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

+ **CS(COMM) 1389/2025**

CHRISTIAN LOUBOUTIN SAS & ANR.Plaintiffs

Through: Mr. Dhruv Anand, Ms. Nimrat Singh,
Mr. Dhananjay Khanna and Ms.
Bhavya Verma, Advocates.

versus

KRISHNA ALIAS TINKU & ANR.Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

% **22.12.2025**

I.A. 32292/2025(Exemption)

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

I.A. 32289/2025(for seeking discovery, production & inspection of the Defendants' documents)

3. This Application has been filed by the Plaintiffs under Order XI Rules 1, 3 and 5 of the Code of Civil Procedure, 1908 ("CPC") as amended by the Commercial Courts Act, 2015 ("CC Act") read with Section 151 of CPC, seeking discovery, production and inspection of the Defendants' documents.
4. Issue Notice. Notice be served through all permissible modes upon filing of the Process Fees.



5. Let the Reply to the Application be filed within a period of four weeks from date. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

6. List before the Joint Registrar on 25.02.2026 for completion of service and pleadings.

7. List before this Court on 21.04.2026.

I.A. 32293/2025(Extension of time to file Court Fees)

8. The present Application has been filed by the Plaintiffs under Section 149 read with Section 151 of the CPC, seeking exemption from payment of Court Fees at the time of the filing of the Suit.

9. Considering the submissions made in the present Application, time of two weeks is granted to deposit the Court Fees.

10. The Application stands disposed of.

I.A. 32294/2025(Exemption from pre-institution Mediation)

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

12. 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.

13. The Application stands disposed of.

I.A. 32295/2025(Exemption from advance service to the Defendants)

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

15. Mr. Dhruv Anand, the 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.

16. 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.

17. The Application is disposed of.

I.A. 32296/2025(Extension of time for filing the Certificate under Section 63(4)(c) of the Bharatiya Sakshya Adhiniyam, 2023)

18. The present is an Application filed by the Plaintiffs under Section 151 of the CPC seeking exemption from filing the requisite Certificate under Section 63(4)(c) of the Bhartiya Sakshya Adhiniyam, 2023.

19. The Plaintiffs shall file the relevant Certificate within a period of four weeks.

20. Accordingly, the Application is allowed in the aforesaid terms.

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21. Let the Plaint be registered as a Suit.

22. Issue Summons. Let the Summons be served to the Defendants through all permissible modes upon filing of the Process Fee.

23. 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.

24. 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

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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.

25. 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.

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

27. List before the learned Joint Registrar on 25.02.2026 for completion of service and pleadings.

I.A. 32291/2025(Additional Documents)

28. The present Application has been filed on behalf of the Plaintiffs under Order XI Rule 1(4) of the CPC as applicable to Commercial Suits under the CC Act, seeking leave to place on record additional documents.

29. 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.

30. Accordingly, the Application stands disposed of.

I.A. 32288/2025(U/O XXXIX Rule 1 and 2 of the CPC)

31. Issue Notice. Notice be served through all permissible modes upon filing of the Process Fees.

32. The present Suit has been filed for permanent injunction restraining infringement of registered trade marks, passing off, unfair competition, dilution and tarnishment, damages, rendition of accounts and delivery up.

33. The learned Counsel for the Plaintiffs made the following submissions:



- 33.1. Plaintiff No. 1 derives its name from Mr. Christian Louboutin, the famous designer of high-end luxury products whose shoes became known for their unique shoe styles, vibrant colours and exoticism.
- 33.2. Plaintiff No. 2 is a trust by the name of CLERMON ET ASSOCIES which is a transferee of all the Intellectual Property Rights of Mr. Christian Louboutin from PALOÏSE SAS. Plaintiff No. 2 thereafter granted an exclusive license to Plaintiff No. 1 in relation to all Intellectual Property Rights of Plaintiff No. 2.
- 33.3. Apart from the rights vested with the Plaintiffs in common law, the Plaintiffs also have statutory rights over several marks (“**Plaintiffs’ Marks**”) in India. A list of the registrations of the Plaintiffs’ Marks in India is as 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
	2341906	1.06.2012	16
	1839047	13.07.2009	18 and 25
	2341897	01.06.2012	16
	2341898	01.06.2012	18
	2341899	01.06.2012	25



