

IN THE COURT OF SH. ANURAG SAIN, DISTRICT JUDGE
(COMMERCIAL COURT)-01, PATIALA HOUSE COURT
NEW DELHI

CS (COMM)388/2024

1. Shane Ali
J-3A/3,
Khirki Extension,
Malviya Nagar,
New Delhi-110017

...Plaintiff no.1.

2. Shahe Aii J-3A/3,
Khirki Extension,
Malviya Nagar,
New Delhi-110017

...Plaintiff no.2.

Vs.

1. Kathakaar Films Production House,
Through its producers
607, Peninsula Plaza,
Yashraj lane,
Andheri West,
Mumbai, Maharashtra-400053

...Defendant no.1.

2. Akash Pratap Singh,
Producer, Actor and Writer
Kathakaar Films Production House
607, Peninsula Plaza,
Yashraj lane, Andheri West,
Mumbai, Maharashtra-400053

...Defendant no.2.

3. Gaurav Rana
Director
Kathakaar Films Production House
607, Peninsula Plaza,
Yashraj lane, Andheri West,
Mumbai, Maharashtra-400053

...Defendant no.3.

4. Saregama India Ltd.
Through its Managing Director Vikram Mehra,

RPSG House 2/4 Judges Court Road,
Alipore, Kolkata -700027
West Bengal,
India +91 33 24870000
Email: info@rpsg.in.

...Defendant no.4.

5. Cinepolis India Pvt. Ltd.,
Ireo Grand View Towers
14th Floor, Golf Course
Extension Road,
Sector 58, Gurugram,
Haryana
Email ld: rperezma@cinepolis.com

...Defendant no.5.

6. INOX Leisure Ltd.,
Viraj Towers, 5th Floor Western Express Highway,
Andheri (East), Mumbai-400 093
Email ID: email@pvrcinemas.com

...Defendant no.6.

7. Big Tree Entertainment Pvt. Ltd.,
Ground Floor, Wajeda House,
Gulmohar Cross Road No.7,
Juhu Scheme, Mumbai,
Maharashtra-400049
Email ld: helpdesk@bookmyshow.com

...Defendant no.7.

8. One 97 Communications Ltd,
One Skymark, Floor No. 6th to 22nd,
Tower-D, Plot No. H-IOB,
Sector-98, Noida-201304
Phone:+91-120-4770770
Email ld: compliance.officer@paytm.com

...Defendant no.8.

9. Google LLC,
No 3, RMZ Infimty - Tower E,
Old Madras Road,
4th & 5th Floors,
Bangalore, Karnataka, India-560016.
Email ld: support-in@google.com

...Defendant no.9.

10. Meta Platforms Inc,
Meta Platforms,
Inc Unit 28 and 29,

The Executive Centre,
Levell 18, DLF Cyber City,
Building No. 5, Tower A, Phase III,
Gurgaon 122002, India.
Email Id: fbgoindia@support.facebook.com ...*Defendant no.10.*

11. Prime Focus Limited,
Prime Focus House,
Opp Citi Bank, Linking Road,
Khar (west), Mumbai city,
Mumbai, Maharashtra, India, 400052
Email Id: parina.sanghavi@primefocus.com ...*Defendant no.11.*

12. Everymedia Technologies Private Limited
201, 2nd Floor, Stanford, Junction of
S V Road and Juhu Lane, Andheri West,
Mumbai City, Mumbai, Maharashtra,
India, 40005 8
Email Id: everymedia.t@gmail.com ...*Defendant no.12.*

13. Ashok Kumar/ John Doe ...*Defendant no.13.*

***Appearance : Ms. Kangan Roda, Sh.Sarthak Sharma, and Sh. Nitesh Gupta Ld. Counsels for the plaintiff.
Sh. Ishwar Ahuja and Ms. Bhairvi, ld. counsels for defendants no.1 & 2.
Sh.Prakhar Srivastava, Ld. counsel for defendant no.5.
Sh. Vikramjeet Singh, AR of defendant no.6.
Sh. Ujjawal Bhargava, Ld. Counsel for the defendant no.9.
Ms.Ami Rana and Ms.Sana Banyal, ld. counsels for defendant no.10
Defendants no.3,4,7,8,11 and 12 are already exparte.***

Date of pronouncement of the order : 15.05.2024

ORDER

1. Vide this order, I propose to decide the application under Order XXXIX Rules 1 and 2 read with Section 151 CPC

for grant of ad-interim injunction against the defendant.

