

IN THE COURT OF DISTRICT JUDGE
(COMMERCIAL COURT)-03, SOUTH DISTRICT,
SAKET COURTS, NEW DELHI

CS (COMM.) No. 82/2023
CNR NO.: DLSW01-001538-2023

IN THE MATTER OF: -

Nike Innovate C.V.
One Bowerman Drive,
Beaverton, Oregon-97005-6453,
USA.
Through Meena Bansal
Constituted Attorney
96, Sukhdev Vihar,
Mathura Road, New Delhi – 110025.

. Plaintiff

Versus

1. Fabulous Fashion
Store address: -
Kendriya Sarkar Karamchari
Awas Parisar Block-8,
Near Rigo Restaurant, House 173-A,
Majnu-ka-Tilla,
New Aruna Nagar, Delhi – 110054.
2. Den Sneakers
Store address: -
New Aruna Colony,
Majnu ka Tilla. Timarpur,
Delhi – 110054

3. Sonam Tibet Shop

Store Address: -

**Dekhand, Outer Ring Road,
New Aruna Coloy, Manju Ka tilla,
Timarpur, Delhi – 110054.**

. Defendants

**SUIT FOR PERMANENT INJUNCTION FOR
INFRINGEMENT OF TRADEMARK AND COPYRIGHT
AND OTHER RELIEFS**

Date of institution	:	14.02.2023
Date of reserving judgment	:	12.08.2026
Date of pronouncement of judgment	:	25.08.2026

J U D G M E N T :-

1. Vide this judgment, I shall decide the present suit filed by the plaintiff under Section 134 & 135 of the Trademarks Act, 1999 and Section 55 of the Copyright Act, 1957 for permanent injunction restraining infringement of trademark, passing off, damages, rendition of accounts and delivery up against the above named defendants.
2. The case of the plaintiff as set out in the plaint, in nutshell, may be summarized as under: -
 - 2.1. The plaintiff is a limited partnership organized under the laws of the Netherlands. Its name changed various times including recent change from M/s Nike International Limited to M/s Nike Innovate C.V. and it includes itself and its predecessors. Ms. Meena Bansal is the constituted

attorney of the plaintiff who is well conversant with the facts and circumstances of the case and is duly authorized to file the instant suit on behalf of the plaintiff.

- 2.2. The plaintiff is engaged in the business of manufacture, distribution and sale of a large variety of goods including footwear, athletic shoes, boots, clothing, bags of all kinds, sporting goods, watches and other timing devices, eye-wear, including sunglasses and protective eye-wear for the practice of sports, consumer electronic products, sports balls, golf equipment and other allied/related products and respective services attached to such goods (*"hereinafter referred to as the said goods and business"*) under its trademark/label

NIKE, Swoosh device depicted as ,



NIKE PRO, NIKE+, NIKE AIR, JORDAN, NIKE AIR JORDAN, AIR JORDAN, Device of jumpman



depicted as etc, and its several variations and combinations there of (*hereinafter referred to as said trademarks/labels*).

- 2.3. The plaintiff honestly and bonafidely adopted the trade mark NIKE and used the Swoosh device in the year 1971 and since then the plaintiff has been honestly, bonafidely,

continuously, commercially, openly, exclusively and uninterruptedly using the same and in addition to the word *per se* user of the NIKE, its formative trade mark in conjunction with other word marks in various stylized and artistic formats with or without Swoosh device as shown above in relation to its goods and business in the course of trade.

2.4. The plaintiff has obtained registration of its said trademark/label/devices under the Trade Marks Act, 1999 in India which are stated to be valid, renewed and subsisting on register. Details of such registrations are depicted in para 7 of the plaint. The art works involved in the plaintiff's said trademarks/label are the original artistic works and the plaintiff holds copyright therein.

2.5. The plaintiff operates in more than 160 countries around the world including India and has regularly and continuously been promoting its said distinctive trademark/label/device and the goods and business thereunder through extensive advertisements, publicities, promotions and marketing for which the plaintiff has been spending enormous amount of money, efforts, and time thereon.