	1931553	5.03.2010	25
	4101523	27.02.2019	18

- 33.4. By virtue of the registrations of the Plaintiffs' Marks, the Plaintiffs enjoy exclusive statutory rights under Sections 28 and 29 of the Trade Marks Act, 1999 ("Act") in respect of the Plaintiffs' Marks. Thus, only the Plaintiffs can use the Plaintiffs' Marks in respect of the relevant products. Adoption of identical or similar marks by any third party for the relevant products without the consent or license of the Plaintiffs would amount to infringement of the Plaintiffs' Marks.
- 33.5. The Plaintiffs have been using the Plaintiffs' Marks extensively and continuously since 1991. The Plaintiffs' Marks are known to customers throughout India. The Plaintiffs have extensively advertised and promoted their luxury products under the Plaintiffs' Marks ("**Plaintiffs' Products**") in India and also have an extensive presence over the Internet. The Plaintiffs' stores and various promotional activities in India have served in making customers in



India aware of the Plaintiffs' Products and the Plaintiffs' Marks. The Plaintiffs' website is also accessible to consumers in India.

- 33.6. The Plaintiffs have over the years developed a reputation built upon superior quality hand manufactured designer products. The Plaintiffs maintain their high reputation for exclusivity and speciality through the *avant-garde* styles of their designers, strict quality control at their limited production units and their entirely exclusive retail network. The distribution of the Plaintiffs' Products is through a limited authorised distribution network including high-end department stores and about 170 Christian Louboutin shops around the world.
- 33.7. The Plaintiffs' Products namely women's and the men's collection of heel and city shoes are instantly recognizable by their signature red lacquered sole.
- 33.8. The Plaintiffs operate two stores in India. One in Delhi, at the Emporio Mall, Vasant Kunj and the other in Kala Ghoda in Mumbai. The Delhi store was opened in 2012 and the Mumbai store in 2013. The Plaintiffs over the course of the years has sold a vast quantity of shoes, bags and other products generating considerable annual turnover.
- 33.9. The shoe styles developed by the Plaintiff's under the Plaintiffs' Marks include men's shoes are highly unique and distinctive by virtue of a combination of factors such as extensive advertising and promotion, long and continuous use, successful enforcement of its ownership of the style and a widespread presence over the Internet, etc. While some of the shoes have unique spike embellishments on



the upper of the shoe, or even, sometimes, on its heel, some of them have unique cuts and placement of embellishments, which give the shoes developed by the Plaintiffs an exclusive character evocative of the Plaintiffs' famous designer Mr. Christian Louboutin. All of these shoes have the signature 'Red Sole'.

- 33.10. A common feature in all the shoe styles developed by the Plaintiffs with their peculiar and quirky characteristics has become synonymous with the Plaintiffs and act as 'strong source identifiers' and since they comprise of completely arbitrary and capricious style elements constituting and acting as strong Trade Marks. The entire get-up, look and feel, and trade dress of the Plaintiffs' Products are so unique that any attempt by third party to misappropriate them would cause immense confusion amongst the public as to the source of origin of the said products and have acquired a secondary meaning through extensive use, promotion, advertising, etc.
- 33.11. The distinctive shoe styles, including the 'RED SOLE', being an innovation of Plaintiff No. 1, are used and known only in relation only to the Plaintiffs and their products bearing the Plaintiffs' Marks. The Plaintiffs have therefore earned valuable legal rights in these novel and original styles which have become synonymous with the Plaintiffs.
- 33.12. Defendant No. 1 is the proprietor of Defendant No. 2. Defendant No. 2 is a proprietorship concern engaged in the sale of counterfeit products bearing the Plaintiffs' Marks ("**Counterfeit Products**").
- 33.13. The Plaintiffs during a routine investigation in the month of



November 2025 came across Defendant No. 2 selling Counterfeit Products.