2. The plaintiffs have filed the present suit against the Defendants to protect its intellectual property rights,

goodwill and reputation in its registered trademark



INDIAN PROFESSIONAL BOXING

ASSOCIATION (Device)' and to protect its business from harm caused by actions of the Defendants and its agents, proprietors, producers, distributors, etc. in the trailers, songs and the movie/film 'MAIN LADEGA' and released in the cinemas on 26.04.2024 and apprehended to be released on Over The Top (OTT) Platforms.

3. It is averred in the plaint that the Plaintiffs run and operate Indian Professional Boxing Association ('IPBA') which is a 'Not for Profit' organization registered as a Section 8 Company with the Ministry of Corporate Affairs, Government of India with registered office at T-3/38A, Khirki Extension Malviya Nagar, South Delhi, New Delhi, Delhi, India, 11001 and plaintiff no.1 is the registered proprietor of the registered trademark bearing number



3052737 i.e. /INDIAN PROFESSIONAL BOXING ASSOCIATION (Device)' in Class 41 since 20.10.2014 in services related to 'Organization of Boxing Matches, Training Academy, Entertainment, Club Services [entertainment I education], Cultural Activities,

Educational Services, Organisation of Games, Athletic and Sports Event Services-namely, arranging, organizing, operating and conducting marathon races, Radio Entertainment, Television Entertainment, Production of Radio and Television Programmes, Production of Shows, Providing Sports Facilities, Stage, Event Management, Provision of information relating to Live Performances, Road Shows and Live Stage Events' whereas the trademark has been registered in the Trademark Journal No. 1901 dated 13.05.2019 since 10.09.2015.

4. Further the Plaintiff No. 2 is the registered user for the

aforesaid trademark ' /INDIAN PROFESSIONAL BOXING ASSOCIATION (Device)' bearing application number 3052737.

5. It is the case of the plaintiff that the Defendants at several instances in the trailer and the song titled as 'MAIN LADEGA' and 'MAIN LADEGA-ANTIEM' respectively has deceptively represented the Plaintiffs registered

trademark ' IIPBA-INDIAN PROFESSIONAL BOXING ASSOCIATION (Device)' which has generated more than 15 million views across the social media platforms such as YouTube, Instagram, Facebook etc., thereby infringing the rights of the Plaintiff.

6. It is the case of the plaintiff is that that the aforesaid features of the mark constitute an original "artistic work" within the meaning of Section 2(c) of the Copyright Act 1957 and the Plaintiffs, therefore, are the owner of copyright in the said distinguishing features and elements of the mark thereby having exclusive right to use or reproduce the features thereof in any material form. It is averred that Plaintiffs have spent large sums of money for the promotion of videos, audio-visual advertisements, and various other promotions for the sport, and has engaged various celebrities and influencers on various social media platforms such as but not limited to Evander Holyfield, American Olympian, which is associated with IPBA for promoting boxing in India.

7. It is the case of the plaintiffs that defendants No. 1 i.e. Kathakaar Films Production House appears to be an film production company based in Mumbai, Maharashtra and being handled and led by Akash Pratap Singh, which claims to have produced the film titled 'MAIN LADEGA', which was released across the country on 26th April 2024 wherein the registered trademark of the Plaintiff has been unauthorized and deceptively represented thereby infringing the trademark and copyrights of the Plaintiffs. Whereas, defendant No. 2 i.e. Akash Pratap Singh is the producer and writer of the film 'MAIN LADEGA' and Sh. Gaurav Rana i.e. Defendant No. 3 is the Director of the film, which was released across the country on 26th April, 2024 wherein the registered trademark of the Plaintiff has

been unauthorized and deceptively represented thereby infringing the trademark and copyright of the Plaintiffs.

