



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 16-03-2026**

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**THE HONOURABLE MR JUSTICE P.VELMURUGAN  
AND  
THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN  
THILAKAVADI**

**OSA(CAD) No.2 of 2026  
AND  
CMP No.120 of 2026**

Marico Limited  
7th Floor, Grande Palladium  
175, CST Road, Kalina  
Santa Cruz (East), Mumbai 400 098

Appellant

Vs

1. Prahalad Rai Kedia  
Proprietor, Kedia Industries,  
Sy.No.12, Hayathnagar, R.R.District,  
Hyderabad, Telangana
2. The Registrar of Copyrights  
Boudhik Sampada Bhawan  
Plot No.32, Sector 14, Dwarka  
New Delhi 110 078

Respondents

Memorandum of Grounds of Original Side Appeal filed under Section 13 of the Commercial Courts Act, 2015 read with Clause 15 of Letters Patent read with Order XXXVI, Rule 9 of Original Side Rules read with Section 72(3) of the Copyright Act, 1957 to set aside the fair and decretal order dated 11.11.2025 passed in (T)OP(CR)No.1 of 2024.

For Appellant: Mr.P.S.Raman  
Senior Counsel for  
Mr.Arun C.Mohan



For Respondents: R1 & R2 – No appearance

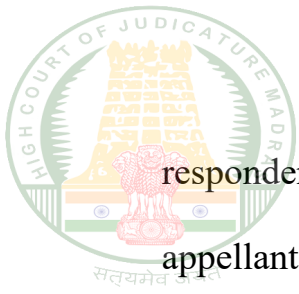
**JUDGMENT**

**(Judgment of the Court was made by P.Velmurugan J.)**

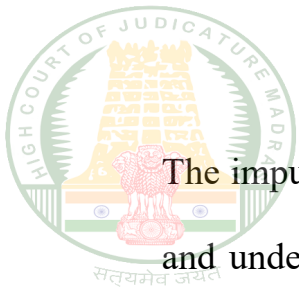
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This appeal is filed against the order dated 11.11.2025 passed by the learned single Judge in (T)OP(CR)No.1 of 2024.

2. The appellant filed the petition in (T)OP(CR)No.1 of 2024 under Section 50 of the Copyright Act, 1957 before the learned single Judge praying (a) to suspend the impugned copyright registration No.A-85790/2009 of the first respondent from the Copyright Register and (b) to expunge the impugned copyright registration No.A-85790/2009 of the first respondent from the Copyright Register stating that the appellant, being a company incorporated in 1988 under the Companies Act, 1956, is engaged in the manufacture and sale of well-known consumer products viz., PARACHUTE, PARACHUTE ADVANSED JASMINE, Marico's HAIR & CARE, NIHAR, SAFFOLA, MEDIKER, LIVON, REVIVE, SILK-N-SHINE and SET WET and has filed the petition seeking removal or rectification of Copyright Registration No.A-85790/2009 dated 01.06.2009 granted in favour of the first respondent in respect of the artistic work used on the packaging of EVEREST COCONUT OIL. It was also stated that the impugned registration has been wrongly granted and is fraudulently remaining on the Register of Copyrights, as the first



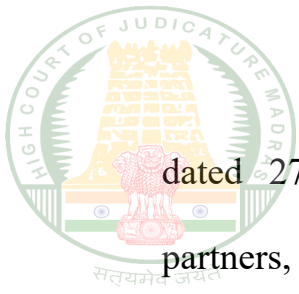
respondent's label is a substantial, colourable imitation and copy of the appellant's prior copyrighted and trade marked PARACHUTE label, which features the distinctive Flag Device, the Broken Coconut Device, the unique blue and green colour combination and the overall layout and trade dress that have become exclusively associated with the appellant. The appellant holds prior copyright registration No.A-64997/2003 and multiple trade mark registrations, including Nos.737893, 737894, 1033842, and 1033844, all of which predate the first respondent's registration and the same have been used extensively and continuously since 1948 by the appellant and its predecessors, Bombay Oil Industries Limited. However, the first respondent, by concealing the material facts and by misrepresenting the originality of his work, obtained registration in violation of Section 45(1) of the Copyright Act and failed to disclose the existence of the appellant's prior trade mark registrations for deceptively similar artistic works. The first respondent's conduct amounts to copyright infringement, passing off, and unfair competition, as the impugned label replicates the essential features of the PARACHUTE label and deceives the public into believing that the first respondent's product originate from or is associated with the appellant. It was further stated that the first respondent has a history of infringing behaviour, having previously copied the PARACHUTE trade dress in 2002 under the mark SHRI LAXMI, and despite cease & desist notices and court proceedings, has continued to engage in unlawful imitation.