- 33.14. In view of the Counterfeit Products being sold by the Defendants, the Plaintiffs instructed an independent Investigator to conduct an investigation on the Defendants and their activities. The independent Investigator accordingly conducted a comprehensive investigation at the premises of the Defendants in the month of November 2025 and found that Defendant No. 2 is listed on various social media platforms displaying the Counterfeit Products for sale. The Defendants were found to be selling Counterfeit Products namely shoes and belts bearing several of the Plaintiffs' Marks
- 33.15. The Plaintiffs' investigation further revealed that the Defendants' Instagram channel '@krishna_clothing786' have various posts displaying Counterfeit Products and that the Defendants' Facebook page, operating under the name 'Luxury Store Adampur' also displays the Counterfeit Products, informing the public to place orders for the Counterfeit Products through the Defendants' contact numbers. The Defendants also claim to make the Counterfeit Products available for sale offering worldwide shipping.
- 33.16. The Defendants were also found to be copying the names of the Plaintiffs' proprietary shoe styles such as 'CHAMBELISS'. The Investigator further found a stock of about 50 to 60 Counterfeit Products available at the Defendants' premises and that Defendant sells the Counterfeit Products to customers all over India and



worldwide through courier. The Investigator also purchased a sample of the Counterfeit Product namely shoes from the Defendants for Rs. 8500/-. The payment for the same was made through UPI, however, no invoice was provided for the same. Upon a further communication made by the Investigator with the Defendants on 10.12.2025, the Investigator placed an order for the Counterfeit Products through WhatsApp which the Defendants agreed to deliver to New Delhi.

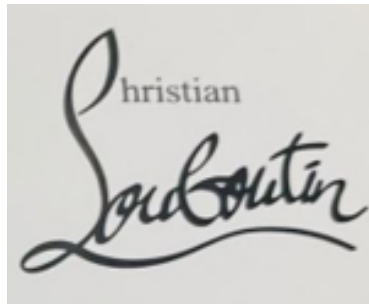




Photographs of counterfeit goods being sold by the Defendants

33.17. A tabular representation of the counterfeiting activities of the Defendants and use of the Plaintiffs' Marks in relation thereto is provided below:

Photographs of the Defendants' Use of the Infringing Marks on their Products	Plaintiffs' Trademarks
 	CHRISTIAN LOUBOUTIN (wordmark) 1644051 (Class 18 and 25) CHRISTIAN LOUBOUTIN (wordmark) 2341905 (Class 16)



2341906 (Class 16)

1839047 (Class 18, 25)



2341892 (Class 16)





www.christianlouboutin.com CHRISTIAN LOUBOUTIN PARIS  	2341897 (Class 16) 2341899 (Class 25) CHRISTIAN LOUBOUTIN (wordmark) 1644051 (Class 18 and 25) CHRISTIAN LOUBOUTIN (wordmark) 2341905 (Class 16)  1931553 (Class 25)  4101523 (Class 18)
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33.18. Additionally, the Defendants are also passing off the Counterfeit Products as those of the Plaintiffs by copying the unique styles of the Plaintiffs' Products namely shoes and belts, as also copying the



unique names of the shoe styles of the Plaintiffs Products such as ‘CHAMBELISS FLAT’, evident from the photograph reproduced below:



33.19. The Plaintiffs’ Marks, in particular the Word Mark ‘CHRISTIAN

LOUBOUTIN’, Mark ‘’, / ‘’, and the Mark ‘RED SOLE’ are well-known marks under the provisions of section 11 (6) of the Act.

33.20. The Plaintiffs’ Products are of the highest quality and enjoy an impeccable reputation in the market of finish, quality and craftsmanship, in the minds of the purchasing public. The Plaintiffs’ Marks have gained immense reputation amongst consumers through large-scale advertisements, which has been reflected in extensive sales.

33.21. The Plaintiffs’ Marks have become easily identifiable by the members of the public and trade, as originating from the Plaintiffs. The adoption of the Plaintiffs’ Marks by the Defendants without the prior approval or consent of the Plaintiff is dishonest in the



eyes of law.

