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

+ CS(COMM) 1397/2025
ZINO DAVIDOFF S.A.

.....Plaintiff

Through: Mr. Shravan Kumar Bansal, Mr. Rishi
Bansal and Mr. Vibhor Sethi,
Advocates.

versus

ALA MODE ECOMMERCE LLP & ANR.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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22.12.2025

I.A. 32375/2025(Exemption)

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

I.A. 32376/2025(Exemption from pre-institution Mediation)

3. This is an Application filed by the Plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act, 2015 (“**CC Act**”).
4. 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.
5. The Application stands disposed of.



I.A. 32377/2025(Extension of time to file Court Fees)

6. The present Application has been filed by the Plaintiff under Section 149 read with Section 151 of the Code of Civil Procedure, 1908 (“CPC”), seeking exemption from payment of Court Fees at the time of the filing of the Suit.

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

8. The Application stands disposed of.

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9. Let the Plaint be registered as a Suit.

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

11. 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 Plaintiff, without which the Written Statement(s) shall not be taken on record.

12. Liberty is granted to the Plaintiff 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 Plaintiff, an Affidavit of Admission / Denial of the documents of Defendants be filed by the Plaintiff, without which the Replication(s) shall not be taken on record.

13. 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.

14. If any of the Parties wish to seek inspection of any documents, the



same shall be sought and given within the prescribed timelines.

15. List before the learned Joint Registrar on 27.02.2026 for completion of service and pleadings.

I.A. 32374/2025(Additional Documents)

16. The present Application has been filed on behalf of the Plaintiff 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.

17. The Plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.

18. Accordingly, the Application stands disposed of.

I.A. 32373/2025(U/O XXXIX Rule 1 and 2 of the CPC)

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

20. The present Suit has been filed for permanent injunction restraining infringement of the registered Trade Marks, 'DAVIDOFF', 'DAVIDOFF

COOL WATER', 'COOL WATER', 'HOT WATER', ,
(“Plaintiff’s Marks”), Trade Dresses,



and

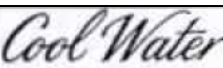


‘ (‘**Plaintiff’s Trade Dresses**’),
passing off, infringement of Copyright, for rendition of accounts, damages,
delivery up, etc.

21. The learned Counsel for the Plaintiff made the following submissions:
- 21.1. The Plaintiff, *Zino Davidoff SA*, founded by Mr. Zino Davidoff has been carrying on commercial activities in connection with luxury products under the Trade Name ‘DAVIDOFF’ for goods such as perfumes, eye wear, watches, leather goods, ties, coffee, since the year 1984. The Plaintiff has been using the Plaintiff’s Mark, ‘DAVIDOFF’, since its inception, i.e., 1984, in relation of perfumes (**“Plaintiff’s Perfumes”**). The earliest edition of the Plaintiff’s Perfumes under the Mark ‘DAVIDOFF FOR MEN’ was launched in the year 1984 which became an instant phenomenon and helped the Plaintiff gain the required growth in its initial years. Thereafter, the Plaintiff diversified its business, having ventured into various other fields. The Plaintiff’s Marks, are registered in India and the details of registrations of the



Plaintiff's Marks are as under:

S. No.	Trade Mark	Application No. – Class	Application Date – User Claimed	Status – Valid upto	Disclaimer
1.	DAVIDOFF / DAVIDOFF	1387684 - 99 (25, 33, 3)	27/09/2005 Proposed to be used	Registered - 27/09/2035	N/A
2.	Davidoff	1251835 - 99 (39,41,42)	27/11/2003	Registered - 27/11/2033	N/A
3.		454875 - 25	30/05/1986 Proposed to be used	Registered - 30/05/2027	N/A
4.	DAVIDOFF	2192441 - 30	18/08/2011 Proposed to be used	Registered - 18/08/2031	N/A
5.		1949090 - 99 (3, 9, 14, 18, 25)	12/04/2010 Proposed to be used	Registered - 12/04/2030	This is subject to Association with Registered / Pending Registration No. 1070102
6.	COOL WATER	1070102 - 3	28/12/2001 Proposed to be used	Registered - 28/12/2031	Registration of this trade mark shall give no right to the exclusive use of the disclaimer the words “COOL” and “WATER”
7.	DAVIDOFF HOT WATER	1850748 - 3	13/08/2009 Proposed to be used	Registered - 13/08/2029	N/A



