

**IN THE COURT OF MS SAVITA RAO, DISTRICT JUDGE**  
**COMMERCIAL COURT-01, SOUTH,**  
**SAKET COURTS, DELHI**

**CS (COMM) No. 478/2024**  
**DLST010120782024**



**In the matter of :**

**M/s L'Oreal S.A.**

14, Rue Royale, 75008

Paris, France,

**Through:**

Ms. Meena Bansal, Constituted Attorney

96, Sukhdev Vihar

Mathura Road, New Delhi - 110025

**.....PLAINTIFF**

**Vs.**

**Yetish Kantibhai Shekhada**

Shop - 5, Pramukh Darshan Complex

Nr. Darji Samaj Vadi

Puna to Bombay Market Road,

Punugam, Surat- 395010, Gujarat

**.....DEFENDANT**

**Date of Institution : 14.10.2024**

**Date of Arguments: 29.10.2025**

**Date of Judgment :** 29.10.2025

**JUDGMENT**

1. Instant suit has been filed by plaintiff under section 134 & 135 of Trademarks Act and Section 55 of Copyright Act for Permanent Injunction Restraining Infringement and Passing Off, Damages, Delivery UP, Rendition of Accounts etc. against the defendant on the facts that:

(a) Plaintiff is engaged in the business of manufacture, distribution and sale of a wide range of cosmetics, beauty and personal care products. Plaintiff is the owner and proprietor of various well-known, famous and popular trademarks such as - L'OREAL, L'OREAL PARIS, L'OREAL PROFESSIONAL, MAYBELLINE, MAYBELLINE SUPERSTAY, PURESTAY, GARNIER, MATRIX, VICHY, KERASTESE and many more. M/s Laboratoire Garnier & CIE, 281, Rue Saint Honore, 75008, Paris, France which was earlier a subsidiary company of the plaintiff, is the predecessor company of Plaintiff in respect of trademark GARNIER. Plaintiff by way of commercial acquisition and merger of corporation had acquired all the shares including trademark rights in M/s Laboratoire Garnier & CIE vide dissolution deed dated 28.11.2011. The trademarks which earlier were registered in the name of M/s Laboratoire Garnier & CIE also got recorded in the name of plaintiff. Thus, the term Plaintiff refers to its said predecessor as well.

(b) Plaintiff is the absolute and global owner and proprietor of the trade mark GARNIER, which it uses as word mark and in different artistic label/device formats including

 , on account of prior, honest, *bonafide* adoption in the year 1904 and open, continuous, commercial & exclusive use thereof in relation to the said goods since then up to the present time. The mark/work GARNIER also formed a key and material part of its trade/corporate name of plaintiff's predecessor. Plaintiff uses its said trade mark  individually, as well as in combination of various other formative/bearing marks, such as, Belle Colour, Ultra Doux, Fructis, Synergie, Ultra Rich, Ambre Solaire, Bright Complete etc. Details of plaintiff's trademark registrations for the trademark GARNIER were also given in tabular format in the plaint. Plaintiff honestly and *bonafide* adopted the trademark GARNIER BRIGHT COMPLETE and started using the same in a distinctive and artistic trade dress and get up in relation to Facial care preparations, moisturizing skin creams, moisturizing skin lotions, skin cleansing foams, beauty masks, sunscreens and allied and related cosmetics products since September 2020. Details of applications whereby plaintiff has also applied for registration of its said trademark GARNIER BRIGHT COMPLETE as word/device mark were also given in the plaint. Plaintiff's said trademark GARNIER BRIGHT COMPLETE has been registered/applied for in many countries.

