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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CS(COMM) 434/2024

EBC PUBLISHING (P) LTD & ANR. .... Plaintiffs

Through: Mr. Raghvendra Mohan, Mrs. Garima Bajaj, Mr. Kanav Agarwal, Mr. Agnish Aditya, Mr. Kumar Karan, Mr. Shagun Agarwal and Mr. Shivansh Dwivedi, Advocates.

versus

PARENTS RESPONSIBILITY & ORS. .... Defendants

Through: None.

**CORAM:**  
**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**  
**24.05.2024**

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**I.A. 30328/2024** *(seeking exemption from dispensing with the requirement of advance service of the suit to the Defendants)*

1. The Plaintiffs seek urgent interim relief against counterfeit products and for this purpose, an *ex-parte* appointment of Local Commissioners is also sought. Therefore, considering the nature of controversy involved and in the peculiar facts and circumstances of this case, exemption from effecting advance service upon the Defendants is granted.
2. The application is allowed and disposed of.

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**New Delhi**

**I.A. 30333/2024** *(seeking exemption from filing certified/ original/ typed/ translated/ clear/ dim/ underline or defective margin copies of documents)*

3. Exemption is granted, subject to all just exceptions.
4. The Plaintiffs shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
5. Accordingly, the application stands disposed of.

**I.A. 30327/2024** *(seeking exemption from pre-institution mediation and settlement)*

6. As the present suit contemplates urgent interim relief, in light of the judgment of Supreme Court in *Yamini Manohar v. T.K.D. Krithi*,<sup>1</sup> exemption from attempting pre-institution mediation is granted.

7. Disposed of.

**I.A. 30329/2024** *(seeking leave to file additional documents)*

8. This is an application seeking leave to file additional documents under the Commercial Courts Act, 2015.

9. Plaintiffs, if they wish to file additional documents at a later stage, shall do so strictly as per the provisions of the said Act.

10. Accordingly, the application stands disposed of.

**I.A. 30332/2024** *(seeking extension of seven days' time to file court fee)*

11. Counsel for the Plaintiffs states that the court fee has been applied for, and undertakes to file the same as and when the court fee certificate and stamps are issued.

12. In view of the above, the application is disposed of with a direction that the Plaintiffs shall furnish the deficient court fee within a period of one

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<sup>1</sup> 2023 SCC OnLine SC 1382.

week from today.

**I.A. 30330/2024** *(seeking leave of this Hon'ble Court to file hard copies of the counterfeit/ infringing books received from defendants)*

13. The Plaintiffs seek permission to file hard copies of the counterfeit books impugned in the instant suit. Instead of permitting the Plaintiffs to file the same with the Registry, it is considered appropriate to direct the Plaintiffs to preserve the hard copies, which shall be produced before Court as and when directions are issued in this regard.

14. With the above direction, the application is disposed of.

**I.A. 30331/2024** *(seeking leave of this Hon'ble Court from filing entire scanned volumes/copies of the infringed books sold by the defendants since they are voluminous in size and contents of the books are not relevant for the purpose of adjudication of the suit)*

15. The exemption is granted, subject to just exceptions.

16. Application is disposed of.

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17. Let the plaint be registered as a suit.

18. Upon filing of process fee, issue summons to the Defendants by all permissible modes. Summons shall state that the written statement(s) shall be filed by the Defendants within 30 days from the date of receipt of summons. Along with the written statement(s), the Defendants shall also file affidavit(s) of admission/denial of the documents of the Plaintiffs, without which the written statement(s) shall not be taken on record.

19. Liberty is given to the Plaintiffs to file replication(s) within 15 days of the receipt of the written statement(s). Along with the replication(s), if any,

filed by the Plaintiffs, affidavit(s) of admission/denial of documents of the Defendants, be filed by the Plaintiffs, without which the replication(s) shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

20. List before the Joint Registrar for marking of exhibits on 23<sup>rd</sup> August, 2024. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

21. List before Court for framing of issues thereafter.

**I.A. 30323/2024 (seeking temporary injunction against the Defendants)**

22. The present suit concerns the violation of Plaintiffs' intellectual property rights through the sale of pirated/ counterfeit books sold under the Plaintiffs' mark/ name "EASTERN BOOK COMPANY" and "EBC" by Defendants No. 1 to 7 on the e-commerce platform operated by Defendant No. 8.

23. Counsel for the Plaintiffs presents the following facts and contentions for seeking an ad-interim *ex-parte* injunction against Defendants No. 1 to 7:

23.1. The Plaintiffs are leading publishers of legal textbooks, commentaries, and law reports authored by legal luminaries, under the trademarks "EASTERN BOOK COMPANY," "EBC,"



EASTERN BOOK COMPANY

**EBC**

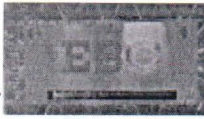
," and " .” The books published by the Plaintiffs cater to students of law, legal practitioners, aspirants of various government exams as well as Judges, and are widely acclaimed as reliable sources for legal knowledge.