8.		996874 - 30	15/03/2001 Proposed to be used	Registered - 15/03/2031	N/A
9.	DAVIDOFF	1561137 - 99 (18,14,9,16)	23/05/2007 Proposed to be used	Registered - 23/05/2027	N/A
10.	COOL WATER (WORD)	1070102 CLASS - 3	28/12/2001 PROPOSED TO BE USED	Registered 28/12/2031	REGISTRATION OF THIS MARK SHALL GIVE NO RIGHTS TO EXCLUSIVE USE OF THE DISCLAIMER THE WORDS 'COOL' AND 'WATER'
11.	COOL WATER (DEVICE) 	1949090 CLASS - 3,9,14,18,25	12/04/2010 PROPOSED TO BE USED	Registered 12/04/2030	N/A
12.	COOL WATER (WORD)	4140707 CLASS - 3	17/01/2019 PROPOSED TO BE USED	Opposed	N/A
13.	DAVIDOFF COOL WATER (DEVICE) 	753117 CLASS - 3	24/02/1997 PROPOSED TO BE USED	Renewed until 24/02/2017	N/A
14.	DAVIDOFF HOT WATER	1850748 CLASS - 3	13/08/2009 PROPOSED TO BE USED	Registered 13/08/2029	N/A

21.2.The Plaintiff has from time to time launched various range of Plaintiff's Perfumes under the Plaintiff's Marks and the Plaintiff's Trade Dresses. In 1988, the Plaintiff debuted its



‘COOL WATER’ perfume brand globally for men. Thereafter, in India, the Plaintiff’s Perfume ‘COOL WATER’ was launched in 1997. Since then, the Plaintiff has launched several offshoots in the same range of perfume and has continuously used the Plaintiff’s Mark, ‘COOL WATER’ with or without the Mark, ‘DAVIDOFF’ worldwide in relation thereto. A representation of the Plaintiff’s Perfume under the Plaintiff’s Mark, ‘COOL WATER’ and the Plaintiff’s Trade Dress is as under:



21.3. In the year 2009, the Plaintiff launched ‘DAVIDOFF HOT WATER’ perfume, a follow-up to their immensely popular ‘COOL WATER’ perfume from 1988. A representation of the Plaintiff’s Perfume under the Plaintiff’s Mark, ‘DAVIDOFF HOT WATER’, and the Plaintiff’s Trade Dress is as under:



21.4. The Plaintiff is the owner of the Artistic Work in the Plaintiff's Trade Dresses. The Plaintiff's Perfumes under the Plaintiff's Marks and the Plaintiff's Trade Dresses are sold in more than 100 countries of the world and across all continents and regions including in India. The Plaintiff has regularly and continuously been promoting the Plaintiff's Marks and the Plaintiff's Trade Dresses and the Plaintiff's Perfumes thereunder through extensive advertisements, publicities, promotions, marketing and marketing research. The Plaintiff has been spending enormous amounts of moneys, efforts, and time thereon, annually, in relation to the Plaintiff's Marks and the Plaintiff's Trade Dresses.

21.5. Defendant No. 1 is the entity which is operating the website <https://www.antibrnd.in/> ("**Defendant No. 1's Website**"). Defendant No. 1 is engaged in the business of manufacturing, marketing, trading, supplying, soliciting, importing, exporting and selling cheaper alternatives of the Plaintiff's Perfumes ("**Infringing Products**") by associating the Infringing Products



with the Plaintiff's Perfumes. In order to sell the Infringing Products, Defendant No. 1 is using the Marks, 'COOL WATER PARFUM' and 'HOT WATER PARFUM' ("Impugned



Marks") and the Trade Dresses, ' and



' ("Impugned Trade Dresses").

Defendant No. 1 is dealing with the Infringing Products through the Defendant No. 1's Website. Defendant No. 2 is the Domain Name Registrar of the Defendant No. 1's Website.

21.6. Defendant No.1 is offering the Infringing Products at a rate of 90% of the original price of the Plaintiff's Perfumes. Defendant



No. 1 has with *mala fide* intention, adopted the Impugned Marks and the Impugned Trade Dresses in relation to the Infringing Products which are identical to the Plaintiff's Marks and the Plaintiff's Trade Dresses. Defendant No. 1 has attempted to use the Plaintiff's Perfumes' images to promote their own product to mislead the consumers believing the Infringing Products are associated with, inspired by, or equivalent to the Plaintiff's Perfumes.

