



2025:DHC:3673



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

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*Date of decision: 6<sup>th</sup> May, 2025*

+ CS(COMM) 114/2023 & I.A. 4221/2023

CALVIN KLEIN TRADEMARK TRUST .....Plaintiff  
Through: Mr. Saif Khan and Mr. Prajjwal  
Kushwaha, Advocates.

versus

MR. GURVINDER SINGH & ORS. ....Defendants  
Through: Mr. Tarun Verma, Advocate for D-6,  
D-7 and D-10.

**CORAM:**  
**HON'BLE MR. JUSTICE AMIT BANSAL**

**AMIT BANSAL, J. (Oral)**

1. The present suit has been filed seeking relief of permanent injunction restraining the defendants from infringing the trademarks and copyright of the plaintiff, passing off along with other ancillary reliefs.

**PROCEEDINGS IN THE SUIT**

2. The plaintiff, Calvin Klein Trademark Trust, is a Trust created under the laws of Delaware, United States of America, to protect, prosecute, enforce and manage the trademark rights of Calvin Klein Inc.

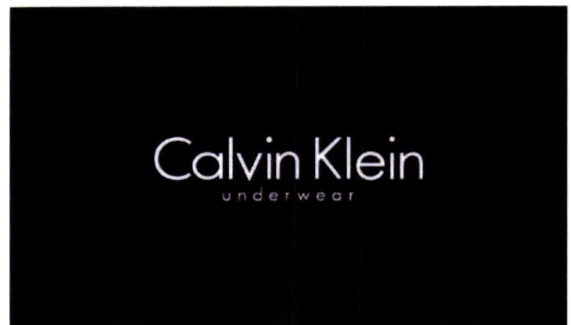
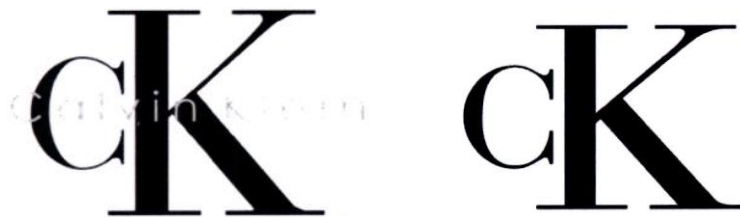
3. The plaintiff is part of the globally renowned PVH Corp., one of the world's leading fashion and lifestyle conglomerates, with a brand portfolio that includes Calvin Klein, Tommy Hilfiger, Van Heusen, IZOD, Arrow, Warner's, Olga, True & Co., and Geoffrey Beene, among others. PVH also



holds licenses for brands such as Michael Kors, Kenneth Cole New York, Chaps, and Speedo.

4. Calvin Klein Inc. (hereinafter the ‘CKI’), established in 1968 by renowned designer Calvin Klein, is engaged in the manufacture, distribution, and sale of a wide array of products, including apparel, fragrances, cosmetics, eyewear, watches, home furnishings, and other related goods (hereinafter “the said goods”). CKI also administers all trademark rights pertaining to the Calvin Klein brand.

5. Since its inception, the plaintiff has continuously used the trademarks ‘CALVIN KLEIN’ and ‘CK’, both as trademarks and integral parts of its trade name across multiple jurisdictions. These marks have been stylised in various distinctive formats and layouts over the years, which are given below and are hereinafter collectively referred to as “the CK Trademarks”:

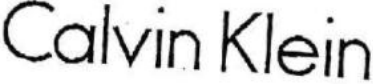

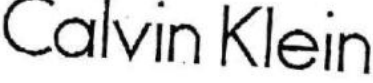

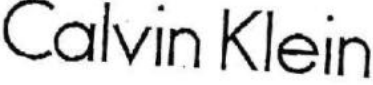



6. The CK Trademarks are registered in all major countries globally, including India. The registrations obtained by the plaintiff for its CK Trademarks in India are given in the table below:



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S. No.	Trade Mark	Registration No. and date	Class
1.		566080 23.01.1992	03
2.	CALVIN KLEIN (word mark)	603420 05.08.1993	09
3.	 (CK logo Device mark)	692775 29.12.1995	09
4.		566078 23.01.1992	18
5.	CALVIN KLEIN (word mark)	603423 05.09.1993	25
6.	 (CK logo Device mark)	678782 04.09.1995	25
7.		678783 04.09.1995	25
8.		698979 20.02.1996	25



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	(CK logo Device mark)		
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7. The artwork forming part of the various stylistic representations of the plaintiff's CK trademarks constitutes original artistic works under Section 2(c) of the Copyright Act, 1957. The plaintiff is the first owner of copyright in each of these works by virtue of Section 17 of the Act. Such original works are protected under the Copyright Act, 1957, without the need for formal registration. Accordingly, the plaintiff enjoys exclusive rights in these works under Section 14(c) of the Act.