8. Further it is averred by the plaintiffs that Defendant No. 4 i.e. Saregama India Limited appears to the music and songs distributor associated with the film 'MAIN LADEGA' and the Defendant No. 2 own and operate their accounts/channels on social media platforms including but not limited to YouTube, Instagram, Facebook etc. wherein they create and upload content, primarily in the form of videos or reels (short videos), and disseminate information, for views, on several topics related to the films.
9. The Defendant No. 5 i.e. Cinepolis India Pvt. Ltd. appears to be cinema/screening partner of the impugned movie titled "MAIN LADEGA", which currently operates 422 screens under the brand names of Cinepolis, Cinepolis VIP, Cinepolis Junior, Cinepolis MacroXE and Fun Cinemas in India.
10. Defendant No. 6 i.e. INOX Leisure Ltd., who is involved in the screening of the impugned movie titled "MAIN LADEGA" across India, which is a multiplex chain which operates 730 screens in 171 multiplexes across 74 cities of India and is responsible for screening the film titled 'MAIN LADEGA' across the country from 26th April 2024 wherein the registered trademark of the Plaintiff has been unauthorized and deceptively represented thereby infringing the trademark and copy of the Plaintiffs.

11. It is averred that Defendant No. 7 i.e. Big Tree Entertainment Pvt. Ltd. functions as the brand 'Bookmyshow' which has evolved into India's largest entertainment ticketing platform whereas the Defendant No. 8 i.e. One 97 Communications Ltd. is also a platform for cloud-based ticket booking across various domains for movies, events, sports, and plays which functions under the name Paytm.

12. It is averred that the defendant No. 9 Google LLC owns and operates the global video sharing platform YouTube, which is accessible to users across the globe through the internet by accessing, inter alia, the website www.youtube.com as well as through various applications meant for smartphones and other devices, wherein the Defendants No. 1 to 8 and 11 and 12 are uploading and disseminating the impugned videos.

13. Defendant No. 10, Meta Platforms Inc. owns and operates the social media platform Instagram, which is accessible to users across the globe through the internet by accessing, inter alia, the website www.instagram.com as well as through various applications meant for smartphones Defendant No. 11, Prime Focus Limited is the promotion partner for the movie 'MAIN LADEGA' and is actively promoting the impugned videos/trailers/movie 'MAIN LADEGA' produced by the Defendant No. 1 across its social media accounts. It is averred that defendant No. 12, Everymedia Technologies Private Limited is the

promotion partner for the movie 'MAIN LAD EGA' who is actively promoting the impugned videos/trailers/movie 'MAIN LADEGA'

14. It is averred that Plaintiffs after watching the available content on YouTube i.e. Official Trailer and the song title MAIN LADEGA -ANTHEM Song, was absolutely shocked to the exact imitation of the registered trademark of the Plaintiffs being unauthorizedly used by the Defendants thereby blatantly infringing the registered trademark of the Plaintiff and the copyright in the artistic work of the Plaintiffs. Further it is averred that the defendants are taking undue advantage of the Plaintiff's brand and reputation to merely garner views & popularity wherein the public at large are wrongly associating the Plaintiffs along with the Defendant's film. The infringing contents/co-relation between the impugned videos has been discussed in detail by the plaintiff in para 35 of the plaint.

15. It is the case of the plaintiffs the deliberate action of misrepresenting the Plaintiffs registered trademark actions of the Defendants have damaged the goodwill and reputation of the Plaintiff wherein the people are led to believe that the Plaintiff has any association with the defendants and the malicious actions of the Defendants have caused massive loss of goodwill and reputation to the Plaintiff among the boxing fraternity and further among several international organizations. It is averred that there

are strike similarity between the Plaintiffs registered trademark and the mark as used by the Defendant No. 1 in the music video, trailer, and the film 'MAIN LADEGA', it is apparent that the defendants are representing themselves as having some connection with the Plaintiffs, by virtue whereof they are deriving illegal benefits and financial gains.

