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

+ CS(COMM) 591/2025 with I.A.14388/2025, I.A.14389/2025 and I.A. 14390/2025

MOKOBARA LIFESTYLE PRIVATE LIMITEDPlaintiff

Through: Mr. Prashant Gupta, Mr. Aadhar Nautiyal and Mr. Karan Singh, Advocates.

versus

**MR. FAZAL MOHAMED YAKUB
PATKA AND ORS**

.....Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **30.05.2025**

I.A. 14389/2025 (O-XI R-1(4) of the Commercial Courts Act)

1. The present application has been filed on behalf of the plaintiff seeking leave to file additional documents.
2. The plaintiff is permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.
3. Accordingly, the application is disposed of.

I.A. 14390/2025 (u/s 12A of Commercial Courts Act, 2015)

4. As the present suit 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.

CS(COMM) 591/2025

6. Let the plaint be registered as a suit.

7. None appears on behalf of the defendants despite advance service.

8. Issue summons.

9. Summons be issued to the defendants through all permissible modes.

The summons shall state that the written statement shall be filed by the defendants within thirty (30) days from the date of the receipt of summons. Along with the written statement, the defendants shall also file an affidavit of admission/ denial of the documents of the plaintiff, without which the written statement shall not be taken on record.

10. Liberty is given to the plaintiff to file replication, if any, within thirty (30) days from the receipt of the written statement. Along with the replications filed by the plaintiff, affidavit of admission/ denial of the documents of the defendants be filed by the plaintiff.

11. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

12. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

13. List before the Joint Registrar on 1st August, 2025, for completion of service and pleadings.

14. List before the Court on 10th October, 2025.

I.A. 14388/2025 (O-XXXIX Rule 1 & 2 of CPC)


15. The present suit has been filed seeking relief of permanent injunction restraining the defendants from infringing the plaintiff's registered device


mark  and passing off of its trade dress  ,  ,  ,  and  , along with other ancillary reliefs.

16. The Plaintiff is a company incorporated in 2019 with a sincere focus on design and execution. It is stated that the Plaintiff is a new-age luggage bag manufacturer which gives priority to premium and durable quality with uber-cool aesthetic design. Due to well-crafted quality products, the Plaintiff has garnered immense recognition amidst the industry within a short span of time.

17. It is stated that the Plaintiff has become one of the most prominent players in the luggage bag industry providing a complete portfolio of luggage bags, which is inclusive of but not restricted to suitcases, cabin suitcases, duffle bags, backpacks, luggage sets, tote bags, wallets, pouches and the like.

18. Since its incorporation, the Plaintiff has been known by its unique

rectangular device  to the extent that the Plaintiff is identified by the trade and public by the said device. Thus, to safeguard its rights in the said device, the Plaintiff has secured a trade mark registration for the rectangular

device  under no.5634173 dated 3rd October, 2022 in classes 18, 21 and 25 with a user claim from 13th January, 2020. Details of the Plaintiff's trademark registrations are given in paragraph no.10 of the plaint.

19. It is further stated that the Plaintiff has been using its unique and distinct



in relation to its suitcases for several years, with the earliest use being in January 2020. The peculiar features which constitute the Plaintiff's trade dress include (a) the eye-

catching colour combinations, (b) horizontal ridges at the bottom of suitcases which curve into the sides and meet the zippers in the middle, (c) the yellow-checked inner-lining with squares bearing the letter 'm', (d) neon-coloured



pipings, and (e) most importantly the rectangular device at the top right corner of the suitcases. It is stated that these unique features have come to be associated exclusively with the Plaintiff and are distinctive of the Plaintiff's suitcases.

20. The Plaintiff's products are available and sold all over India through its stand-alone stores as well as through big retail outlets, outlets in shopping malls, stores, through e-commerce platforms and its own website <www.mokobara.com>. The Plaintiff has also received several awards over the last few years and has been the subject of unsolicited media coverage in both electronic and print media.

21. Owing to superior quality and tremendous reputation enjoyed by products bearing the Plaintiff's registered device and trade dress, the Plaintiff has earned an impressive revenue of over INR 187 crores between the financial years 2019-20 and 2023-24. The Plaintiff's revenue for the financial year 2023-24 was to the tune of INR 119 crores. Details of the Plaintiff's revenue figures are given in paragraph no.13 of the plaint.

22. The Plaintiff has also aggressively advertised and promoted its products bearing the Registered Device and Trade Dress. The Plaintiff's expenditure on such advertising and promotions has been over INR 45 crores between the financial years 2019-20 and 2023-24. Details of the Plaintiff's

promotional expenditure are given in paragraph no.12 of the plaint.