2.6. The plaintiff has also been carrying on its online business and promoting its said goods and business electronically over the internet through its registered domain name viz. www.nike.com, www.nikeinc.com wherein word NIKE forms material/essential part. The plaintiff has also vast

social media presence through websites like Facebook, Twitter, Instagram, YouTube.

2.7. The plaintiff maintains highest standard of quality of its goods and business under its said trademark/tradename/label which have become distinctive, associated and acquired secondary significance with the plaintiff and plaintiff's said goods and business. The purchasing public, the trade and industry at large worldwide and in India identify and distinguish the plaintiff's said goods under the said trade mark/label with the plaintiff and from the plaintiff's source and origin alone and regard them as a high quality product exclusively as that of the plaintiff. Due to excellent quality of plaintiff's said goods and massive advertisement, the plaintiff's said goods under the said Trade Mark/Label/Device have acquired a huge goodwill and reputation in business community.

2.8. It is claimed that in view of the plaintiff's proprietary rights both statutory and common law in its said Trade Mark/Label, its goodwill, reputation and its copyrights, the plaintiff has the exclusive right to the use the same and nobody can be permitted to use the same or any other deceptively similar Trade/Label/Device in any manner whatsoever in relation to any specification of goods without the leave and license of the plaintiff.

2.9. However, the defendants who are engaged in the business of manufacturing and marketing, sale, use, trading of shoes,

footwear, boot, sports related accessories, sports-wear, athletic shoes, slippers, boots, ready-made garments, apparels, clothing, tags, labels, cut-outs, boards, accessories, machinery and allied and cognate products (*hereinafter referred to as the impugned goods and impugned services*) in connivance and collusion with each other have adopted and started using the trademark NIKE (with or without SWOOSH Device), DRI-FIT, FLYKNIT, NIKE AIR,

JORDAN,  (*hereinafter referred to as the impugned trademark/label*) in relation to their impugned goods and services, which are phonetically, visually, structurally, in its basic idea and essential features identical with and deceptively similar to the plaintiff's said trademark/label/tradename. The defendants have also copied the artistic features involved in the plaintiff's trademark/label/tradename.

2.10. The defendants are not the distributor or authorized by the plaintiff to sell their impugned products under its registered trademark/label and they are indulged in counterfeiting the products of the plaintiff. They have been selling the counterfeit/impugned goods which are of low quality under the impugned trademark/label through their respective store and social media platforms like Facebook and Instagram without issuance of legal and valid bills.

2.11. The defendants are not the proprietor of the impugned marks/labels and have adopted and started using the same

in relation to their impugned goods and business dishonestly, fraudulently and out of positive greed with a view to take advantage and to trade upon the established goodwill, reputation and proprietary rights of the plaintiff in its said trademarks/labels, thereby violating the plaintiff's registered trademark and copyright; and are passing off their goods and business as that of the plaintiff. Due to the defendants' impugned activities, the plaintiff is suffering huge losses both in business and in reputation and such losses are incapable of being assessed in monetary terms as the the unwary purchasers and trade are being deceived as to the origin of goods or business. Hence, the present suit.

3. By way of present suit, the plaintiff has made following prayers: -

- (a) A decree of permanent injunction restraining the defendants by themselves as also through their individual proprietors/partners, agents, representatives, distributors, assigns, heirs, successors, stockists and all others acting for and on their behalf from soliciting, networking, importing, exporting, manufacturing, marketing, using, selling, displaying, advertising, purveying, intend to sell/solicit on online marketplaces or websites or through social media or by any other mode or manner dealing in or using the impugned trademark/label **NIKE, FLYKNIT,**

NIKE AIR, DRI-FIT, JORDAN,





, or any other word/house mark/ trademark/label which may be identical with or deceptively similar to the Plaintiff's trademarks/labels NIKE, FLYKNIT, NIKE AIR, DRI-

FIT, JORDAN,



and/or any combination thereof, in relation to their impugned goods and business or from doing any other acts or deeds amounting to (i) Infringement of plaintiff's registered trademarks; (ii) Passing off their goods and business as that of the plaintiff; (iii) Infringement of Plaintiff's copyrights in its labels; and (iv) dilution and tarnishment of plaintiff's said trademark/label.