16. In their application under Order XXXIX Rules 1 and 2 CPC plaintiff reiterated the facts mentioned in the plaint and submitted that the Defendants are liable to be restrained by an order of injunction and are also liable to render accounts and disclose their profits and the Plaintiffs are entitled to relief of accounts of profits on true and fair disclosure by the Defendants of their accounts. It is averred that the Plaintiffs have made out a case in their favor and the rights of the Plaintiff are severely damaged by the conduct of the Defendants. The release of the film 'MAIN LADEGA' along with the music video, trailer and various other social media information has led grave injustice and prejudice to the rights of the Plaintiff, and the same should be stalled to protect the rights of the Plaintiffs.

17. In the present case, summons were issued to the defendants. All the defendants were served and except defendant no.3, all the defendants put in their appearance.

18. In the reply to application under Order XXXIX Rules 1 and 2 CPC filed by defendants no.1 and 2, they have denied the averments made by the plaintiff in toto.

Defendants no.1 and 2 submitted that the plaintiffs are not entitled to any reliefs as sought for in the application and it is averred that the plaint and application have been filed with the oblique and motive to throttle the freedoms of speech and expression guaranteed under the Constitution. It is averred that the balance of convenience does not lie in favour of the plaintiffs and the Defendants intend to justify the substance of the alleged infringing parts of the Film and Trailer at the stage of the trial. It is averred that the plaintiffs harbour ill-will against the defendants who have been selectively targeted for making a cinematographic film on boxing. Furthermore, it is averred that no monetary loss or loss to reputation or any inconvenience whatsoever has been caused to the Plaintiffs since the Plaintiffs in a company under Section 8 of the Companies Act, 2013, which cannot generate any profits. It is averred that the logo on the mat of the boxing ring is shown in the Trailer and Film, momentarily, which a normal spectator would most likely miss and would focus on the protagonists shown in the Trailer and Film. Therefore, an ordinary person of average intellect would not at all be confused in any manner whatsoever with the logo displayed in the Film/Trailer and alleged mark/artistic work of the Plaintiffs.

19. Further it is averred that the Film/Trailer of the Defendants is an original intellectual creation which contains music, dance, scenes action sequences, actors etc., and is based on the story of a troubled schoolboy who finds solace in the sport of boxing. No substantial or

material part of the Film/Trailer is based on, inspired from, or copied from the alleged artistic work of the Plaintiff or the of any other person. Therefore, it is evident that the Film/Trailer of the defendant are not an infringing copy in relation to the alleged mark of the Plaintiff, or of the artistic work of anyone else.

20. It is also the case of the defendants that a cinematograph film comes under the purview of 'goods' which falls under class 9 of the NICE Classification, and is different from class 41, wherein the Plaintiff's alleged trademark is allegedly registered. Class 41 is a service class whereas Class 9 is a goods class. The said two classes are entirely different from each other.

21. Reply to application under Order XXXIX Rules 1 and 2 CPC have not been filed by the other defendants, during the course of arguments they have argued their matter and submitted that they will follow the directions passed by this court.

22. I have heard ld. counsel for the parties and perused the plaint, the documents and the written submissions filed by the defendants.

23. Ld. counsel for the defendants no.1 and 2 have cited, during the course of arguments, Section 2 M1 of the Copyright Act, Section 13 read with Section 14 D and explanation to Section 51 of the Copyright Act and also relied upon the judgment of ***MRF Limited Vs. Metro Tyres ltd., 2019 SCC OnLine Del 8973*** as well as ***RJ Anand Vs. Deluxe Films and Ors., (1978) 4 SCC 118***. He

has also stated that the plaintiff has only a mere registration of the trademark and not in use and no evidence has been filed by the plaintiff to show that the trademark of the plaintiff is having a wide publicity or in use. Id. counsel for the defendant no.1 and 2 have heavily argued that what is shown in the movie 'MAIN LADEGA', having the infringed trademark of the plaintiff, is merely incidental and in background and if the same is so, the same is not amounting to infringement of the copyright as per Section 13 (3) of Copyright Act.

