any, be filed within a period of two weeks thereafter.

14. It is the case of the plaintiffs that the plaintiffs are engaged in their business of manufacturing and marketing various goods, including chemicals, cosmetics, pharmaceuticals, petrochemicals, television sets, water purifiers, air conditioners, refrigerators, etc. 'LG' is the house mark/trade name /trade mark for the group of companies under the 'LG' brand. The plaintiffs give the annual turnover and the promotional expenditure incurred by the plaintiffs in India in paragraph 7 of the plaint.

15. The plaintiffs asserts that their mark is one of the leading brands worldwide, including in India. It is also registered in India in the name of plaintiff no.1. The plaintiff no.1 has also created distinctive logo, the details whereof are mentioned hereinbelow, of which the 'LG' is again a predominant part.





The aforementioned logos constitute an ‘original artistic work’ under Section 2(c) of the Copyright Act, 1956. It is also registered as a trade mark, the details whereof are given in paragraph 20 of the plaint.

16. The plaintiffs assert that they launched their product of water purifier under the trade name/trademark of ‘**LG**’ in India in the year 2013. The said product is sold in a number of models/variants with various features. The plaintiffs give the sale figures as also the expenditure incurred on the advertisement and promotion of the said product in print and visual media in paragraph 27 of the plaint.

17. The plaintiffs also give the details of various awards won by the plaintiffs for the said product in paragraph 29 of the plaint.

18. It is asserted that one of the significant and important equipment/components used in the water purifier is the water filter/candle whose function is to purify the water inside the water purifier. The plaintiffs alone had over 5 Lakh customers for the LG water filter/candle in India, who have also availed an annual maintenance contract cover offered by the plaintiffs. These candles are also exported to countries including Bangladesh, Sri Lanka and Jordan.

19. The plaintiffs are aggrieved of the defendants counterfeiting the above mentioned products of the plaintiffs by unlawfully using the plaintiff’s trade mark ‘**LG**’. As per the investigation carried out by the plaintiffs, the water filters/candles are imported from China and are thereafter labeled with the trade mark of the plaintiff without the authorization or permission of the plaintiffs. The plaintiffs detail the manner in which it was able to decipher the counterfeiting done by the defendants, in paragraph 40 and 41 of the plaint as under:



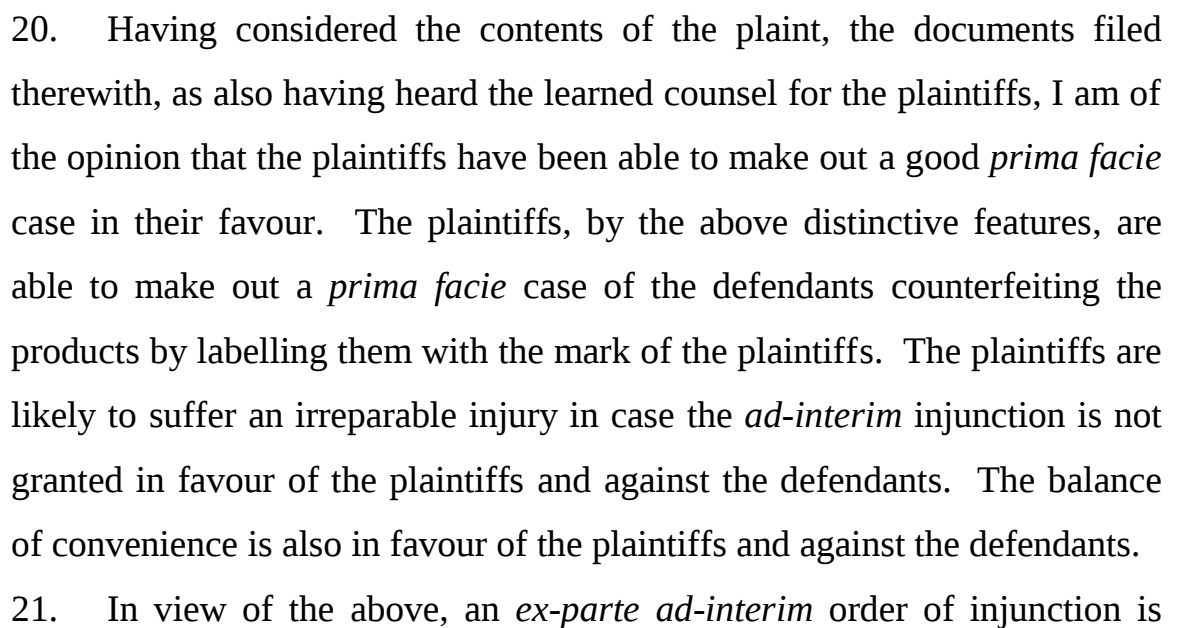
PLAINTIFFS' ORIGINAL LG WATER FILTER PRODUCTS	DEFENDANTS' COUNTERFEIT LG WATER FILTER PRODUCTS
 'LG's Original Mineral Booster Filter'	 'Counterfeit Mineral Booster Filter'
 'LABEL on Original Product'	 'LABEL on Counterfeit Product'
 'TOP LID on LG's Original Product'	 'TOP LID on Counterfeit Product'



This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 14/06/2026 at 00:29:28





passed restraining the defendants, their partners, proprietors, directors, associates, affiliated companies, assignees in business, franchisees, licensees, distributors, suppliers, dealers, stockists and agents from manufacturing, selling, supplying, offering for sale including through online platforms, exporting, importing, directly or indirectly dealing in water filter products or any other goods bearing the identical impugned trade marks

‘LG’ and the ‘LG’ logo/   LG  LG Life's Good or trade dress/packaging thereof or any other trade mark/trade name/device/trade dress/packaging as may be identical with or deceptively similar to the plaintiffs’ trade mark/trade name ‘LG’ and the ‘LG’

logo/   LG  LG Life's Good and/or the trade dress/packaging thereof, amounting to infringement of the registered trade mark and copyright of the plaintiffs and passing off, till further orders.