(b) Restraining the defendants from disposing off or dealing with their assets including their premises at the addresses mentioned in the Memo of Parties and their stocks-in-trade or any other assets as may be brought to the notice of the Hon'ble Court during the course of the proceedings and on the Defendants' disclosure thereof and which the defendants are called upon to disclose and/or on its ascertainment by the Plaintiff as the Plaintiff is not aware of the same as per Section 135(2)(c) of the Trade Marks Act, 1999 as it could adversely affect the Plaintiff's ability to recover the costs and pecuniary reliefs thereon;

(c) For an order for delivery up of all the impugned finished and

unfinished material of the defendants bearing the impugned and violative trademark/label or any other word/mark which may be identical with or deceptively similar to plaintiff's said trademark/label/trade name including its blocks, labels, display boards, sign boards, trade literature and goods etc. to the plaintiff for purpose of destruction/ erasure;

- (d) A decree of grant of damages to the tune of Rs. 3,10,000/- from the defendants.
- (e) In the alternative, for an order for rendition of accounts of profits earned by the defendants by their impugned illegal trade activities and a decree for the amount so found on such rendition of accounts;
- (f) For an order for costs of the proceedings.

4. On being served with the summons of the suit, all the defendants filed the Written Statement separately on 15.04.2024 raising similar contentions.

5. It may be noted that there was no appearance on behalf of the defendant no. 2 after filing the Written Statement and Mr. Gurjot Singh, Advocate who was representing for all the three defendants sought discharge of his Vakalatnama for the defendant no. 2 submitting that the defendant no. 2 had left his given address and he neither could contact the defendant no. 2 nor he had any instructions from the defendant no. 2. In view of the said submissions of Mr. Gurjot Singh, Advocate, was

discharged as an Advocate qua the defendant no. 2 and court notice was directed to be issued to the defendant no. 2 vide order dated 11.03.2025. The defendant no. 2 was duly served with the court notice but despite being served with the court notice, there was no appearance on behalf of the defendant no. 2. Hence, the defendant no. 2 was proceeded ex-parte vide order dated 21.11.2025.

6. In the meanwhile, since the Written Statement was filed by the defendants beyond the statutory period stipulated under Order 8 Rule 1 CPC, the Written Statement so filed by the defendants was taken off the record vide order dated 25.07.2025. The matter, thereafter, proceeded for plaintiff's evidence.
7. It may also be noted that vide order dated 25.07.2025, the Authorized Representative (AR) of the plaintiff, namely, Ms. Meena Bansal was got replaced with AR, namely, Ms. Aaushi Gupta, who further got substituted by Mr. Rakesh Kumar Raushan, the newly constituted AR vide order dated 20.03.2026 on applications moved by the plaintiff for substitution of AR.
8. In support of its case, the plaintiff has examined its AR, namely, Mr. Rakesh Kumar Raushan as PW-1 who filed his evidence by way of affidavit Ex.PW1/A wherein he has deposed in terms of the averments made in the plaint. He has relied upon and exhibited the following documents:-

Sr. No.	Details of documents	Exhibit
1.	True representation of the plaintiff's said trademark/ label	Ex. PW1/1
2.	True representation of the plaintiff's said goods bearing its trademark/ label	Ex. PW1/2
3.	True representation of defendant's impugned goods/packaging bearing the impugned mark/label	Ex. PW1/3
4.	Comparison chart of the plaintiff's goods bearing its said trademark/label and impugned goods bearing the impugned trademark/label	Ex. PW1/4
5.	Screenshot of plaintiff's website/domain name	Ex. PW1/5
6.	Plaintiff's presence on social media websites	Ex. PW1/6
7.	Copies of the registration certificate, journal and status report of the plaintiff's trademark under Application No. 346173	Ex. PW1/7
8.	Copies of the registration certificate, journal and status report of the plaintiff's trademark under Application No. 346174	Ex. PW1/8
9.	Copies of the registration certificate, journal and status report of the plaintiff's trademark under Application No. 453268	Ex. PW1/9
10.	Copies of the registration certificate, journal and status report of the plaintiff's trademark under Application No. 509574	Ex. PW1/10