24. Besides above, in support of his arguments, Id. Counsel for the defendants no.1 and 2 has also relied upon following judgments:

- i. Star India Pvt. Ltd. vs. Leo Burnett (India) Pvt. Ltd., 2002 SCC Online Bom 942;
- ii. Zee Telefilms vs. Sundial Communications, 2003 (3) Mh.L. J 695;
- iii. Krishika Lulla and Ors. Vs. Shyam Vithalrao Devkatta and Anr. (2016) 2 SCC 521;
- iv. Bristol – Myres Squibb Holdings Ireland Unlimited Company and Ors. Vs. Natco Pharma, 2020 SCC OnLine Del 200;
- v. Time Warner Entertainment Company L.P. and Ors. Vs. RPG Netcom Globe and Ors. ILR (2007) ii Delhi 854;
- vi. Corn Products Refining Co. Vs. Shangrila Food Products Ltd. AIR 1960 SC 142;
- vii. Vintage Distillers Ltd. Vs. Ramesh Chand

viii. Astrazeneca UK Ltd. Vs. Orchid Chemicals & Pharmaceuticals Ltd., ILR (2007) I Delhi 874.

25. On the other hand, ld. counsel for the plaintiff has stated that the infringement and copyright of trademark can go together. In this regard, she has relied upon the judgment of ***Jay Industries Vs. Nakson Industries, 1992 SCC OnLine Del 84***. The plaintiff further argued that as per **Section 31** of the Trademark Act, registration of the same itself is a prima facie evidence which is sufficient. In this regard the plaintiff has relied upon the judgment of ***National Bell Co. Vs. Metal Goods MFG Co. (P) Ltd. and anr. 1970 (3) SCC 665***. The counsel for the plaintiff further submitted that the tenor of pages from page 80, 86, 87,88, 89, 93 and pages from 220 to 238, shows the identity of the trademark of the plaintiff. She further submits that the argument of the defendant that there is a delay in filing of the present suit is without any basis as the plaintiff was not aware of the trailer of the movie 'MAIN LADEGA' on 08.04.2024. the counsel for the plaintiff submitted that it is not under dispute that the defendants no.1, 2 and 3 have deliberately and without the permission of the plaintiff used the registered trademark of the plaintiff unauthorizedly in their movie and if the movie has to be seen as a whole the same corresponds to the scene and the purpose for which the boxing fight was broadcast/displayed. She however, fairly submits that she though initially had prayed for the stay on the

broadcasting, publishing, or screening the impugned videos, trailer, and the film 'MAIN LADEGA', however, she is confine her prayer with that instead of whole movie, the scenes or trailers containing the impugned trademark in any form having scene and logo at any place, in the movie 'MAIN LADEGA' be removed from the movie.

26. In support of her arguments, ld. counsel for the plaintiff has relied upon following judgments;

- i. Kaviraj Pandit Durga Dutt Sharma Vs. Navaratna Pharmaceutical Laboratories 1964 SCC Online SC 14;
- ii. American Home Products Corporation Vs. MAC Laboratories Pvt. Ltd. and Another; (1986) 1 SCC 465;
- iii. N.R. Dongre and Ors. Vs. Whirlpool Corporation and Another, FAO (OS) - 262/94;
- iv. Royal Challengers Sports Pvt. Ltd. Vs. Sun Pictures A Division of Sun TV Network and anr. 2023 SCC OnLine Del 5263;
- v. MIDAS Hygiene Industries (P) Ltd. and Anr. Vs. Sudhir Bhatia and Ors. (2004) 3 SCC 90;
- vi. Goan Real Estate and Construction Vs. Union of India (2010) 5 SCC 388.

27. The ld. counsel for the defendant no.5 has submitted that they are multiplex PAN having no agreement with defendants no.1 to 3. He further submits that they are only the exhibitors having agreement with the distributor who is not a party to the suit. He further submits that the impugned trademark is infringed or not,

the onus is on defendants no.1 to 3 and there cannot be any infringement against the answering defendant in any manner. He further submits that they have remove the screening of the film “MAI LADEGA”. He also submits that he is ready to take down with respect to the URL as mentioned in para 45 of the plaint.

