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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 734/2024**
COMPAGNIE DES CRISTALLERIES DE SAINT LOUIS

.....Plaintiff

Through: Mr. Pravin Anand, Ms. Tusha
Malhotra and Ms. Sugandha Yadav,
Advocates

versus

SAMIR ALIAS ELSA ALIAS AISHA ALIAS ANNA ALIAS
LINDSAY ALIAS STEPHANIE ALIAS EMILY ALIAS SANJAY
ENTERPRISE OPERATING AS WWW.SAINT-LOUIU.COM &
ORS.

.....Defendants

Through: None

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

29.08.2024

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I.A. 37708/2024 (*pre-litigation mediation*)

1. The plaintiff vide the present application seeks exemption from instituting pre-litigation mediation.

2. Considering the averments made in the present application wherein the plaintiff seeks urgent ad-interim reliefs and in view of *Yamini Manohar vs. T.K.D. Krithi* 2023 SCC OnLine 1382 and *Chandra Kishore Chaurasia vs. R. A. Perfumery Works Private Limited* 2022:DHC:4454-DB, the plaintiff is exempted from instituting pre-litigation mediation.

3. Accordingly, the present application is allowed and disposed of.

I.A. 37707/2024 & I.A. 37711/2024 (*exemption*)

4. Exemption allowed as sought, subject to all just exceptions.

5. The applications stand disposed of.

I.A. 37709/2024 (*exemption from advance service through email to D-1*)

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and permission to serve them on WhatsApp)

6. The plaintiff vide the present application seeks exemption from advance service upon the defendant no.1 through email and permission to serve defendant no.1 through WhatsApp.

7. For the reasons stated in the application as also taking into account the aforesaid factors and in the interest of justice, the plaintiff is granted exemption from effecting advance service upon the defendant no.1 through email and permission to serve defendant no.1 through WhatsApp.

8. Accordingly, the present application is allowed and disposed of.

I.A. 37710/2024 *(Section 149 CPC for extension from filing court fees)*

9. The plaintiff vide the present application seeks a further period of four weeks for filing the requisite court fee.

10. For the reasons stated in the present application, the plaintiff is granted four weeks as sought for to file the requisite court fee.

11. The Registry is directed to list the matter before the Court, if the requisite court fee is not filed within the stipulated period as aforesaid.

12. Accordingly, the present application is allowed and disposed of.

I.A. 37706/2024 *(additional documents)*

13. The plaintiff vide the present application seeks time of thirty days to file additional documents.

14. The plaintiff will be at liberty to file additional documents within thirty days, *albeit*, strictly as per the provisions of the Commercial Courts Act, 2015 and Delhi High Court (Original Side) Rules, 2018.

15. Accordingly, the present application is disposed of.

I.A. 37712/2024 *(exemption from 2 months notice to the Govt. of India)*

16. The plaintiff vide the present application seeks exemption from



instituting the present suit without serving two months notice to the Government of India.

17. For the reasons stated in the application, the present application is allowed and disposed of.

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18. The plaintiff by way of the present suit seeks permanent injunction restraining infringement of trade mark, passing off, infringement of copyright, delivery and rendition of accounts against the defendants.

19. Let the plaint be registered as a suit.

20. Upon filing of the process fee, issue summons of the suit to the defendants through all permissible modes returnable before the Joint Registrar on 28.11.2024.

21. The summons shall state that the written statement(s) be filed by the defendants within a period of *thirty days* from the date of the receipt of the summons. Written statement(s) be filed by the defendants along with affidavit(s) of admission/ denial of documents of the plaintiff, without which the written statement(s) shall not be taken on record.

22. Replication(s) thereto, if any, be filed by the plaintiff within a period of *fifteen days* from the date of receipt of written statement(s). The said replication, if any, shall be accompanied by with affidavit(s) of admission/ denial of documents filed by the defendants, without which the replication(s) shall not be taken on record within the aforesaid period of *fifteen days*.

23. If any of the parties wish to seek inspection of any document(s), the same shall be sought and given within the requisite timelines.

24. List before the Joint Registrar for completion of pleadings on

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28.11.2024. It is made clear that if any party unjustifiably denies any document(s), then it would be liable to be burdened with costs.

25. List before the Court on 13.01.2025.

I.A. 37705/2024 (Order XXXIX rule 1 & 2 CPC, 1908)

26. By the present application the plaintiff is seeking an injunction restraining the defendant nos.1 and 2 from using plaintiff's trademark 'St Louis'/ 'Saint Louis'.

27. The plaintiff is carrying a business *inter alia* as manufacturers, dealers, exporters and marketers of a wide range of crystalware, decorative objects and lighting collections since 1976, and 1991 in India with the trademarks/ devices i.e. 'St Louis'/ 'Saint Louis'/'

'ST[®]LOUIS' ,/ '  ,/ 'SAINT-LOUIS FRANCE 1586

(DEVICE)'/ 'SAINT LOUIS (DEVICE)'/ 'SAINT-LOUIS'. The said trademarks are individually registered in its favour worldwide as also in India under various Class(s) 6, 8, 11, 14, 16, 21 and 34 as per details entailed in paragraph(s) 22 and 23 of the present suit. The plaintiff, under those trademarks has had extensive sales of 45,000 Euros in India for the year 2024 and 10-50 million Euros worldwide for the year 2023 as per details entailed in paragraph 39 of the plaint.

