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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 867/2025**
DASSAULT SYSTEMES SOLIDWORKS CORPORATION &
ANR.Plaintiffs

Through: Mr. Pravin Anand, Mr. Shantanu
Sahay, Ms. Vareesha Irfan & Mr.
Swastik Bisarya, Advocates.

versus

MR. CHINTAN NARESHBHAI PATEL & ANR.Defendants
Through:

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

% **ORDER**
20.08.2025

I.A. 20308/2025(Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

I.A. 20304/2025(Additional Documents)

3. The present Application has been filed on behalf of the Plaintiffs 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.
4. The Plaintiffs are permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.
5. Accordingly, the Application stands disposed of.



I.A. 20305/2025(seeking leave to file certain documents on a pen drive)

6. This Application has been filed by Plaintiffs seeking permission to place on record a pen drive containing audio recording of the telephonic conversation as referred to in the present Suit.

7. In facts and circumstances as stated in the Application, the same is allowed. The pen drive be taken on record.

8. Accordingly, the Application stands disposed of.

I.A. 20306/2025(Exemption from advance service to the Defendants)

9. This is an Application filed by the Plaintiffs under Section 151 of the CPC, seeking exemption from advance service to the Defendants.

10. Mr. Pravin Anand, learned Counsel for the Plaintiffs, submitted 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 Trade Mark.

11. In view of the fact that the Plaintiffs have sought an urgent *ex-parte ad-interim* injunction along with the appointment of the Local Commissioner, the exemption from advance service to the Defendants is granted.

12. The Application is disposed of.

I.A. 20307/2025(Exemption from pre-institution Mediation)

13. This is an Application filed by the Plaintiffs seeking exemption from instituting pre-litigation Mediation under Section 12A of the CC Act.

14. As the present matter 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.



15. The Application stands disposed of.

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16. Let the Plaint be registered as a Suit.

17. Issue Summons to the Defendants through all permissible modes upon filing of the Process Fee.

18. The Summons shall state that the Written Statement(s) shall be filed by the Defendants within 30 days from the date of the receipt of Summons. Along with the Written Statement(s), the Defendants shall also file an Affidavit of Admission / Denial of the documents of the Plaintiffs, without which the Written Statement(s) shall not be taken on record.

19. Liberty is granted to the Plaintiffs to file Replication(s), if any, within 30 days from the receipt of the Written Statement(s). Along with the Replication(s) filed by the Plaintiffs, an Affidavit of Admission / Denial of the documents of Defendants be filed by the Plaintiffs, without which the Replication(s) shall not be taken on record.

20. 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.

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

22. List before the Joint Registrar on 28.10.2025 for completion of service and pleadings.

I.A. 20302/2025(U/O XXXIX Rule 1 & 2 of the CPC)

23. Issue Notice through all permissible modes upon filing of the Process Fees.

24. The present Suit has been filed for permanent injunction restraining



infringement of Copyright, ‘SolidWorks’ along with other ancillary reliefs.

25. The Plaintiff No. 1, Dassault Systèmes SolidWorks Corporation is corporation organized and existing under the laws of USA having its Headquarters at 175, Wyman Street, Waltham, Massachusetts – 02451, USA. The Plaintiff No. 1 is a sister concern of Dassault Systèmes, France. The Plaintiff No. 2 is a company registered under the Companies Act, 1956 having its Registered Office at 2/11-B (Basement), Jangpura A, Jungpura, South Delhi, New Delhi, Delhi – 110014 (“**Plaintiffs**”).

26. The Plaintiffs are known for developing 3D simulation Computer-Aided Design (“**CAD**”), Computer-Aided Manufacturing (“**CAM**”), and Computer-Aided Engineering (“**CAE**”) software programs. The Plaintiffs’ software scales the entire innovation, design, and manufacturing process of a product onto a computer system. The Plaintiffs’ software, i.e, SolidWorks which is a software used to develop products in a 3D environment. The Plaintiffs’ products are available on Plaintiff No. 1’s website, [hups://my.solidworks.com](https://my.solidworks.com).

