



\$~36

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

+ **CS(COMM) 943/2024 with I.A. 43909/2024, I.A. 43913/2024 and I.A. 43914/2024**

**MARC SALON AND BEAUTY EQUIPMENTS
PVT LTD**

.....Plaintiff

Through: Mr. Jayant Kumar, Advocate.

versus

M/S SAKHI BEAUTY CONCEPTS

.....Defendant

Through: Mr. Siddharth Srivastava, Mr. Saurav Sharma, Ms. Khushi Gupta and Mr. Sidak S. Kalra, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

17.12.2024

%

1. The present suit has been filed seeking permanent injunction restraining the defendant from infringing the registered designs of the plaintiff along with passing off and other ancillary reliefs.
2. Plaintiff has design registrations in respect of 14 products, details of which are given in paragraph 32 of the plaint.
3. The present suit was filed before the District Judge (Commercial Court-1), North West District, Rohini Court, Delhi and was subsequently transferred to this Court *vide* order dated 7th October 2024.
4. On 14th March, 2024, the Commercial Court passed an *ex parte ad interim* injunction order, restraining the defendant from selling any products infringing the impugned design of the plaintiff.

CS(COMM) 943/2024

Page 1 of 2



5. In the written statement filed on behalf of the defendant, the defendant has challenged the design registrations granted in favour of the plaintiff in respect of 12 of the products on the ground that the designs are not new or original, and the designs have been disclosed to the public by publication prior to the filing of the applications.

6. Counsel for the defendant also submits that rectification petitions have been filed against the aforesaid design registrations before the Controller of Patents and Design, Kolkata, which are pending.

7. After hearing the counsel for the parties briefly, it appears that the plaintiff has not filed any evidence to show that the aforesaid designs were new or original, created by the plaintiff.

7.1 Counsel for the plaintiff seeks time to take instructions in this regard.

8. List on 29th January, 2025 at 3:30 PM.

AMIT BANSAL, J

DECEMBER 17, 2024

Vivek/-