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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 855/2025**
CASTROL LIMITEDPlaintiff

Through: Mr. Urfee Roomi, Ms. Janaki Arun,
Mr. Jaskaran Singh & Mr. Arpit
Singhal, Advocates.

versus

SANJAY SONAVANE AND ANR.Defendants
Through:

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

% **ORDER**
19.08.2025

I.A. 20206/2025 (Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

I.A. 20205/2025 (O-XI R-1(4) of the Code of Civil Procedure, 1908)

3. The present Application has been filed on behalf of the Plaintiff under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (“CPC”) as applicable to Commercial Suits under the Commercial Courts Act, 2015 (“CC Act”) seeking leave to place on record additional documents.
4. The Plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.
5. Accordingly, the Application stands disposed of.

I.A. 20207/2025 (Exemption from pre-institution Mediation)

6. This is an Application filed by the Plaintiff seeking exemption from



instituting pre-litigation Mediation under Section 12A of the CC Act.

7. As the present matter 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.

8. The Application stands disposed of.

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9. Let the Plaint be registered as a Suit.

10. Issue Summons to the Defendants through all permissible modes upon filing of the Process Fee.

11. The Summons shall state that the Written Statement(s) shall be filed by the Defendants within 30 days from the date of the receipt of Summons. Along with the Written Statement(s), the Defendants shall also file an Affidavit of Admission / Denial of the documents of the Plaintiff, without which the Written Statement(s) shall not be taken on record.

12. Liberty is granted to the Plaintiff to file Replication(s), if any, within 30 days from the receipt of the Written Statement(s). Along with the Replication(s) filed by the Plaintiff, an Affidavit of Admission / Denial of the documents of Defendants be filed by the Plaintiff, without which the Replication(s) shall not be taken on record.

13. In case any Party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

14. If any of the Parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

15. List before the learned Joint Registrar on 29.10.2025 for completion of



service and pleadings.

I.A. 20204/2025 (U/O XXXIX Rule 1&2)

16. Issue Notice. The Notice to be served through all permissible modes upon filing of the Process Fees.

17. The present Suit has been filed seeking an injunction under Section 142 of the Trade Marks Act, 1999 (“**Trade Marks Act**”) and Section 60 of the Copyright Act, 1957 (“**Copyright Act**”) against the Defendants *inter alia* from issuing groundless threats of legal proceedings against the Plaintiff in relation to the use of the Marks ‘3X’, ‘3X PROTECTION’, ‘3XCLEAN’, 3 IN 1 FORMULA (“**3X Marks**”). The Plaintiff further seeks a declaration that the Plaintiff’s use of the Marks / words “3X PROTECTION” as part of its original Trade Dress does not infringe the Defendants’



Marks (“**3P Marks**”).

18. The learned Counsel for the Plaintiff submitted that the Plaintiff is a world leader in the field of engine oils, lubricants, coolants, greases, and related goods and services. The Plaintiff markets and sells its goods under a wide range of Trade Marks, Trade Dress, and packaging, including CASTROL and other formative Marks.

19. The learned Counsel for the Plaintiff submits that the Plaintiff has a significant market presence in India. The Plaintiff has been using the Castrol



Marks and Trade Dress in India continuously for decades. A table of few of the Trade Mark registrations adopted by the Plaintiff is produced in Paragraph No. 15 of the Plaint and is reproduced hereunder:

S. No.	Reg/App No.	Mark	Class	Reg/App Date	Status
1.	909193		4	10/03/2000	Registered
2.	838183	ACTIV	4	25/01/1999	Registered
3.	925808	CRB	4	19/05/2000	Registered
4.	2287273		4	23/02/2012	Registered
5.	2317448	ACTIBOND	4	18/04/2012	Pending
6.	3355419		4	08/04/2016	Protection Granted
7.	6153641		4	17/10/2023	Registered

20. The learned Counsel for the Plaintiff submitted that owing to longstanding use and distinctiveness, the Plaintiff's Marks and packaging have become source identifiers in relation to the Plaintiff's engine oil and lubricants. Further, owing to the distinctive get-up and layout, the Plaintiff's packaging constitutes protectable Trade Dress under Section 2(1)(m) of the Trade Marks Act. The Plaintiff is aggrieved by the threats issued by Defendants in relation to the Plaintiff's use of 3X Marks, which the Plaintiff uses on its engine oil packaging in the manner produced hereunder:



21. The learned Counsel for the Plaintiff submitted that the Defendants are threatening the Plaintiff and its authorized distributors with legal action on the basis of the 3P Marks covering goods in Class 4, as well as his Copyright registration for the artistic work in the 3P Marks, bearing Registration No. A-149587/2023.