27. The learned Counsel for the Plaintiffs submitted that Plaintiff No. 1 is the owner of Copyrights in their respective software programs developed by them and their employees and are marketed in India by Plaintiff No. 2. The software programs and all user instruction manuals in respect thereof are ‘literary works’ capable of protection under the Copyright Act, 1957. The Plaintiffs suffer incalculable damage to their Intellectual Property Rights and business on account of various forms of piracy in its software programs.

28. The learned Counsel for the Plaintiffs submitted that Plaintiff No.1’s software programs are licensed through internet delivery, during which process the customer agrees to the terms of a Customer License and Online



Services Agreement (“CLOSA”) prior to software installation for the requisite number of computers on which the software programme has been loaded / installed for concurrent use at its premises. The Plaintiffs maintain an extensive and frequently updated database of all its licensees.

29. The learned Counsel for the Plaintiffs further submitted that the Plaintiffs have invested large amounts of money to build certain security mechanisms into its software to detect whether the license key authorization system has been circumvented or misused in any manner. The security mechanisms are software programs, known as ‘phone home’ technology, built into the Plaintiffs’ software, which verifies whether the Plaintiffs’ software is being used in accordance with the terms of the CLOSA.

30. Defendant No. 1, Mr. Chintan Nareshbhai Patel is one of the Directors in Defendant No. 2. Defendant No. 2, Leistung Engineering Private Limited, is a company incorporated in 2010. Defendant No. 2 is engaged in the business of manufacturing and exporting filtration systems, diaphragm valves, and cryogenic valves – serving sectors including food, pharma, cosmetics, biopharma, water treatment, dairy, healthcare, and chemicals with offerings extending to specialized sanitary and industrial valve applications.

31. The learned Counsel for the Plaintiffs submitted Defendant No. 2 conducts its business through its website, <https://leistung.in/> and third-party e-commerce websites such as JustDial and IndiaMart in addition to maintaining active profile / accounts on third-party social media websites such as LinkedIn, Facebook and YouTube.

32. The learned Counsel for the Plaintiffs further submitted that Defendant No. 2 has only one license package of Plaintiffs’ SolidWorks



software program namely, SolidWorks Standard Package. The same is valid till 30.04.2026.

33. The learned Counsel for the Plaintiffs submitted that in July, 2025, the Plaintiffs received information that the Defendants were utilizing unauthorized / pirated versions of the Plaintiffs' proprietary software programs. Subsequently, the Plaintiffs conducted a check on their internal infringement database to check whether the Plaintiffs software programs are being infringed. Through the Phone Home Infringement report, it was found that the Defendants have been using unauthorized / pirated versions of the Plaintiffs' SolidWorks software on at least eleven computer systems. The details of the infringement have been set out in Paragraph No. 31 of the Plaint which have been reproduced hereunder:

S. No.	Mac Address	Email Domain	Domain Name	First instance of Infringement	Last instance of Infringement	No of Infringements
1.	04d4c48e7ac9	lepl.com	workgroup, lepl.com	03/12/2021	04/06/2025	114
2.	04d4c4ef29c4	lepl.com	lepl.com	26/05/2022	17/07/2025	574
3.	e0d55e40ddc6	lepl.com	lepl.com	16/02/2023	16/02/2024	53
4.	fc3497e25d49, 44a92c543548	leistung.in	workgroup	28/05/2024	22/05/2025	9
5.	f43bd88eb6b9, f43bd88eb6b6, e89c252c6572,	lepl.com	lepl.com	25/07/2024	16/07/2025	223