Sr. No.	Details of documents	Exhibit
11.	Copies of the registration certificate, journal and status report of the plaintiff's trademark under Application No. 537614	Ex. PW1/11
12.	Copies of the registration certificate, journal and status report of the plaintiff's trademark under Application No. 1083357	Ex. PW1/12
13.	Copies of the registration certificate, journal and status report of the plaintiff's trademark under Application No. 1105863	Ex. PW1/13
14.	Copies of the registration certificate, journal and status report of the plaintiff's trademark under Application No. 2310758	Ex. PW1/14
15.	Copy of Legal Proceedings Certificate of the plaintiff	Ex. PW1/15
16.	Copy of the receipts of Legal Proceedings Certificate of the plaintiff	Ex. PW1/16
17.	Copy of screenshots of the online presence of plaintiff's over several e-commerce websites including Myntra, Veg Non veg, Ajio	Ex. PW1/17
18.	Photographs of defendant no. 1 store front/store	Ex. PW1/18
19.	Photographs of defendant no. 2 store front/store	Ex. PW1/19
20.	Photographs of defendant no. 3 store front/store	Ex. PW1/20
21.	Screenshots of the defendant	Ex. PW1/21

Sr. No.	Details of documents	Exhibit
	no. 1 impugned website/domain name	
22.	Screenshot of the Google review of the defendant no. 1 impugned website/impugned products.	Ex. PW1/22
23.	Presence of defendant no. 1 on social media platforms	Ex. PW1/23
24.	Presence of defendant no. 2 on social media platform and google	Ex. PW1/24
25.	Presence of defendant no. 3 on Google	Ex. PW1/25
26.	Copy of the extracts from the WIPO database containing details of plaintiff's trademark/labels across several jurisdictions other than India	Ex. PW1/26
27.	Copy of advertisement and promotional material of trademark/label of the plaintiff	Ex. PW1/27
28.	Copy of the fiscal 2023 second quarter report	Ex. PW1/28
29.	Copy of Consolidated Statements of the plaintiff	Ex. PW1/29
30.	Screenshot pertaining to the plaintiff's outlet in the territorial jurisdiction of this Court	Ex. PW1/30
31.	Copy of Assignment Deed of the Plaintiff and Schedule A	Ex. PW1/31
32.	Copy of the Power of Attorney in favour of Ms. Meena Bansal	Ex. PW1/32
33.	Copy of the Power of Attorney in favour of Ms. Meena Bansal	Ex. PW1/33
34.	Copy of the Power of Attorney in favour of Mr. Rakesh Kumar	Ex. PW1/34

Sr. No.	Details of documents	Exhibit
	Raushan dated 04.10.2025	

9. It is pertinent to note here that the defendant no. 1 & 3 failed to cross-examine PW-1 Sh. Mr. Rakesh Kumar Raushan despite availing sufficient opportunities and stopped appearing in the matter. Hence, the defendant no. 1 & 3 were proceeded ex-parte vide order dated 04.08.2026.

10. I have heard the Ld. Counsel for the plaintiff and perused the record.

11. The Ld. Counsel for the plaintiff has submitted that the plaintiff is the registered proprietor of its said trademarks/label as well as copyright owner of the artistic work involved in the said trademarks/label and has been using the same for a long period of time in relation to its said goods and business. She further submitted that by virtue of prior adoption, use and registration, the plaintiff has got exclusive right in its said trademarks/ label and to restrain others from using the identical or similar trademark/label trademark/tradename/label which have become distinctive and acquired secondary significance with the plaintiff and plaintiff's said goods and business. She further submitted that the plaintiff has spent huge amount of money by way of advertisements and sales promotion in popularizing its said goods and services under the said trademark/label, due to which the products of the plaintiff under

the said trademark/label have gained immense goodwill and reputation in business community and amongst public in general. The Ld. Counsel for the plaintiff has vehemently argued that the defendants have unlawfully adopted and used the impugned trademark/label in relation to their impugned products and business, which are identical with the registered trademark/label of the plaintiff to ride upon the vast goodwill and reputation of the plaintiff's by creating confusion and deception amongst the public and trade and they are liable to be restrained from doing so. She further argued that the entire testimony of PW-1 has remained unchallenged and un-rebutted from the side of the defendants and therefore, the plaintiff is entitled to the decree, as prayed for.