22. The learned Counsel for the Plaintiff submitted that on 09.08.2025, Defendant No. 1 along with four to five of his associates and the local police from P.S. Dindori, Nashik Rural, visited the premises of one of the Plaintiff's authorized distributors, namely, Shivay Agencies, located in Nashik district, Maharashtra, and effected seizure of large quantities of the Plaintiff's original goods bearing the Plaintiff's Marks and sealed them at the same premises. The Defendants have submitted a Copyright infringement complaint against the Plaintiff and Mr. Jitendra Omprakash Agarwal, proprietor of Shivay Agencies, the authorized distributor of the Plaintiff, to the Superintendent of Police, District Nashik Rural, Maharashtra, alleging Copyright infringement of Defendants' Device Mark. Pursuant to the seizure, an FIR has also been registered at P.S. Dindori, bearing FIR No. 0319 of 2025, dated 09.08.2025,



naming the Plaintiff's Indian Subsidiary, Castrol India Limited, and Mr. Jitendra Omprakash Agarwal as the accused, under Sections 63, 64, and 65 of the Copyright Act and Section 318(3) of the Bhartiya Nyaya Sanhita.

23. The learned Counsel for the Plaintiff submitted that the police, acting in collusion with the Defendants, have wrongly and illegally seized large amounts of non-infringing engine oil and lubricants of the Plaintiff, being the Plaintiff's original products, from the warehouse of the Plaintiff's authorized distributor. The *mala fide* and dishonest intentions of the Defendants and their collusion with the police is evident from the fact that the police have seized the Plaintiff's original CASTROL branded goods on the ground that the 3X Marks used by the Plaintiff on its engine oil packaging ostensibly amounts to infringement of Defendants' 3P Marks. The description of the products which have been seized from the premises of the Plaintiff's authorized distributor, as set out in the FIR registered at P.S. Dindori against the Plaintiff's Indian subsidiary and its authorized distributor, reveals that the products which have been seized comprise mostly of products bearing the Plaintiff's 3X Marks. The police have wrongly seized non-infringing products only on the basis that the Plaintiff's use of the 3X Marks, infringe Defendant's Copyright in the 3P Marks.

24. The learned Counsel for the Plaintiff submitted that the Defendants have issued a frivolous and groundless public notice in a newspaper, namely, Deshdoot, on 06.08.2025, proclaiming that use of the 3X Marks would constitute infringement of the Defendants' Trade Mark rights and Copyright in the Defendants' 3P Marks, and that any person found using these Marks would be liable for civil and criminal action. The above notice explicitly sets out the Marks which are used by the Plaintiff on its packaging, it would



constitute a threat of groundless infringement proceedings under Section 142 of the Trade Marks Act, and Section 60 of the Copyright Act.

25. The learned Counsel for the Plaintiff submitted that shortly after the seizure was effected by the police at the premises of the Plaintiff's authorized distributor, the seizure has been widely covered in print and electronic media. Various newspapers have been published with misleading articles about the seizure at the Plaintiff's authorized distributor, and that even a video news report has been published pertaining to the same on a YouTube channel, namely, Maharashtra Bulletin. Such misleading media coverage is tarnishing the Plaintiff's and its authorized distributors' image in the market irreparably and is causing serious prejudice to the Plaintiff's business.

26. *Prima facie*, the use of the 3X Marks by the Plaintiff does not amount to infringement of Defendants' 3P Marks. The 3X Mark as being used by the Plaintiff and the 3P Marks as being used by the Defendants, are wholly dissimilar. The Defendants' allegation of Copyright infringement stems only from the common numeral "3" between the rival Marks. The use of the number 3 cannot, by itself, constitute the basis for Copyright Infringement. The Defendants cannot assert exclusive rights over the number 3. A comparison of the Plaintiff's 3X PROTECTION Mark and the Defendants' 3P Mark also exemplifies that the rival marks are completely dissimilar.

27. Defendants have already had a seizure effected by the Nashik police at the premises of the Plaintiff's authorized distributor, and considering that the Defendants have also had published a notice in newspapers threatening persons from using the 3X Marks, which are used by the Plaintiff, the Plaintiff has a real threat of facing a groundless infringement proceedings initiated by the Defendants regarding the Plaintiff's use of the 3X marks.



28. The Plaintiff has made out a *prima facie* case in its favour that the threats issued by the Defendants are unjustifiable, and in case the Defendants are not restrained from issuing further groundless threats, irreparable loss would be caused to the Plaintiff. Since there is a real risk of substantial reputational and business loss being occasioned to the Plaintiff on the basis of such groundless threats, the balance convenience also lies in favour of the Plaintiff and against the Defendant.

29. Accordingly, till the next date of hearing, the Defendants their proprietors, partners, directors, principal officers, associates, affiliates, licensees, distributors, dealers, stockists, retailers, servants, agents, and all others acting on their behalf are restrained from issuing any groundless threats of legal proceedings pertaining to Trade Mark and / or Copyright infringement proceedings against the Plaintiff, the Plaintiff's Indian subsidiary, Castrol India Limited and/or its authorized distributors, in relation to use of the Marks 3X, '3X PROTECTION', '3XCLEAN', 3 IN 1 FORMULA, and/or any other 3X-formative Marks, as purportedly amounting to infringement of the



Defendants' Marks.

30. Let the Reply be filed within a period of four weeks from date. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

31. The compliance of Order XXXIX Rule 3 of the CPC be done within two weeks.



32. List before the Court on 09.12.2025.
33. Order *dasti* under the signature of the Court Master.

TEJAS KARIA, J

AUGUST 19, 2025/ 'A'