S. No.	Mac Address	Email Domain	Domain Name	First instance of Infringement	Last instance of Infringement	No of Infringements
	f43bd88eb6b5					
6.	107c6146d50e	lepl.com	lepl.com	28/08/2024	08/07/2025	52
7.	e89c252d6fa1, a0b339c5c3ad, a0b339c5c3ae, a0b339c5c3b1	lepl.com	lepl.com	04/10/2024	11/07/2025	73
8.	107c61471c86	lepl.com	lepl.com	21/11/2024	10/07/2025	18
9.	58112291d013	lepl.com	lepl.com	06/12/2024	17/07/2025	244
10.	b8ac6fc5c194, 183da274dcc0	-	workgroup	05/05/2025	05/05/2025	1
11.	107c614720ae	-	workgroup	13/05/2025	14/06/2025	18
Total Computers: 11				Total Hits - 1379		

34. The learned Counsel for the Plaintiffs submitted that the Plaintiffs hired an independent investigator to investigate the activities of the Defendants. During the investigation, the investigator discovered a profile of one of Defendants' current employee namely, Mr. Chirag Kumar Babubhai Desai (Junior Product Engineer) on a third-party job portal, www.naukri.com. Mr. Chirag, informed the investigator that he and his team have been using SolidWorks while working in Defendant No. 2. He further



informed that his team consists of 8-10 designers in the Design Team, however out of the total designers, 4-5 of the designers use Plaintiffs' SolidWorks software.

35. Having considered the submissions advanced by the learned Counsel for the Plaintiffs, the pleadings and the documents on record, a prima facie case has been made out by the Plaintiffs for grant of an *ex-parte ad-interim* injunction. Balance of convenience is in favour of the Plaintiffs and against the Defendants. Irreparable injury would be caused to the Plaintiffs if the Defendants are allowed to continue to use the Plaintiffs' SolidWorks software program.

36. Accordingly, it is directed that, till the next date of hearing:

- i. The Defendants, their proprietors, partners or directors, as the case may be, their principal officers, servants, distributors, dealers and agents, and all others acting for and on behalf of the Defendants, are restrained from directly or indirectly using for any kind of computer related activities or otherwise in any other manner, any pirated / unlicensed / unauthorized software programs of the Plaintiffs or reproducing and distributing any pirated / unlicensed / unauthorized software of the Plaintiffs in contravention of the terms of the Customer License and Online Services Agreement or infringing in any other manner or causing or enabling or assisting others to infringe the Copyrights of the Plaintiffs' SolidWorks software and their various versions or any other software programs developed by the Plaintiffs in any manner that may amount to infringement of the Plaintiffs' Copyright subsisting in their software programs and software related documentation.



ii. The Defendants, their proprietors, partners or directors, as the case may be, their principal officers, servants, distributors, dealers and agents, and all others acting for and on behalf of the Defendants, are restrained from directly or indirectly formatting the computer systems and / or erasing any data, log files, installations, etc. pertaining to assisting others to infringe the Copyrights of the Plaintiffs subsisting in their software programs and software related documentation SolidWorks software and their various versions or any other software programs developed by the Plaintiffs.

37. Let the Reply to the present Application be filed within four weeks after service of pleadings and documents. Rejoinder thereto, if any, be filed before the next date of hearing.

38. The compliance of Order XXXIX Rule 3 of the CPC be done within two weeks.

39. List before the Court on 09.12.2025.

I.A. 20303/2025(for Appointment of Local Commissioner)

40. The present Application has been filed by the Plaintiffs under Order XXVI Rules 4, 9 and 10 read with Order XXXIX Rule 7 and Section 151 of the CPC, seeking appointment of a Local Commissioner. The Court has considered the merits of the Plaintiffs' case and has granted an *ex-parte ad-interim* injunction as recorded above in I.A. 20302/2025 under Order XXXIX Rule 1 & 2 of the CPC.