28. Learned counsel for plaintiff submits that in April, 2024, the customers of the plaintiff all over India were contracted by defendant no.1 through various fake names, namely, Samir *alias* Elsa *alias* Aisha *alias* Anna *alias* Lindsay *alias* Stephanie *alias* Emily, and through a fake



website www.saint-louiu.com as well, and also through several mobile numbers +91 7558181131, +91 8868013624, + 91 70928 05097, +91 98944 94331, +91 74184 69433, +91 95619 66274, +91 81051 95240, +91 83033 84456, +91 89818 61648, +91 87559 44385, +919791040966, and +91 90651 01262, with certain offers for investing money in products purported to be the plaintiff's products and return cycle, without any authorization from the plaintiff. A pictorial representation of which is reproduced below:-





10:01 99% 83% LTE

← +91 75581 81131 April 19, 7:05 PM ☆ ➡ ⋮

Saint-Louis Project Income

Product price	Receive daily income	Investment Cycle	Total rate of return	Total revenue
 C-1310	₹22.95	41days	184.5%	₹1940.95
 C-13250	₹149.5	42days	193.2%	₹16279
 C-17700	₹361.9	43days	202.1%	₹15561.7
 C-116750	₹804	44days	211.2%	₹35376

Note: Saint-Louis adheres to the principles of fairness and freedom, prohibits forcing others to invest, and everyone can freely choose to participate in multiple equipment project investments to increase their own project income.

29. Learned counsel also submits that to show the connection with the plaintiff, the said defendant no.1 also had repeated Whatsapp chats with

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the customers they wished to solicit. The defendant no.1 even shared the picture of the CEO of the plaintiff, Mr. Jerome de Lavernolle with one of the customers. In effect, the defendant no.1 is left no stone unturned to project that the defendant no.1 is in fact the extended arm of the plaintiff, furthermore, the defendant no.1 has also shared a 'Certificate of Authorization' with the unwary customers of the plaintiff. A pictorial representation of which is reproduced below:-



30. Learned counsel then submits that the defendant no.1 is also using a confusingly similar domain name, namely, www.saint-louiu.com, whereunder it is advertising products purported to be originating from the plaintiff using the trademarks and copyrighted material of the plaintiff and approaching the customers of the plaintiff through WhatsApp and inducing certain innocent public to deposit/ invest certain sums of money into such products which are fraudulently advertised on its website.

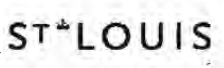


31. Learned counsel further submits that the defendant no.2 is inviting public at large to login/ access the website of defendant no.1 by issuing 'One Time Password' to the members of the public who register with defendant no.1 website.

32. Learned counsel for the plaintiff submits that the defendant nos.3 to 7 are all relevant parties since the defendant no.3 is domain name registrar and his/ her role is relevant for adjudication of the present matter, and the defendant no.4 is a search engine and searching the domain name of the defendant no.1 on its website directs the unwary persons to website of defendant no.1, and the defendant no.5 is the correct authority to block the phone numbers used in the commission of fraud by defendant no.1, and the defendant no.6 is the correct and relevant authority to block defendant no.1 website, and the defendant no.7 is a social media platform where the defendant no.1 contacts the unwary persons to commit fraud, and lastly the defendant no.8 is/ are John Doe/ unknown persons, whose whereabouts/ phone numbers are impossible for plaintiff to keep track of since, the defendant no.1 and its representatives are involved in investment fraud scheme.

33. This Court has heard the learned counsel for plaintiff and also gone through the pleadings as also the documents filed along with it.

34. In essence, the plaintiff herein is an established entity engaged in dealing with, offering and selling products of varied nature falling in different Class(s) under the trademarks/ devices i.e. 'St Louis'/ 'Saint

Louis'/  /  / 'SAINT-LOUIS FRANCE 1586



(DEVICE)'/ 'SAINT LOUIS (DEVICE)'/ 'SAINT-LOUIS' worldwide and also in India solely by itself, to the exclusion of others. The plaintiff being one of the oldest brands in the World, cannot certainly be a fly by night operator.

35. In view of the aforesaid and considering that the defendant no.1 has ventured into dealing with, offering and selling the very same products in social media as well as also by impersonating as the plaintiff and also displaying/ advertising the said products on WhatsApp or via phone calls or its website www.saint-louiu.com, in the considered opinion of this Court, it is not wrong to infer that the defendant no.1 was fully aware of the plaintiff, its trademarks/ devices i.e. 'St Louis'/ 'Saint Louis'/

'ST[®] LOUIS' ,/  ,/ 'SAINT-LOUIS FRANCE 1586 (DEVICE)'/

'SAINT LOUIS (DEVICE)'/ 'SAINT-LOUIS' as also its products. More so, since all that the defendant nos.1 and 8 are offering and selling the very products of the plaintiff. The sole difference being that the defendant nos.1 and 8 are doing so in another platform, which does not belong to the plaintiff.