23. Sometime in the last week of April 2025, the Plaintiff is stated to have learnt that Defendants' suitcases including the impugned suitcases bearing the name 'Greenland' are available for sale on Defendants' website <www.ventextravelinstyle.com> in various sizes and colours. The Plaintiff's investigation into the activities of the Defendants revealed that the Defendants no.1, 2 and 3 are partners of a partnership firm viz. M/s American Leather Works. The defendant no.4 firm is a sole proprietorship owned by the Defendant no.1. Further, all the Defendants operate from the same address and are engaged in the same business of sale of various types of luggage bags including suitcases, duffle bags, laptop bags and the like. The Defendants

have recently started selling suitcases bearing the Impugned Device



and the Impugned Trade Dress





, and which are available in various sizes and colours. The said suitcases are also being advertised on the Defendants' social media handles on Instagram and Facebook.

24. It is stated in the plaint that the Plaintiff's investigator placed an order for one of the Defendants' suitcases bearing the Impugned Device and the Impugned Trade Dress on the Defendants' website, which was delivered at the investigator's address in Delhi on 3rd May, 2025.

25. It is the case of the Plaintiff that the Defendants have copied every single aspect of the Plaintiff's suitcases including the Plaintiff's Registered Device and the distinct elements of the Plaintiff's Trade Dress comprising *inter-alia* of the unique colour combinations, eye-catching piping, horizontal ridges placement of the Plaintiff's Registered Device, the yellow-checked inner-lining with squares bearing the letter 'm' etc. He further asserts that the Defendants have deliberately and calculatedly adopted and used the Impugned Device and the Impugned Trade Dress in relation their suitcases with a dishonest intention to mislead the customers and the members of the trade into believing that its products are that of the Plaintiff and thereby piggyback on the Plaintiff's enviable reputation in the Registered Device and Trade Dress.

26. It is averred in the plaint that the Defendants are using the Impugned



Device which is virtually identical to the Plaintiff's Registered



Device .

27. Based on the averments made in the Plaint, the Plaintiff has established its statutory rights over its Registered Device and common law rights in its Trade Dress.

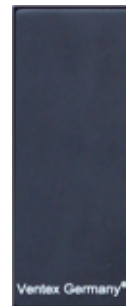
28. None appears on behalf of the defendants despite advance service.

29. Issue Notice.


30. Notice be issued to the defendants through all permissible modes, including e-mail.

31. Reply(ies) be filed within four (4) weeks.

32. Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter.



33. In my *prima-facie* view, the use of the Device is confusingly

similar to the Registered Device  of the Plaintiff and amounts to infringement of the Plaintiff's rights. Also, the Impugned Trade Dress being



and , is virtually identical with that of the Plaintiff's Trade



Dress being



and



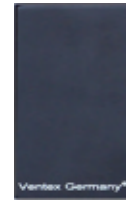
and therefore violates the

Plaintiff's common law rights in the same. The Defendants cannot possibly have any plausible justification to adopt the Impugned Device and the Impugned Trade Dress in respect of identical products, being *suitcases*, except for an ulterior motive to misuse the reputation of the Plaintiff's Registered Device and Trade Dress and thereby pass off its goods as that of the Plaintiff's goods. A *prima facie* case is, thus, made out on behalf of the Plaintiff.

34. Balance of convenience is in favour of the Plaintiff and against the Defendants. Irreparable injury would be caused to the Plaintiff if the Defendants continue to use the Impugned Device and the Impugned Trade Dress in relation to their products. Prejudice would also be caused to the public as the Impugned Device and the Impugned Trade Dress of the Defendants are deceptively similar/virtually identical to that of the Plaintiff and are likely to cause confusion in the market.

35. Accordingly, till the next date of hearing, the Defendants, their agents, servants, representatives, stockists, dealers, distributors, or any other person acting under or through them or in concert with them, are restrained from:

(i) using upon or in relation to their business and products, in any



manner, the Impugned Device or any other mark/logo/device which is deceptively or confusingly similar to the



Plaintiff's Registered Device, either as a standalone mark/logo and/or in conjunction with any other mark/logo, which



infringes the Plaintiff's Registered Device; and/or

(ii) using upon or in relation to their business and products, the

Impugned Trade Dress





, and or any other trade dress, get-up, style, that is identical with or



similar to the Plaintiff's distinct Trade Dress,



36. Compliance of Order XXXIX Rule 3 CPC shall be done within a period of seven (7) days from today. The affidavit in terms of Order XXXIX Rule 3 of CPC shall be filed by the plaintiff within one (1) week thereafter.

37. List before the Joint Registrar on 1st August, 2025, for completion of service and pleadings.

38. List before the Court on 10th October, 2025.

AMIT BANSAL, J

MAY 30, 2025

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