- 33.22. The Defendants' use of any one of the Plaintiffs' Marks, is with a view to ride on the tremendous reputation and goodwill enjoyed by the Plaintiffs' Marks. The Defendants can have no plausible reason in adopting and using the Plaintiffs' Marks.
- 33.23. The acts of the Defendants will cause confusion amongst the public who will be misled into believing that the Counterfeit Products are endorsed and / or sponsored by the Plaintiffs, and / or bear some nexus with the Plaintiffs. The purchasing public is thus bound to assume some sort of association or connection with the Plaintiffs thereby leading to confusion as to source of origin. The use by the Defendants of the Plaintiffs' Marks therefore leads to passing off the Counterfeit Products, which are of inferior quality, as products originating from the Plaintiffs.
- 33.24. As the products of the Plaintiffs have acquired a unique reputation and goodwill amongst the purchasing public, the inferior quality Counterfeit Products that the Defendants deal with, will also result in dilution of the Plaintiffs' Marks.
- 33.25. The Defendants in the present case are indulging in unfair competition and unfair trade practices by slavishly copying the Plaintiffs' Marks to piggy-back on the Plaintiffs' reputation and goodwill in order to unlawfully profit, therefrom. The counterfeiting activities of the Defendants are made further more egregious as they themselves claim to deliver the counterfeit products 'worldwide'.
- 33.26. The use by the Defendants of the Plaintiffs' Marks without the



consent or license of the Plaintiffs and without the stringent quality control of the Plaintiffs, has already caused and will in the future continue to cause incalculable loss and injury to the reputation of the Plaintiffs.

33.27. The Defendants are fully aware of the Plaintiffs' well-known brand name and the Plaintiffs' Marks and are in fact misusing the Plaintiffs' goodwill and reputation in therein to promote its counterfeiting activities and earning illegal profits, to the detriment of the Plaintiffs. Such counterfeiting activities hit at the very root of the Plaintiffs' business.

33.28. The Defendants are making illegal profits from their activities. The illegal profits of the Defendants are losses sustained by the Plaintiffs. Whereas the loss of goodwill and reputation for the value of the Plaintiffs' Marks is incalculable. The Defendants are likely to continue their counterfeiting activities unless restrained by an *ex-parte ad-interim* order of this Court.

34. The material placed on record establishes the Plaintiffs' longstanding, continuous and extensive use of the Plaintiffs' Marks and the considerable goodwill and reputation accrued therein. The screenshots of the Defendants' social media pages and the sample purchases placed on record *prima facie* demonstrate that the Defendants are engaged in the manufacture, offering for sale and sale of Counterfeit Products bearing the Plaintiffs' Marks. The adoption and use of the Plaintiffs' Marks, including the Word Mark 'CHRISTIAN LOUBOUTIN' and the distinctive elements of the Plaintiffs' Products, by the Defendants without any authorisation, consent or licence from the Plaintiffs, is calculated to ride upon the reputation and goodwill of



the Plaintiffs and to mislead consumers into believing that the Counterfeit Products originate from, or are associated with, the Plaintiffs.

35. The Counterfeit Products in question, namely shoes, belts and allied products, are products purchased by consumers primarily on the basis of brand recognition, exclusivity, perceived quality and craftsmanship. The sale and circulation of Counterfeit Products bearing the Plaintiffs' Marks is likely to cause confusion and deception amongst the purchasing public and inevitably results in dilution and tarnishment of the Plaintiffs' Marks. Such unauthorised use also erodes consumer trust and damages the Plaintiffs' reputation, particularly as the Plaintiffs exercise no control whatsoever over the manufacture, quality, storage or distribution of the Counterfeit Products sold by the Defendants.

36. Having considered the material placed on record and the submissions made by the learned Counsel for the Plaintiffs, the Plaintiffs have made out a *prima facie* case in its favour. The balance of convenience lies in favour of the Plaintiffs, and in the absence of restraint, the continued dealing in Counterfeit Products by the Defendants would result in irreparable injury to the Plaintiffs' goodwill, and reputation, which cannot be adequately compensated monetarily.