8. The plaintiff's goods under the CK Trademarks are sold in most major towns and cities. Because of the high quality goods produced by the plaintiff, the plaintiff's goods enjoy growing demand. The plaintiff has also adopted the domain name <https://calvinklein.nnnow.com/> to strengthen its online presence and goodwill.

9. With global sales of approximately USD 8.4 billion in 2016 and Indian sales of about USD 31 million in 2017, the plaintiff has continuously invested in brand promotion. Its promotional campaigns span print, electronic, and digital media, often featuring leading celebrities and models.

10. Owing to consistent global use, extensive advertising, and widespread consumer recognition, the CK Trademarks have acquired strong international and domestic goodwill.

11. The CK Trademarks are stated to be amongst the most valuable trademarks worldwide and are recognised as such across luxury and fashion industry platforms. The plaintiff is the sole proprietor of these marks and their accompanying goodwill, under both statutory and common law. The plaintiff has been vigilant in protecting its rights for its CK Trademarks, and



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the plaintiff has obtained multiple court orders seeking injunctive relief against counterfeiters and infringers.

12. Defendants no.1 to 5 are engaged in the manufacture, sale, and distribution of counterfeit goods bearing the plaintiff's CK trademarks. These entities operate from the Gandhi Nagar market in Delhi and were found selling infringing products such as garments, shirts, and stickers/patches that replicate the plaintiff's CK trademarks. Each of these businesses was found sourcing stock locally, employing small teams of 1 to 6 workers, and engaged in high-volume daily sales of counterfeit products. The plaintiff's investigations also revealed that some of them maintain online listings to promote the counterfeit products.

13. Being aggrieved by the aforesaid activities of the defendants, the present suit was filed.

#### **PROCEEDINGS IN THE SUIT**

14. The matter came up for the first time on 2<sup>nd</sup> March 2023, when an *ex-parte ad interim* injunction was granted in favour of the plaintiff and against the defendants, restraining the defendants from manufacturing, using, selling, distributing, advertising, exporting, offering for sale, or dealing in any other manner, directly or indirectly, in any product bearing plaintiffs registered 'CALVIN KLEIN', 'CK' and other formative versions thereof. Further, four local commissioners were appointed to visit the premises of the defendants or any other premises that may be identified by the plaintiff during the course of the commission.

15. On 10<sup>th</sup> March 2023, the commission was executed, and during the execution, counterfeit Calvin Klein goods were also found at five additional premises in the Gandhi Nagar area.



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16. Subsequently, I.A. 8442/2023 dated 25<sup>th</sup> April 2023 was filed seeking impleadment of the aforesaid entities as defendants no.6 to 10 in the suit. Notice in the said application was issued by the Joint Registrar on 1<sup>st</sup> May 2023.

17. In the order passed by the Joint Registrar on 5<sup>th</sup> December 2023, it has been noted that the maximum permissible time to file a written statement by the defendants no.1,2, 3 and 5 had expired.

18. On 8<sup>th</sup> January 2024, the parties were referred for mediation.

19. On 16<sup>th</sup> July 2024, the application for impleadment of defendants no.6 to 10 was allowed and the suit was decreed *qua* defendants no.3, 4, 5, and 9. Further, since none had been appearing on behalf of defendants no. 1, 2 and 8, the said defendants were proceeded *ex-parte*.

#### **ANALYSIS AND FINDINGS**

20. I have heard the submissions of the counsel for the parties and also perused the material on record.

21. The plaint has been duly verified and is also supported by the affidavit of the plaintiff. In view of the fact that no written statement has been filed on behalf of the defendant, all the averments made in the plaint have to be taken to be admitted. Further, since no affidavit of admission/denial has been filed on behalf of the defendants no.1, 2, 6, 7, 8 and 10 in respect of the documents filed with the plaint, in terms of Rule 3 of the Delhi High Court (Original Side) Rules 2018, the same are deemed to have been admitted. Therefore, in my opinion, this suit does not merit trial, and the suit is capable of being decreed in terms of Order VIII Rule 10 of CPC.

22. From the averments made in the plaint, the plaintiff has been able to prove that the plaintiff is the registered proprietor of the CK Trademarks.