(c) After adoption of the said trademark GARNIER BRIGHT COMPLETE, plaintiff started using the same in a distinctive and artistic trade dress. Plaintiff's said GARNIER BRIGHT COMPLETE trademark/trade dress has unique colour combination of white, golden, black and orange with a tint of

green behind the first letter and distinctive shape and packaging which also serve as trademark functions and are included in the term GARNIER BRIGHT COMPLETE trademark/trade dress. The artwork involved in the GARNIER BRIGHT COMPLETE trademark/trade dress is original artistic work and that the Plaintiff holds copyright therein. Plaintiff has been continuously and commercially reproducing and using the same within the meaning of Section 14 of the Copyright Act, 1957 and no one can be permitted to reproduce, use or otherwise deal with the Plaintiff's said copyright in any manner whatsoever without the leave and license of the Plaintiff. The term said trademark/trade dress or GARNIER BRIGHT COMPLETE trademark/trade dress includes copyright in the artwork thereof and plaintiff has built up a valuable trade, goodwill and reputation there under.

(d) Plaintiff's said trademark/trade dress features prominently on the plaintiff's domain name <https://www.garnier.in/>. Plaintiff maintains a formidable presence on the Internet. The said website contains extensive information about the goods and business rendered and provided by the plaintiff under his said trademark/trade dress. The said web site of the Plaintiff has millions of visits from people looking for information on the plaintiff's said goods and business. The plaintiff is using the said domain name not only to display its said products but is also using it as a tool to carry out its business there under. The said domain name of the plaintiff is interactive in nature. Plaintiff is proprietor of the said domain name. Plaintiff has been continuously advertising and promoting his said trademark/trade dress through different means and modes

including through print and electronic media i.e., by way of extensive advertisements in newspapers, magazines, television, display boards, distribution of trade literature, trade novelties etc. Pooja Hegde, one of the most sought-after Indian actresses working predominantly in Telgu, Hindi and Tamil films in India is the face of the Garnier Bright Complete Vitamin C serum, appearing on television advertisements and youtube advertisements.

(e) Plaintiff's said goods and business under its said trademark/trade dress have attained extensive user, presence, national and international goodwill and reputation on account of extensive user and sales promotion in a short span of time. The said goods of the Plaintiff are sold and traded directly or through a wide network of its associates, affiliates, licensees and through a wide marketing network including through retail as also through various internet and e-commerce platforms and markets. Plaintiff's said goods under the trademark/trade dress have acquired the status of a high-quality product originating exclusively from the Plaintiff's source and Origin. On account of extensive sells, advertisement coupled with quality control maintained by the plaintiff for its said goods and business under the said trademark/trade dress the same has become a well-known trademark/trade dress within the meaning of Section 2(1) (zg) of the Trade Marks Act, 1999. In view of the above nobody can be permitted to use or deal with the same/similar trademark/trade dress either as a trade mark/trade dress or in any other manner in relation to any of their goods and business without the leave and license of the Plaintiff.

(f) Defendant is engaged in the identical goods and business of manufacturing, marketing, trading, distributing, selling, soliciting that of the plaintiff i.e., manufacturing of bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps, perfumery, essential oils, cosmetics, serum, hair lotions, dentifrices, hair shampoo, hair oil included in class 3. Defendant has adopted and started using identical/deceptively similar trademarks /labels /color combination /trade dress/packaging/shape and phonetic style, placements and art work as that of the plaintiff. True representation of defendant's impugned trademark/trade dress was also given in the plaint and it was stated that on the bare perusal of the plaintiff's goods and defendant impugned goods, it is indisputable and apparent that trade dress, colour combination, packaging, phonetic style, and distinctive shape, packaging which also serve as trademark functions of plaintiff and artwork has been dishonestly *malafide* adopted/imitated/copied by the Defendant from the Plaintiff's GARNIER COMPLETE BRIGHT trademark/trade dress. The Defendant has also replicated the placement of various essential feature of the said trademark/trade dress of the Plaintiff. The use of dipper to extract the serum from the bottle is same in all the products. The shape of the bottles; chosen font style in which the letters are displayed and the colour combination of the represented facade is exactly the same i.e. white, orange, black and golden. Even the layout and the color (orange) used to highlight words on the packaging has been copied from the plaintiff's product.