12. The plaintiff got examined its AR Mr. Rakesh Kumar Raushan as PW-1 in order to prove its case who has deposed on the lines of averments made in the plaint in his examination-in-chief filed by way of affidavit Ex. PW1/A and his deposition is duly supported by the relevant documents Ex.PW1/1 to Ex.PW1/34, as already noted herein above. The testimony of PW-1 has gone unrebutted and unchallenged as all defendants chose not to cross-examine the witness.

13. In the present case, PW-1 has relied upon and filed copies of Legal Proceeding Certificates Ex. PW1/15 and copy of receipts of Legal Proceeding Certificates in respect of some of the registered trademark/label of the plaintiff, copies of Registration Certificates in respect of registered trademark/label of the plaintiff as shown in para 7 of the plaint along with copies of

journal and the latest status report thereof downloaded from the website of the Trade Mark Registry status thereof as Ex. PW1/7 to Ex. PW1/14. PW-1 has also placed on record the copy of extracts from the WIPO database Ex. PW1/26 depicting the registration of the said trademark/labels in favour of the plaintiff around the world. These documents filed by the PW-1 have remained unchallenged as the defendants chose not to cross-examine the witness. By virtue of these documents, the plaintiff has successfully proved on record that it is the registered owner and proprietor of said trademark/label under various classes in India and the said registrations are valid and renewed till date in favour of the plaintiff.

14. The testimony of PW-1 as regards the claim of the plaintiff of copyright owner of the artistic work involved in the said trademark/label/device has also gone un-rebutted and uncontroverted from the side of the defendants and there is no reason to disbelieve his deposition.

15. PW-1 has also placed on record the true representation of the plaintiff's registered trademark/label/device as Ex.PW1/1 and true representation of the plaintiff's goods bearing its registered trade mark/label/device as Ex.PW1/2. He has also placed on record the copy of reports Fiscal 2023 Second Quarter of the plaintiff as EX.PW1/28 showing that revenue of the plaintiff has increased 17% compared to the prior year. The plaintiff's consolidated Financial Statements for the years 2021 and 2022 is also placed on record as Ex.PW1/29. PW-1 has further placed on record copy of advertisements and promotional material

pertaining to the plaintiff under the said trademark/labels as Ex. PW1/27, screenshots of the plaintiff's website depicting the said goods bearing the said trademark/labels/device as Ex. PW1/5, screenshots of social media platforms depicting the plaintiff's products on social media platform like Twitter, Instagram, Youtube being operated by the plaintiff as Ex. PW1/6 and screenshot of plaintiff's presence over e-commerce websites including Myntra, Veg Non Veg, Ajio as Ex. PW1/17.

16. These documents have remained unchallenged from the side of the defendants and clearly go to show that the plaintiff's goods under the trademark/label are sold and traded through extensive marketing, distribution and dealership network and also through retail, Internet and e-commerce websites across the world; and it has built up a globally valuable trade and gained substantial reputation and goodwill in the market on account of voluminous sales. The same also show that the plaintiff has been extensively promoting its said trademark/label/device by way of advertisements and spending huge money thereon.

17. The defendants are alleged to have adopted the impugned trademarks/labels in relation to their impugned goods which are identical with the registered trademarks/labels of the plaintiff. It is also claimed that the defendants have copied the basic idea and essential features of the registered trademarks/labels/device of the plaintiff and started using the impugned trademarks/labels/device in respect of impugned goods and business without any

authorization in order to trade upon the established goodwill, reputation and proprietary rights of the plaintiff in its registered trademarks/labels/device.