28. The AR of the defendant no.6 appeared today and submitted that the role of defendant no.6 is that of defendant no.5. The said has already been informed by the AR of the D-6 in the earlier proceedings. He further submits that they have remove the screening of the film “MAI LADEGA”. He also submits that he is ready to take down with respect to the URL, if any.

29. Ld. counsel for defendant no.10 submitted that they are the intermediaries and their role is assigned in para 44 and 45 of the plaint only to the trailers and not the movie. She further submits that as per the instructions, they are ready to take down the URLs uploaded by defendants no.1 to 5 and defendant no.11 and 12 on defendant no.10. The counsel further submitted that directions are first to be issued against the defendants no.1 to 8 and 11 and 12 and thereafter against them. In fact it is two tier order and in this context she relied upon the judgment of ***Bigmuscles Nutrition Pvt. Ltd. Vs. Avijit Roy and Ors., decided by Hon’ble Delhi High Court in CS (Comm) No.353/2023.***

30. The counsel for defendant no.9 also argued on the same lines of defendant no.10. The counsel for defendant no.9 further submitted that no picture was

uploaded by them except the song, the details of which are mentioned in para 35 of the plaint.

31. I have heard the counsels for the parties and perused the record.

32. Section 2 (m) (I) of the Copyright Act reads as under:

"infringing copy" means,-

(i) in relation to a literary, dramatic, musical or artistic work, a reproduction thereof otherwise than in the form of a cinematographic film;

33. Now coming to the present case. Before, considering the case on merits, let us consider some interesting facts in the matter, it is an admitted case of the parties that in the movie impugned trademark of the plaintiff used by the defendants. During the course of proceedings, initially three advocates has appeared on behalf of defendants no.1, 2 and 3 on 03.05.2024 and submitted that there is only approximately one minute clipping in the entire movie 'Main Ladega', which shows the registered trademark of the plaintiff. On the next date of hearing present lawyers filed their memo of appearance on behalf of defendants no.1 to 3, but later on as per the order sheet dated 07.05.2024, the counsels submitted that they are representing only defendants no.1 and 2 as defendant no.3 has not been served. The same smacks of something.

34. During the course of arguments, ld. counsel for defendants no.1 and 2 submits that the statement made by ld. counsels for the Defendants on 03.05.2024 before this Hon'ble Court, was not made on the instructions of the

Defendants and the same is palpably wrong since the Defendants have not used the trademark of the Plaintiffs. It is prayed that the Court may take judicial notice of the undisputed fact that the alleged mark/artistic work of the Plaintiffs is not used in the film of the Defendants.

35. Later on, during the proceedings, the defendants no.1 and 2 come up with the proposal to get the logo changed and further it was discussed between the parties that they will altered the logo. Defendants no.1 and 2 have placed on record proposed logos to be replaced by the impugned logos and submitted that the same will be altered in the movie “MAIN LADEGA” and trailer of the said movie, at all placed where-ever it is shown under the control of defendants no.1 and 2. This clearly indicates that directly and indirectly the defendants no.1 and 2 have admitted that they have infringed the registered trademark of the plaintiff though in all such proceedings, it is being stated by ld. counsel for the defendants no.1 and 2 that the same are without prejudice to their rights and contentions, except as per order sheet dated 03.05.2024, where it is not said so. This appears to be an after thought. Had the defendants no.1 to 3 are so much clear that they have not infringed any trademark of the plaintiff in their movie MAIN LADEGA, they should have not come up with such solutions such as alteration of logo, removal of logo from the movie. This shows that the defendants no.1 to 3 have used the registered trademark of the plaintiff without their consent in order to promote their movie.