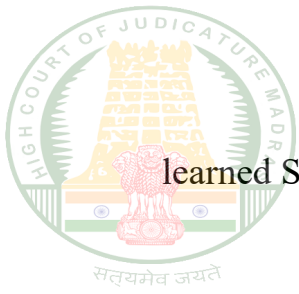
The impugned registration violates the principles of equity, fair play and justice and undermines the legislative intent of protecting only original artistic works under Section 13(1)(a) of the Act. Since the first respondent's work is a pirated reproduction and not an original creation, the impugned registration has been entered in the Copyright Register without sufficient cause and wrongly remains on record. Therefore, the appellant prayed to suspend and expunge the impugned Copyright Registration No.A-85790/2009 from the Register, as stated above.

3. Though the first respondent did not appear and remained ex parte, the learned single Judge dismissed the petition filed by the appellant holding that the first respondent's trade dress is clearly distinguishable from that of the appellant and that the appellant has not produced supporting materials to establish infringement by the first respondent, by the impugned order. Aggrieved thereby, the appellant is before us.

4. The learned Senior Counsel appearing on behalf of the appellant would submit that when the first respondent was already a party to the consent decree in the lis that arose between the same parties before the Division Bench of the Delhi High Court in FAO(OS)(COMM)No.310 of 2018 dated 21.12.2018, which arose out of the interim order passed in C.S.(COMM.)No.1569 of 2016



dated 27.08.2018, restraining the defendants, their principals, proprietor, partners, officers, employees, agents, distributors, suppliers, affiliates, subsidiaries, franchisees, licensees, representatives, group companies and assigns with an order of permanent injunction from reproducing, printing, publishing and/or using the labels/packaging as mentioned therein and/or from imitating in material form the plaintiff's labels and packaging as represented therein the copyrights of which vest with the plaintiff, thereby amounting to the infringement of the plaintiff's copyrights in the said works, more particularly, directing the third defendant therein/the first respondent herein to withdraw/voluntarily cancel its copyright registration bearing number A-85790/2009 and provide a duly endorsed proof to the plaintiff/the appellant herein on the said withdrawal, without complying with the directions, the first respondent attempted to continuously violate the copyright of the appellant. Therefore, the appellant was constrained to file the petition before the learned single Judge. Even though the first respondent did not choose to contest the petition, the learned Judge failed to consider the consent decree passed by the Delhi High Court and dismissed the petition filed by the appellant relying on the reply of the first respondent to the pre-suit notice, which was prior to the consent decree passed by the Delhi High Court on the issue. When the first respondent neither appeared nor filed any counter, the learned single Judge traversed beyond the pleadings and dismissed the petition. Therefore, the



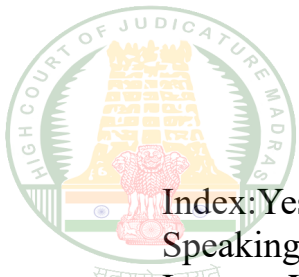
learned Senior Counsel submitted that the impugned order requires interference.

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5. Though the name of the contesting first respondent is printed in the cause list after service of notice, none appeared.

6. We have perused the order passed by the learned single Judge. The learned single Judge has merely accepted the stand taken by the first respondent in his reply dated 04.07.2016, which is prior to the consent decree passed by the Division Bench of the Delhi High Court in FAO(OS)(COMM)No.310 of 2018 dated 21.12.2018 on the copyright issue that arose between the same parties. Though notice was served on the petition filed by the appellant before the learned Judge, the first respondent remained ex parte. As rightly contended by the learned Senior Counsel for the appellant, when the first respondent accepted the consent decree passed by the Delhi High Court, he cannot take a different stand before the single Bench when the decree was binding on the first respondent. Under these circumstances, the impugned order dated 11.11.2025 made in (T)OP(CR)No.1 of 2024 is set aside and the original side appeal stands allowed. Consequently, the connected CMP is closed. There will be no order as to costs.

**(P.VELMURUGAN J.) (K.GOVINDARAJAN THILAKAVADI J.)**  
**16-03-2026**



Index: Yes/No  
Speaking/Non-speaking order  
Internet: Yes  
Neutral Citation: Yes/No

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To

1. The Registrar of Copyrights  
Boudhik Sampada Bhawan  
Plot No.32, Sector 14 Dwarka  
New Delhi 110 078



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