22. Compliance with Order XXXIX Rule 3 of the Code of Civil Procedure, 1908, be made within a period of ten days from today.

I.A. 16216/2022

23. This application has been filed by the plaintiffs praying for appointment of two Local Commissioners to visit the premises of the defendants and to carry out the search and seizure.

24. For the reasons stated hereinabove, I am of the opinion that the plaintiffs have been able to make out a good case for the appointment of the Local Commissioners to visit the premises of the defendants.



25. Accordingly, I appoint the following as Local Commissioners to visit the premises of the defendants, which are mentioned hereinbelow:

S.No.	Addresses of the defendants	Local Commissioners
1.	<i>M/s S.I. Trading Co. 1892, New Hari Ram Market, Bhagirath Palace, Delhi – 110 006</i>	<i>Mr.Yugansh Mittal, Advocate, R/o C-362, LGF, Defence Colony, New Delhi-110024 (Mobile-9911256665)</i>
2.	<i>M/s S.I. Trading Co. 25A/84, Gali No. 12, Balmiki Basti, Pandav Road, Vishwas Nagar, Shahdara, Delhi – 110 032</i>	
3.	<i>M/s Shree Balaji Electronics Serial No. 39, Stall No. 49, Opposite Shop No. 709, Old Lajpat Rai Market, Chandni Chowk, Delhi – 110 006</i>	
4.	<i>M/s Aqua Life 2363, Shadi Khampur, Metro Pillar No. 218, West Patel Nagar, New Delhi – 110 008</i>	<i>Mr.Dhruv Kumar, Advocate, Address: G-64, Ground Floor, Naraina Vihar, New Delhi-110028 (Mobile-9717478986)</i>
5.	<i>M/s Aqua Grand Pvt. Ltd. B-3, Mahendra Park, Near Gurudwara, Azadpur Sabzi Mandi, Delhi – 110 033</i>	

26. The Local Commissioners shall be empowered to:

a. Prepare an inventory and take in custody all the infringing and counterfeit water filter products and other products bearing the impugned infringing trade mark ‘LG’ and/or the ‘LG’



logo/    and/or packaging, labels, cartons, printers, dyes, laser cameras, blocks, moulds, sales promotional literatures/publicity materials and other material/equipment used to infringe the plaintiffs' registered trade mark 'LG' and/or the 'LG'

logo/    , and hand them over on *superdari* to the plaintiffs or their representatives and take photographs of such counterfeit and infringing products;

b. Record the details of such other persons who, according to the information disclosed by the defendants, have a role in manufacturing of the counterfeit/infringing products, packaging, labels, cartons, printers, dyes, laser cameras, blocks, moulds, sales promotional literatures/publicity materials and other material/equipment used to infringe the plaintiffs' registered trade mark 'LG' and/or the 'LG'

logo/    ;

c. Record the details of such other persons who, according to the defendants, have a role in manufacturing, sale, supply, distribution and trading of the infringing and counterfeit goods and/or printing and affixing the impugned marks on the infringing and counterfeit products;

d. Sign the books of account and stock registers maintained by the defendants pertaining to the manufacture or sale of the infringing and counterfeit products. In the event these records are maintained electronically, the defendants shall provide the Local Commissioner(s) with



access to the same. In the event these records are maintained in a password-protected manner, the defendants shall provide the Local Commissioner(s) with the password for the same;

f. Break open locks, seals, etc., if the access to the premises is denied to the Local Commissioner(s);

g. The Local Commissioners are entitled to seek police assistance from the local Police Station House Officer, if required for the execution of the commission. The SHO of the concerned Police Stations shall provide such assistance and protection on request of the Local Commissioners;

h. to take photographs/videos of the Local Commissioner's proceedings;

i. The plaintiffs' representatives, including a counsel for the plaintiffs, shall be entitled to accompany the Local Commissioners while executing the commission.

27. The report of the Local Commissioner(s) shall be submitted within one week of execution of the commission.

28. The fee of the Local Commissioners is fixed at Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) each, to be paid by the Plaintiffs at the first instance, along with any out-of-pocket expenses that the Local Commissioner(s) may incur.

29. The learned counsel for the plaintiffs submits that such counterfeiting of the products is widely rampant and the Local Commissioner(s) be given power to also visit such other premises as the plaintiffs may later be able to identify as storing or selling such counterfeit products.

30. In my opinion, such power cannot be today vested with the plaintiffs, as they cannot become judge in their own cause. However, the plaintiffs are



granted liberty to move appropriate application as and when such acts of counterfeiting are brought to the notice of the plaintiffs.

31. The application is disposed of in the above terms.

32. This order may not be uploaded on the website of the Delhi High Court for a period of two weeks.

33. A copy of this order be given *dasti* under signature of the Court Master to the learned counsel for the Plaintiffs.

NAVIN CHAWLA, J

OCTOBER 6, 2022
RN