36. In doing so, the defendant nos.1 and 8 are blatantly asking the general public to believe that it/ they are the plaintiff and assuring them of providing services/ schemes which the plaintiff is not engaged in. The defendant nos.1 and 8 are actually enticing general public falling into a trap to which the plaintiff is not a party to, as it has no role to play therein.

37. Since the defendant no.1 has also openly circulated the identity/



shared the photograph of its afore-named CEO to reap unjust commercial benefits by claiming to be associated with him without any authority/ permission/ sanction from either the plaintiff or him and also despite there being no connection and/ or basis for doing so, reflects that the same is with the sole aim of making the general public imagine that they are dealing with none other than the plaintiff.

38. The acts of the defendant nos.1 and 8 in choosing to adopt and use the website “www.saint-louiu.com” whence the official website of the plaintiff is “www.saint-louis.com” is also reflective of the fact that it/ they is/are very much interested in being or showing to be as close as possible to the plaintiff. Further, that the defendant nos.1 and 8 also has brazenly shared a ‘Certificate of Authorization’ with an official seal of the plaintiff with one of its customers and that it/ they are sharing digital brochures as well shows that it/ they are taking things to a different level.

39. All the above lead to the conclusion that the defendant nos.1 and 8 is/ are only here to piggybank ride upon the plaintiff, its name, goodwill and repute with the sole motive of reaping the benefits as well take the utmost benefit of the trademarks/ devices i.e. ‘St Louis’/ ‘Saint Louis’/

‘ST*LOUIS’ ,/ ,  ,/ ‘SAINT-LOUIS FRANCE 1586 (DEVICE)’/

 ‘SAINT LOUIS (DEVICE)’/ ‘SAINT-LOUIS’ without any investment and simply clandestinely cheating/ defrauding/ misleading/ confusing/ deceiving the public at large.

40. The aforesaid acts are done without seeking and/ or obtaining any permission/ authority/ sanction from the plaintiff. Therefore, there is every



likelihood of the confusion for the public into believing that the defendant nos.1 and 8 are indeed part or arising out of the plaintiff.

41. The same is resulting in diluting and tarnishing of the plaintiff and

its trademarks/ devices i.e. 'St Louis'/ 'Saint Louis'/ 'ST*LOUIS',



'/ 'SAINT-LOUIS FRANCE 1586 (DEVICE)'/ 'SAINT LOUIS



(DEVICE)'/ 'SAINT-LOUIS'. At the end of the day, the defendant no.1 has violated the intellectual property rights as it/ they has/have taken incessant benefits of the trademarks and copyrights of the plaintiff by wrongly using

the trademarks/ devices i.e. 'St Louis'/ 'Saint Louis'/ 'ST*LOUIS',



'/ 'SAINT-LOUIS FRANCE 1586 (DEVICE)'/ 'SAINT LOUIS



(DEVICE)'/ 'SAINT-LOUIS' of the plaintiff as also the photograph of its aforementioned CEO.

42. All in all, this Court finds that the, the plaintiff has been able to make out a *prima facie* case with *balance of convenience* in its favour. Resultantly, if the defendant nos.1 and 8 are allowed to flourish, the plaintiff will suffer *irreparable harm and injury*.

43. Accordingly till the next date of hearing:-

- i. the defendant nos.1, 2 and 8 and other such mirror/ redirect/ alphanumeric websites as well as their owners as also any associated/ related mobile numbers in use by them or used by them



for providing additional means of accessing the website of defendant no.1 and other domains/ domain owners/ website operators/ entities, who have not been authorised by the plaintiff, are restrained from advertising, selling, using, reproducing in any form or manner the registered trademark/ copyright of the plaintiff in any way whatsoever;

- ii. defendant nos. 3, 4, 5 and 6 are directed to block and suspend the operation of defendant no.1's domain www.saint-louiu.com or other similar/ mirror websites as and when provided by the plaintiff to the aforesaid defendants, within a period of four week.
- iii. defendant nos. 5 and 7 are directed to block and suspend the operation of phone numbers +91 7558181131, +91 8868013624, +91 70928 05097, +91 98944 94331, +91 74184 69433, +91 95619 66274, +91 81051 95240, +91 83033 84456, +91 89818 61648, +91 87559 44385, +91 97910 40966 and +91 90651 01262, within a period of four weeks.

- 44. Provisions of Order XXXIX Rule 3 of the CPC be complied with within a period of one week on receipt of this order.
- 45. Upon filling fee issue notice to all the defendants through all permissible modes returnable before the Joint Registrar 28.11.2024.
- 46. Reply, if any be filed within a period of four weeks. Rejoinder thereto, if any be filed within fifteen days thereafter.
- 47. List before the Court on 13.01.2025.

SAURABH BANERJEE, J

AUGUST 29, 2024/So

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