36. The main plea taken by the defendants no.1 and 2 is that the display of the logo allegedly in the background of one scene in the Trailer and Film is an incidental to the Trailer and Film. It is averred that the Trailer and Film are not centric around the alleged mark/artistic work of the Plaintiffs, and neither does the same play a significant role in the said Trailer or the Film and nor the same is a centre-piece of the Trailer or Film nor that the said Trailer and Film are inspired, reproduced, or adapted from the artistic work of the Plaintiffs. Be that it may be.
37. From the arguments of the counsels for the defendants no.1 and 2, it is aptly clear that the defendants no.1 and 2 have used the registered trademark of the plaintiff without his consent and thus accordingly, infringed the same. Thus, on the basis of clear admission on the part of defendants no.1 to 2, the plaintiff has been able to prove the prima facie case in his favour.
38. From the facts of the case, the submissions so made by the counsels for the parties and in particular considering the submissions of the counsels for defendants no.1 to 3 and that of plaintiff with respect to the relief, which she has prayed as above, the court is of the considered opinion that the plaintiffs are entitled for the relief of injunction in their favour, however, keeping into mind that the movie is still running in the theaters as stated by the counsels for the parties, three days are given to the defendants no. 1 to 4 to remove the impugned registered trademark of the plaintiff



, which is deceptively similar to the mark used by the defendants no.1 to 4 from all the places in their movie 'MAIN LADEGA', including trailer, song also failing which it is ordered that defendants, its directors, employees, agents, distributors, franchisees, representatives, and assignees or otherwise are hereby restrained from reproducing, broadcasting, publishing, or screening the impugned videos, trailer, and the film 'MAIN LADEGA' to the public or in any other manner directly or indirectly, in the form of the movie scenes/clips/reels/short films bearing the impugned mark NBC NATIONAL



BOXING CHAMPIONSHIP/ or in any other manner bearing the impugned mark or impugned labels or mark which is virtually, phonetically, structurally and conceptually identical or deceptively and confusingly



similar to the Plaintiff's registered trademarks /



and its label as mentioned in the Plaint, as a trade mark or part of a trade mark, as a label or part of a label or in any other manner whatsoever, in relation to any goods, or in relation to any promotional, marketing or advertising material or any other material used or intended to be used for labeling or packaging or for advertising any goods, which would amount to infringement of the Plaintiff's



registered trademarks as detailed in the plaint/
/Indian-Professional Boxing Association/ IPBA till the
disposal of present suit.

39. The defendants no.1 to 4 and all others acting for and on their behalf are directed to remove the impugned registered trademark of the plaintiff from all the places within three days from today and if they are unable to alter/remove the impugned registered trademark of the plaintiff within three days, they are directed to take down the video/posts within three days, the following videos/posted published on:

<https://www.youtube.com/watch?v=r8HYPsgGUNw;>

<https://www.youtube.com/watch?v=lFmLRrApi7Y;>

[https://www.instagram.com/p/C5xrhSnsOa/;](https://www.instagram.com/p/C5xrhSnsOa/)

[https://www.instagram.com/p/C6GyDTYBCv7/;](https://www.instagram.com/p/C6GyDTYBCv7/)

40. In the event, the aforesaid videos/posts are not taken down/alterd by removing the trademark of the plaintiffs, by the defendants no.1 to 4 within three days as above, the plaintiff shall communicate the same to the defendants no.5 to 12, who shall thereupon take down the videos/posts within 48 hours from receipt of such communication.

41. In the event, the aforesaid videos/posts resurface on the defendants no.5 to 12's platform or otherwise, the plaintiff shall be at liberty to supply the concerned URLs to them, who shall take appropriate action to block/take down the same, in accordance with law. However, in case

the defendants no.5 to 12 came to the conclusion that the content is not identical to the impugned videos which have been injunction, they shall inform the plaintiff of the same, within a period of one week from the date of receipt of the request, whereafter plaintiff shall be free to take recourse to appropriate measures available under law. [Reliance in this regard be taken from Bigmuscles Nutrition Pvt. Ltd. (Supra)].

42. Copy of the order be given dasti to the counsel for the parties as prayed for.

43. In view of the above, the application under Order XXXIX Rules 1 and 2 CPC filed on behalf of plaintiff is disposed off accordingly.

Pronounced in the	(Anurag Sain)
Open Court on this	District Judge-01
15th Day of May 2024	(Commercial Court) Patiala House
	Court : New Delhi.