(g) Plaintiff in the third week of September, 2024 came across the impugned goods of the Defendant bearing the impugned label/trade dress/color combination/trade mark being sold on the e-commerce web-site [www.flipkart.com](http://www.flipkart.com). The impugned product is sold and marketed by the Defendant on online e-commerce platform Flipkart. Further in the Third week of September, as per the search conducted in the records of Trade Mark Registry it is found that Defendant has applied for the trademark registration for the mark  under application no. 4605416 in class 03 as proposed to be used basis on 11/08/2020, in its favour and the impugned trademark of the defendant is refused.

(h) Plaintiff has no objection to the use of trademark VEDANT as word per se or in device form and the objection of the plaintiff pertains to similar trade dress/artistic work. Plaintiff's grievance against the Defendant is use of device/packaging, colour combination, shape and trade dress VEDANT BRIGHT COMPLETE 30X VITAMIN C BOOSTER SERUM and other essential features such as colour combination, get up, shape etc. and artwork of the Plaintiff in GARNIER BRIGHT COMPLETE 30X VITAMIN C BOOSTER SERUM in the impugned trademark/trade dress/colour combination which is causing confusion and deception among the consumers. Impugned goods under the impugned trademark/trade dress are also available on the e-commerce web-sites .By the impugned adoption and use, the defendant is infringing and passing off and enabling others to infringe and pass off and violate the plaintiff's

proprietary rights in the said trademarks/trade dresses and copyright involved therein.

(i) The impugned goods and business of the Defendant are also the same as that of the Plaintiff. Defendant is not the proprietor of the impugned trade dress and he has adopted and are using the same without the leave and license of the Plaintiff. The Defendant has no right, authority or liberty to use the impugned trade dress in relation to their impugned goods and business or for any other specification of goods and business whatsoever being in violation of the Plaintiff's rights therein. The impugned trademark/trade dress/packaging of the impugned product is bound to cause confusion and deception in the normal course of business activities of the plaintiff and tremendous goodwill and reputation in plaintiff's said trademark/trade dress and goods and business there under. Any person not knowing clearly the relationship between the parties to this action is bound to be confused by the defendants' impugned adoption and use and might do business with the defendants thinking that they are dealing with the Plaintiff or that some strong vital and subtle links exists between Plaintiff and the Defendant. Due to impugned activities of the defendant, Plaintiff is suffering huge losses both in business and reputation and if the defendant is not restrained from continuing the same, plaintiff shall continue to have irreparable losses of business as well as the said act will injure the goodwill of plaintiff's trademarks.

2. Vide order dated 18.10.2024, ex-parte interim injunction was granted in favour of the plaintiff and against the defendant. Defendant, its associates and agents, directors, officers,

employees, distributors, franchisee, representatives, assignees and all others acting for and on its behalf were restrained by an ad-interim ex-parte temporary injunction from :-

**i.** using label/trade dress/colour combination with VEDANT BRIGHT COMPLETE VITAMIN C BOOSTER FACE SERUM or any other label/trade dress identical with or deceptively similar to the Plaintiff's trademark/label "GARNIER BRIGHT COMPLETE" in relation to impugned goods and business and other allied/cognate/related goods, thereby infringing the registered trademark and trade dress and copyright of plaintiff.

**ii.** using any mark identical and / or confusingly or deceptively similar to trade dress/colour combination of the plaintiff and thereby passing off its goods and business as that of the goods and business of the plaintiff.

**iii.** Using any indicia whatsoever to show any association or affiliation or connection of the defendant or its product with the plaintiff company or its products, till further orders. Compliance of Order 39 Rule 3 CPC was directed to be made.