37. Accordingly, till the next date of hearing, the Defendants, their partners, if any, their officers, servants, agents, distributors, stockists and representatives are restrained from manufacturing, selling and / or offering for sale, advertising, directly or indirectly dealing either through their physical shop(s) or online including through social media or any e-commerce platforms, or any manner whatsoever in any products, including footwear and belts etc. bearing the Plaintiffs' Marks CHRISTIAN



or any other deceptively similar variant thereto, and shall remove / take down all posts from their social media profile including the Instagram channel '@krishna_clothing786' which displays the Plaintiffs' Marks.

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

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

40. List before this Court on 21.04.2026.

I.A. 32290/2025(for Appointment of Local Commissioner)

41. The present Application has been filed by the Plaintiffs under Order XXVI Rule 9 read with Order XXXIX Rule 7 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. I.A. 32288/2025 under Order XXXIX Rule 1 & 2 of the CPC.



42. 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.	M/s Krishna Garment Plot No. 2858/A, Ward No. 10, Railway Road, Opp. Axis bank, Adampur, Jalandhar Punjab – 144102	Mr. Harshal Kshirsagar, Advocate [Mobile No.- 9665533908]

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

- i) The learned Local Commissioner shall visit the premises of the Defendants as per the above table, to inspect and seize any impugned products, fully or semi-manufactured Counterfeit Products of the Defendants bearing the Plaintiffs' Marks or packaging which is identical or deceptively similar to the Plaintiffs' Marks.
- ii) If knowledge is acquired of any other premises than the aforesaid premises, where the Counterfeit Products could be stored or services can be provided from, the learned Local Commissioner is free to record the same and then visit the other premises and conduct a seizure there as well;
- iii) The learned Local Commissioner shall also inspect and seize any product materials including pamphlets, brochures, stickers, packaging materials, dyes or blocks used for preparing the manufacturing materials, display boards, sign boards, advertising



material, dies or blocks, unfinished, packed, unpacked impugned goods or any other documents, wrapper etc. so that it can be ensured that no fresh manufacturing of the Counterfeit Products can take place;

iv) The learned Local Commissioner shall also obtain the details as to since when Counterfeit Products are being used by the Defendants and obtain copies of the accounts if the same is found to be sold in market;

v) The learned Local Commissioner shall obtain accounts including ledgers, stock registers, invoice books, receipt books, cash books, purchase and sale records 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 impugned goods, if any. The Defendants 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;

vi) After preparation of the inventory, the Counterfeit Products including packaging materials, advertising, promotional materials, pamphlets, brochures, boxes, videos, hoardings, banners, signage, cartons and other material bearing the Plaintiffs' Marks and packaging which are similar to the Plaintiffs' Marks shall be released to the Defendants on *superdari*. The monetary value of the stock shall also be ascertained;

vii) 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;

viii) Upon being requested, the concerned Station House Officer (SHO) shall render necessary cooperation for execution of the Commission, as per this order;

ix) The learned Local Commissioner is permitted to take photographs and record videos of the proceedings of the Commission, if it is deemed appropriate. Two representatives of the Plaintiffs, which would include a lawyer, are permitted to accompany the learned Local Commissioner;

x) 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.

44. Either the learned Counsel for the Plaintiffs or the learned Local Commissioner is directed to collect the certified copy of this Order from the Registry (Dispatch Branch) before the execution of the Commission.

45. The learned Local Commissioner shall carry the certified copy of this Order for execution of the Commission and a copy of the same shall be served upon the Defendants by the learned Local Commissioner at the time of the execution of the Commission.

46. The fees of the learned Local Commissioner is fixed at ₹2,00,000/- (Rupees Two Lakhs 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 learned Local Commissioner named hereinabove.



47. The Commission shall be executed within two weeks, and the report of the learned Local Commissioner shall be filed within a period of two weeks thereafter.
48. Compliance of Order XXXIX Rule 3 of CPC shall be done within two weeks after the execution of the Commission.
49. 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.
50. The Application stands disposed of.
51. Order *dasti* under the signature of the Court Master.

TEJAS KARIA, J

DECEMBER 22, 2025/sms