18. In this regard, PW-1 has placed on record true representation of the defendant's impugned goods bearing impugned mark/label as Ex. PW1/3 and screenshot of impugned website of defendant no. 1 Ex.PW1/21 depicting active solicitation of the impugned goods under the impugned marks/labels, screen shoot of google review of the defendant no. 1 of impugned products as Ex.PW1/22 and screenshots showing social media presence of the defendants on social media platforms like Instagram, YouTube and google as Ex. PW1/23 to Ex. PW1/25 whereby they are offering the impugned goods for sale under their impugned trademark/label. PW-1 has also placed on record the comparison chart of the plaintiff's goods bearing its registered trademark/label with that of the defendants' impugned goods bearing the impugned mark/label as Ex. PW1/4 to show the deceptively similarity between the two marks/labels, which is reproduced hereinunder: -

PLAINTIFF	DEFENDANT NO. 1 FABULOUS FASHION
	
PLAINTIFF	DEFENDANT NO.2: DEN SNEAKERS
	
PLAINTIFF	DEFENDANT NO. 3 SONAM TIBET SHOP



19. From the aforesaid comparison chart Ex.PW1/4 placed on record by PW-1, it is quite clear that the impugned trade

mark/label i.e. Swoosh device



, device of jumpman,



used by the defendants on their products is identical to the registered trademarks/label of plaintiff in all material aspects and it is evident that the defendants have imitated/copied all the major and essential features of the registered trademark/label of the plaintiff in their impugned trademark/label which makes both the marks identical or deceptively similar.

20. It is well settled law that test of deceptive similarity is to be seen from the perspective of a common man with average intelligence and imperfect recollection as laid down by Hon'ble

High Court of Delhi in the case titled as *“Himalaya Drug Company v. M/s S.B.L. Limited”*, 2012 (194) DLT 536, as also in recent case of *“Mankind Pharma Limited v. Novakind Bio Sciences Private Limited”* CS (COMM) 188/2021 decided on 07-08-2023.

21. In the present case, as noted above, the defendants have adopted the impugned trademarks/ labels on their products/shoes which are identical and/ or deceptively, confusingly and visually similar to plaintiff's registered trademark/label. It is also a fact that both parties are engaged in the same business and primarily deal in the goods of similar nature. That being so, there is every possibility that the said goods would be sold at the same shops and would cater to the same class of the purchasers and thus, the chance of likelihood of confusion cannot be ruled out in such a case and the unwary purchasers and trade are likely to be deceived as to origin of the goods and business.

22. It may also be noted that 03 Local Commissioners were appointed in the present case on an application moved by the plaintiff under Order 26 Rule 9 CPC, to investigate the defendants' premises and prepare an inventory of the infringing goods. Upon inspection of all the three defendants' premises, the respective Local Commissioner seized 12 bags of the infringing/counterfeit products i.e. 214 pair of shoes, 8 T-shirts, 1 jacket and 2 packing material from the premises of the defendant no. 2; 10 bags of impugned products i.e. 27 pair of shoes, 28 T-shirts, 6 Jackets and 10 lowers of Nike Brand from the premises of the defendant no. 3; and 39 pairs of impugned

products i.e. shoes and 1 single shoe from the premises of the defendant no. 1 bearing impugned trademark/label and endorsed them as infringing/counterfeit products.

23. The reports of the Local Commissioner clearly show that the substantial amount of counterfeit goods were seized from the defendants' premises. All the seized goods were delivered to the owner/employee of the defendants' premises on superdari.

24. In view of the aforesaid discussions and unrebutted testimony of PW-1 which is duly supported with the relevant documents, the plaintiff has been able to show that it is the registered proprietor and prior user of its registered trademark/label and the defendants have intentionally and deceitfully committed acts of infringement of its trademark/label/device as well as copyright in the artwork involved therein. While applying the prudent test from the point of common/lay man, it is also shown that the defendants are passing off their products by prominently using deceptively similar trademark/labels/device as that of the plaintiff on their products, thereby giving an impression in the minds of common man that those products are coming from the house of the plaintiff. Therefore, the trademark and copyright of plaintiff company are required to be protected by granting relief of permanent injunction as prayed for.