**3.** Defendant remained unserved on the physical address, with report ' no such person" , however, was served through email and whatsapp. Defendant was also not found operating from the given address and it was noted that since report was received of there being ' no such person', therefore, there was no question of any impugned activities from the address given. It was submitted by Ld. counsel for plaintiff that defendant had been operating through website also and after the injunction order, defendant has discontinued the impugned activities. It was

further submitted that it happens in many of the cases that after coming to know about injunction order, defendant shifts the address and thereafter may start the operations from the different address. Ld. counsel for plaintiff further submitted that defendant was well aware of the interim order passed as well as was served through email and whatsapp. Still he chose not to appear before the court and stopped operating from the given address, though has still been operating through website. It was submitted that court's order and summons have been ignored by the defendant, demonstrating willful disregard of directions. Such conduct amounts to abuse of process and prejudices the plaintiff's rights. Ld. Counsel for plaintiff sought disposal of the suit as per provisions of Order 8 Rule 10 CPC for failure of defendant to appear and to file written statement in the matter.

4. In terms of Order 8 Rule 10 CPC, where any party from whom a written statement is required, fails to present the same, within the time permitted, the court shall pronounce judgment against him or make such order in relation to the suit as it thinks fit.

5. In absence of any defence of the defendant on record, in view of non appearance of defendant despite service and non filing of written statement, plaintiff is held entitled for judgment. Injunction order passed vide order dated 18.10.2024 is made absolute. Defendant, its associates and agents, directors, officers, employees, distributors, franchisee, representatives, assignees and all others acting for and on its behalf are restrained from :-

i. using label/trade dress/colour combination with VEDANT BRIGHT COMPLETE VITAMIN C BOOSTER

FACE SERUM or any other label/trade dress identical with or deceptively similar to the Plaintiff's trademark/label "GARNIER BRIGHT COMPLETE" in relation to impugned goods and business and other allied/cognate/related goods, thereby infringing the registered trademark and trade dress and copyright of plaintiff.

ii. using any mark identical and / or confusingly or deceptively similar to trade dress/colour combination of the plaintiff and thereby passing off its goods and business as that of the goods and business of the plaintiff.

6. Since plaintiff has submitted on record and established by way of documentary submissions that defendant has infringed the impugned trade dress/label/colour combination of plaintiff; passed off its goods as that of the plaintiff; infringed the plaintiff's copyright in the said trade dress/label/colour combination by using, publishing, reproducing the same. Suffice it is, if the trade dress/label/colour combination of defendant is likely to cause confusion in mind of general public. Although as brought on record, defendant has discontinued user of impugned trade dress, nevertheless, previous user by defendant invites at least the nominal amount of damages. Accordingly, plaintiff is awarded sum of Rs. 2,00,000/- (Rs. Two lacs only) inclusive of litigation cost.

7. **Relief:** The suit is decreed with cumulative amount of damages and costs in sum of Rs. 2,00,000/- (Rs. Two Lacs only).

Further, defendant, its associates and agents, directors, officers, employees, distributors, franchisee, representatives, assignees and all others acting for and on its behalf are

restrained from :-

i. using label/trade dress/colour combination with VEDANT BRIGHT COMPLETE VITAMIN C BOOSTER FACE SERUM or any other label/trade dress identical with or deceptively similar to the Plaintiff's trademark/label "GARNIER BRIGHT COMPLETE" in relation to impugned goods and business and other allied/cognate/related goods, thereby infringing the registered trademark and trade dress and copyright of plaintiff.

ii. using any mark identical and / or confusingly or deceptively similar to trade dress/colour combination of the plaintiff and thereby passing off its goods and business as that of the goods and business of the plaintiff.

8. Decree sheet be prepared accordingly. File be consigned to record room after completion of necessary formalities.

**Announced in the open  
court on this 29<sup>th</sup> day  
of October 2025**

**(SAVITA RAO)  
DISTRICT JUDGE  
(COMMERCIAL COURT)-01  
SOUTH, SAKET COURTS, DELHI**