21.7. The similarities of the Impugned Marks and the Impugned Trade Dresses and the Plaintiff's Marks and the Plaintiff's Trade Dresses are deliberate and only add to the sheer potential of confusion for the public and to create wrong association with the Plaintiff's Perfumes amounting to Infringement of Trade Mark and passing off. Defendant No. 1 has copied the Plaintiff's Marks and the Plaintiff's Trade Dresses in such a manner that the totality of effect of the Infringing Products creates an impression in the minds of the public and members of the trade that the Infringing Products belong to the Plaintiff. Defendant No. 1 has no right to use the Impugned Marks and the Impugned Trade Dresses in any manner in relation to its Infringing Products whatsoever, being in violation of the statutory and common law rights of the Plaintiff therein. A comparative table of the Plaintiff's Perfumes and the Infringing Products is as under:



Plaintiff's Perfumes	Infringing Products
	
	



22. Having considered the submissions advanced by the learned Counsel for the Plaintiff, the pleadings and the documents on record it is clear that the Plaintiff is the proprietor of the Plaintiff's Marks and the Plaintiff's Trade Dresses. The Plaintiff has been able to establish long and continuous use of the Plaintiff's Marks and the Plaintiff's Trade Dresses with respect to perfumes. The Plaintiff has demonstrated the goodwill and reputation acquired by the Plaintiff's Perfumes under the Plaintiff's Marks and the Plaintiff's Trade Dresses. The Defendants' use of the Impugned Marks and the Impugned Trade Dresses is *prima facie* dishonest and nothing but an attempt to ride the goodwill and reputation of the Plaintiff's Marks and the Plaintiff's Trade Dresses so as to cause confusion in the market.

23. Defendant No. 1 is not only riding on the immense and valuable goodwill and reputation enjoyed by the Plaintiff but is also attempting to show some association or nexus with the Plaintiff, where none exists. There is a strong likelihood that unwary consumers will be duped into buying the Infringing Products by believing them to be originating from the Plaintiff, which is detrimental to not only the reputation and goodwill of the Plaintiff, but is also detrimental to the consumers as they are being deceived into buying inferior quality products of Defendant No. 1. Defendant No. 1 has adopted the Impugned Marks and the Impugned Trade Dresses which are deceptively similar to the Plaintiff's Marks and the Plaintiff's Trade Dresses.

24. The Plaintiff has made out a *prima facie* case for grant of an *ex-parte ad-interim* injunction. Balance of convenience is in favour of the Plaintiff and against Defendant No. 1. Irreparable injury would be caused to the Plaintiff if an *ex-parte ad-interim* injunction is not granted.

25. Accordingly, till the next date of hearing,



- i. Defendant No. 1, its directors, proprietors, partners, associates, assigns or assignees in interest, heirs, successors or successors in interest, permitted assigns, sister concerns or group companies, distributors, dealers, wholesalers, retailers, stockiest, agents and all others acting for and on its behalf are restrained from using, soliciting, providing services and advertising in any manner including on the internet and e-commerce platform, directly or indirectly dealing in perfumes under the Impugned Marks, 'COOL WATER PARFUM' and 'HOT WATER PARFUM', and the



Impugned Trade Dresses, ' and



' and / or any other Trade Mark or Trade Dress which are identical and / or deceptively similar to the Plaintiff's Marks 'DAVIDOFF', 'DAVIDOFF COOL WATER', 'COOL



WATER', 'HOT WATER', 'Cool Water', and the
Plaintiff's Trade Dresses,



and



, so as to cause
infringement and / or passing off of the Plaintiff's Marks and / or
the Plaintiff's Trade Dresses.

- ii. Defendant No. 2 shall file all the Basic Subscriber Information,
including the name, address, contact information, email addresses,



bank details, IP logs, and any other relevant information available of the owners / operators of Defendant No. 1 in a sealed cover / password protected document within four weeks of being communicated with a copy of this Order.

26. 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.

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

28. List before this Court on 23.04.2026.

TEJAS KARIA, J

DECEMBER 22, 2025/sms