25. The plaintiff has also prayed for delivery up all the impugned finished and unfinished material by the defendant.

26. As noted herein above, the Local commissioners appointed in the present case had seized infringing articles from the respective premises of the defendants bearing the impugned trademark/label identical with or deceptively similar to the registered trademark/label of the plaintiff which were handed over to the owner/employee of the defendants' premises on superdari. Since a decree of permanent injunction has also been passed in favour of the plaintiff and against the defendants, therefore the infringing goods lying in the custody of the defendants are required to be delivered up by them for their destruction to rule out any possibility of their further circulation in the market.

27. As regards the relief of damages, the plaintiff has averred in the plaint that on account of impugned activities by the defendants, it is suffering huge losses both in business and in reputation. It is further averred that the plaintiff has no access to the defendants' accounts and the defendants are liable to render their accounts to the plaintiff or in alternative the defendants are liable to pay damages to make good to the Plaintiff's profits and business earned by them. The plaintiff has claimed damages of Rs. 3,10,000/- from the defendants for the loss suffered by it on account of impugned activities carried out by the defendants or in alternative an order for rendition of accounts of profits earned by the defendants.

28. It may be noted that during course of the proceedings, it was submitted by the Ld. Counsel for the plaintiff that the plaintiff is not pressing the relief for rendition of accounts of the

profits earned by the defendant . In view of the same, it is to be seen as to whether the plaintiff is entitled to decree of damages to the tune of Rs. 3,10,000/- as prayed for.

29. Since it is held by this Court that the defendants have violated and infringed the plaintiff's said trademarks/labels and copyright right of the plaintiff embodied in the said registered trademark/label of the plaintiff by selling the impugned goods bearing impugned trademarks/labels which are identical/deceptively similar to the registered trademarks/labels of the plaintiff, this Court is of the opinion that the plaintiff company is entitled to damages. The damages claimed by the plaintiff of Rs. 3,10,000/- does not appear to be on higher side considering the fact that substantial amount of counterfeit products were seized from the respective premises of the defendants by the Local Commissioners.

30. Accordingly, the suit filed by the plaintiff is decreed in its favour and against the defendants. Consequently, following reliefs are granted in favour of the plaintiff and against the defendants-

(1) A decree of permanent injunction is passed thereby restraining the defendants and all others acting for and on their behalf from soliciting, networking, importing, exporting, manufacturing, marketing, using, selling, displaying, advertising, purveying, intend to sell/solicit on online marketplaces or websites or through social media or by any other mode or manner dealing in or using the

impugned trademark/label **NIKE**, **FLYKNIT**, **NIKE AIR**,

DRI-FIT, **JORDAN**,  ,  ,

 or any other word/house mark/ trademark/label which may be identical with or deceptively similar to the Plaintiff's trademark/label **NIKE**, **FLYKNIT**, **NIKE AIR**, **DRI-**

FIT, **JORDAN**,  ,  ,  ,

and/or any combination thereof, in relation to their impugned goods and business or from doing any other acts or deeds amounting to infringement of plaintiff's registered trademarks/labels; violation of its proprietary rights in its trade name i.e. **NIKE**; passing off their goods and business as that of the plaintiff and; infringement of plaintiff's copyrights in its labels.

- (2) A decree of delivery up all the impugned material as seized by the Local Commissioners during raid conducted at the premises of the defendants bearing impugned and violated trademark and other impugned finished and unfinished material bearing the impugned trademark or any other word/mark which may be identical with or deceptively similar to the plaintiff's said trademark/label including its blocks, labels, display boards, sign boards, trade literature etc for their destruction and erasure. However, the plaintiff

is directed to destruct the infringed articles after expiry of time to file the appeal against this judgment by the defendants.

(3) A decree of damages of Rs. 3,10,000/- which the defendants are liable to pay to the plaintiff jointly and severally.

(4) Cost of the suit is also awarded to the plaintiff.

31. Decree sheet be prepared accordingly.

32. File be consigned to Record Room, after due compliance.

**Announced in the open Court
on 25th August, 2026**

BALWANT
RAI
BANSAL
Digitally signed
by BALWANT
RAI BANSAL
Date:
2026.08.25
16:30:42
+0530

(Balwant Rai Bansal)

**District Judge (Commercial Court)-03
South District, Saket Courts, New Delhi**