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23. A perusal of the plaint and Local Commissioner's report would show that the defendants no.1, 2, 6, 7, 8 and 10 are engaged in manufacturing and selling counterfeit versions of the plaintiff's products through common supply chains and marketplaces. The use of the CK trademarks by the defendants no.1, 2, 6, 7, 8 and 10 is wilful, unjustified, and calculated to exploit the plaintiff's goodwill. The plaintiff has no control over the quality of the infringing goods, and selling the same could lead to consumer confusion, dilution of brand value, and loss of consumer trust. The aforesaid activities constitute a serious threat to the plaintiff's business and reputation.

24. Based on the discussion above, a clear case of infringement of trademarks and copyright is made out. Since the products sold by the defendants incorporate the plaintiff's trademarks, some of which include original artistic works, the unauthorised use of such marks results in a violation of the plaintiff's copyright in those artistic elements.

25. The defendant has taken an unfair advantage of the reputation and goodwill of the plaintiff's trademarks/artistic works by dishonestly adopting the plaintiff's registered marks without any plausible explanation. Therefore, the plaintiff has established a case of passing off as well.

26. Since the defendants no.1, 2, 6, 7, 8 and 10 have failed to take any requisite steps to contest the present suit, despite having suffered an *ad interim* injunction order, it is evident that the defendant has no defence to put forth on merits. It is pertinent to note that despite service of summons the defendants no.1, 2 and 8 have failed to enter an appearance.

27. Accordingly, the plaintiff is entitled to the reliefs claimed in the plaint.

28. Counsel for the plaintiff also presses for relief of compensatory



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damages and costs.

29. Counsel for defendants no.6, 7 and 10 submits that defendants no.6, 7 and 10 have no objection if a decree of permanent injunction is passed in favour of the plaintiff and defendants no.6, 7 and 10 are willing to pay Rs. 50,000 each towards costs and damages.

30. In so far as defendants no.1, 2 and 8 are concerned a perusal of the Local Commissioners' report would show that during the execution of the Commission, counterfeit products bearing the CK trademarks were found at the defendants no.1, 2, and 8. The quantity of the goods found by the Local Commissioners is given below:

<b>Defendants</b>	<b>Goods found</b>	<b>Quantity</b>
Defendant No.1	Apparel	164 pcs
Defendant No.2	Apparel	102 pcs
Defendant No.8	Stickers Dye/Frame and Stickers	55 pcs

31. In *Cartier International A.G. v. Gaurav Bhatia*<sup>1</sup>, while granting the damages in case where defendants were selling counterfeit watches and did not appear to contest the suit filed by the plaintiff, a Coordinate Bench of this Court has observed that the defendant who deliberately avoids court proceedings should not be allowed to benefit from such evasion as that would be unfair to a defendant who submits account records and is held liable for damages, while one who evades proceedings escapes liability due to the absence of financial records.

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<sup>1</sup> 2016 SCC OnLine Del 8



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32. The aforesaid principles would be squarely applicable in the present case. In the present case, the defendants have deliberately sold counterfeit products bearing CK trademarks. Further, despite service of summons, defendants no.1, 2 and 8 have failed to enter an appearance and contest the suit.

33. In *Hindustan Unilever Limited v. Reckitt Benckiser India Limited*<sup>2</sup>, a Division Bench of this Court outlined the principle of ‘*rough and ready calculations*’ for awarding damages.

34. Taking into account the entire facts and circumstances presented in this is a fit case, where damages and costs should be awarded.

#### **RELIEF**

35. In view of the foregoing analysis, a decree is passed in favour of the plaintiff and against the defendants no. 1, 2, 6, 7, 8 and 10 in terms of the prayer clauses 55 (a), (b), (c) and (d) of the plaint.

36. Insofar as the relief of damages and costs sought in prayer clauses 55 (g) and (h) of the plaint is concerned, defendants no.6, 7 and 10 have settled the matter with the plaintiff and agreed to pay Rs 50,000 each to the plaintiff. Accordingly, a decree is passed in favour of the plaintiff directing the defendants no.6, 7 and 10 to pay Rs.50,000 each with two weeks.

37. In so far as defendants no.1, 2 and 8 are concerned, a decree is passed awarding damages and costs in favour of the plaintiff and against defendants no.1, 2, and 8 in the following manner:

<b>Defendants</b>	<b>Amount awarded</b>
Defendant No.1	Rs.1,00,000/-

<sup>2</sup> ILR (2014) 2 Del 1288



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Defendant No.2	Rs.1,00,000/-
Defendant No.8	Rs.1,00,000/-

38. Counsel for the plaintiff does not press for the remaining reliefs prayed for in the plaint.

39. Let the decree sheet be drawn up.

40. The pending application stands disposed of.

**AMIT BANSAL, J**

**MAY 6, 2025**

*Vivek/-*