41. Accordingly, in order to ensure that the injunction is fully complied with, it is deemed appropriate to appoint Local Commissioner to visit the Defendants' premises at the following address:



Sr. No.	Particulars	Name of Local Commissioner
1.	Survey No. 1009/2, 1004/3, 1005/1 & 2, Navsari Lat, Pirana Temple Road, Village Paldi – Kankaj, Ahmedabad, Taluka Daskroi, Gujarat, India – 382425	Mr. Udit U. Trivedi, Advocate [Mobile No.- +91 9687554004]

42. The mandate of the learned Local Commissioner is as under:

- a. The learned Local Commissioner shall visit the premises of the Defendants as per the above table, to inspect and seize any Hard Disks of the computers, compact discs and / or other storage / replicating media and determine if the aforesaid storage / replicating media contain pirated / counterfeit / unlicensed versions of the Plaintiffs' SolidWork software programs. If the computers and / or other storage / replicating media of the Defendants are password protected, the Defendants shall make accessible the said password(s) to enable the learned Local Commissioner to execute the Commission;
- b. If knowledge is acquired of any other premises than the aforesaid premises, where the Plaintiff's SolidWork software programs could be stored or services can be provided from, the Local Commissioner is free to record the same and then visit the other premises and conduct a seizure there as well;



- c. The learned Local Commissioner shall also obtain the details as to since when Plaintiffs' SolidWork software programs are being used and obtain copies of the accounts, if the same is found to be sold in the market;
- d. The learned Local Commissioner shall take into evidence any of the Plaintiffs' software programs which may be available on the Defendants' system shall be copied on a hard drive and the computers shall be released back to the Defendants, provided they give an undertaking to pay the license fee to the Plaintiffs, as may be determined by this Court, upon entering appearance in the matter. The Local Commissioner shall get the said undertaking executed by the Defendants;
- e. The learned Local Commissioner shall obtain accounts including ledgers, stock registers, invoice books, receipt books, cash books, purchase and sale records, license summaries and any other books of record or commercial transactions kept at the premises of the Defendants, and take photocopy and / or record of all such transactions that pertain to the Plaintiff's SolidWork software programs, if any. The Defendant shall cooperate and give passwords to the computers and the files containing the accounts, if the same is stored on the computer or a specific software;
- f. After preparation of the inventory, the seized and sealed Hard Disks of the computers, compact discs, and / or other storage / replicating media as found to contain unlicensed / pirated / counterfeit versions of any of the Plaintiffs' SolidWork



software programs and return the said seized and sealed Hard Disks shall be released to the Defendant on *superdari*. The monetary value of the stock shall also be ascertained;

- g. The learned Local Commissioner is also permitted to break open the locks, with police help, if access to the premises where the infringing goods and products have been stocked / manufactured, is denied to the Commissioner;
- h. Upon being requested, the concerned Station House Officer (SHO) shall render necessary cooperation for execution of the Commission, as per this order;
- i. The learned Local Commissioner is permitted to take photographs and videographs of the proceedings of the Commission, if it is deemed appropriate. Two representatives of the Plaintiff, which would include a lawyer and a technical expert are permitted to accompany the learned Local Commissioner;
- j. The learned Local Commissioner, while executing the Commission, shall ensure that there is no disruption to the business of the Defendants, except for the purposes of the execution of the Commission. The Commission shall be executed in a peaceful manner.
- k. After the execution of the Commission, the Defendants are free to approach the Court within a period of two weeks, if they intend to obtain the license of the Plaintiffs' SolidWorks software program. The Defendants are also free to negotiate



with the Plaintiffs and its representatives for the purpose of obtaining the licenses.

43. A copy of this Order be provided to the learned Local Commissioner and the same will be served upon the Defendants by the Local Commissioner at the time of execution of the Commission.

44. The fees of the Local Commissioner is fixed at ₹1,50,000/- (Rupees One Lakh Fifty Thousand only) excluding out of pocket expenses, travel, lodging etc. All the aforesaid expenses shall be borne by the Plaintiffs and paid in advance to the Local Commissioner named hereinabove.

45. The Commission shall be executed on 27.08.2025, and the report of the Local Commission shall be filed within a period of two weeks thereafter.

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

47. It is directed that this Order shall be uploaded on the Court's website after the execution of the Commission is completed, to enable effective execution thereof.

48. List before this Court on 09.12.2025.

49. Order *dasti* under the signature of the Court Master.

TEJAS KARIA, J

AUGUST 20, 2025

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