

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

IP-COM/18/2024

Emami Limited
VS
Dabur India Limited

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date: 24th March, 2025.

Appearance:

Mr. Biswaroop Mukherjee, Adv.

Ms. Mini Agarwal, Adv.

...for plaintiff.

Mr. Sourojit Dasgupta, Adv.

Ms. Akansha Mukherjee, Adv.

Mr. Sudhakar Prasad, Adv.

Mr. P. Basu, Adv.

...for defendant.

The Court:- After hearing both the parties, the following issues are framed:

1. Whether the defendant can refer to the plaintiff's products i.e. talcum and prickly heat powders, as "Saadharan" and suggest the same to be ineffective and useless and by doing so, disparage the plaintiff's talcum powder and prickly heat powders as well as cause damage to the plaintiff's goodwill and reputation in relation thereto?
2. Whether the defendant can identify the plaintiff's products, by way of the impugned advertisement and run down the plaintiff's products and the entire class of talcum and prickly heat powders and, if so, is the plaintiff entitled to the decree for perpetual injunction as prayed for in the present suit?

3. Whether the defendant can be permitted to continue airing the impugned advertisement by removing the reference to the plaintiff and/or the products of the plaintiff, in view of the recall value of the impugned TVC aired and published by the defendant, targeting the plaintiff and its powder products under the marks “Demi Cool” and/or “Navaratna”?
4. Whether the plaintiff is entitled to a decree for perpetual injunction and for damages in addition thereto, as claimed in the plaint?
5. To what other reliefs is the plaintiff entitled to, in law and equity?
6. Whether the impugned advertisement disparage the plaintiff's products Dermi Cool and/or Navratna Cool Talc?
7. Whether the impugned advertisement specifically identify the plaintiff's products Dermi Cool and/or Navratna Cool Talc?
8. Whether the plaintiff enjoy any exclusive and statutory right in respect of the colour scheme of the bottle and container of Dermi Cool and/or Navratna Cool Talc?

The Judges Brief of Documents and Affidavits of Admission and Denial filed in Court by the respective parties be kept with the records.

Both parties submit that the suit is ready for hearing and a Commissioner be appointed for recording of evidence. In such circumstances, Mr. Debnath Das, Advocate and a Member of the Bar Library Club, having mobile no.9007449637, is appointed as a Commissioner at a remuneration of Rs. 25,000./- per sitting and shall preferably conclude the evidence within a

period of two months from the date of passing of this order and without granting any unnecessary adjournments.

The parties are also directed to notify the respective dates for examination of the witnesses to the Registrar, Original Side who shall depute an Assistant Registrar or any Appropriate Officer of this Court for production of the relevant records of this suit to be made available at the time of the Commission.

The Commissioner is directed to file the Report on the returnable date.

Any costs or expenses for the Commission are to be shared equally by the parties.

Let this matter appear in the monthly list of July, 2025.

(RAVI KRISHAN KAPUR, J.)