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23.2. The books sold by the Plaintiffs are uniquely identified by the hologram stickers, such as “”, and bar codes affixed on the covers of the book, and the International Standard Book Number and International Standard Serial Number issued for publications and serial publications, respectively.<sup>2</sup> The Plaintiffs have also developed a website “www.ebcwebstore.com” for the sole purpose of sale of their books.

23.3. The trademarks “ EASTERN BOOK COMPANY,” “,” “” and their formative variants are registered in favour of the

Plaintiffs in classes 09, 16, 35, 41, and 42. Details of the registrations are mentioned in paragraph No. 23 of the plaint.

23.4. In addition to their trademark rights, the Plaintiffs also assert exclusive ownership of the copyright over the literary works entailed in the books published by them.

23.5. In February, 2024, the Plaintiffs started receiving multiple consumer complaints concerning the quality of the publications received by them. Further enquiries revealed that Defendants No. 1 to 7 are manufacturing and selling pirated versions of their textbooks through the Amazon platform [www.amazon.in] operated by Defendant No. 8.

23.6. The activities of Defendants No. 1 to 6 impugned in the suit are

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<sup>2</sup> “ISBN” and “ISSN,” respectively.

summarized in the following table:

<i>Defendant's description</i>	<i>Impugned activities</i>
Defendant No. 1 – Parents Responsibility	Selling counterfeit version of the book “C.K. Takwani’s Civil Procedure, Limitation and Commercial Courts”, 9 <sup>th</sup> Edition, Reprinted 2022 on Amazon.
Defendant No. 2 – Simra Collection	Selling counterfeit version of the book “R.V. Kelkar’s Criminal Procedure,” 6 <sup>th</sup> edition on Amazon.
Defendants No. 3 and 4 – Renu Devi and Chapter One Publication	Selling counterfeit version of the book “C.K. Takwani’s Civil Procedure, Limitation and Commercial Courts,” 9 <sup>th</sup> edition, 2021 on Amazon.
Defendant No. 5 – Rajesh Ranjan Pandey	Selling counterfeit version of the book “C.K. Takwani’s Civil Procedure, Limitation and Commercial Courts,” 2021 on Amazon.
Defendant No. 6 – Shivam Kumar	Selling counterfeit version of the book “C.K. Takwani’s Civil Procedure, Limitation and Commercial Courts,” 2023 on Amazon.

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23.7. Defendant No. 7 are unknown entities that are abetting unauthorized printing and sale of counterfeit goods and are thus, impleaded as Ashok Kumar/ John Doe.

23.8. The counterfeit versions offered by Defendants No. 1 to 7 are nearly identical to the original books, except for minor differences that may go unnoticed by the purchasing consumers. Broadly, some of the major differences between the original and counterfeit books are as follows:

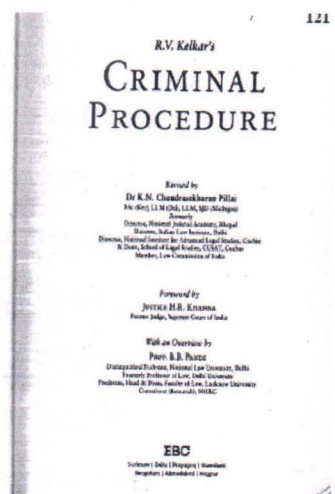
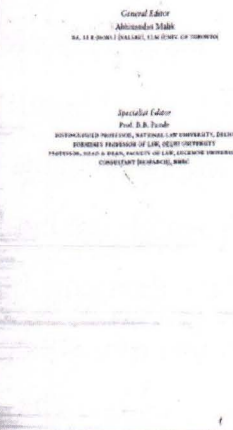
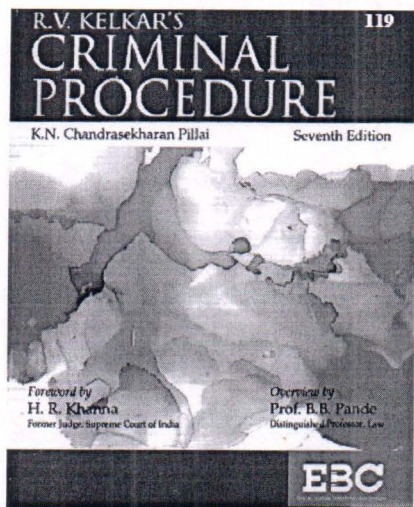
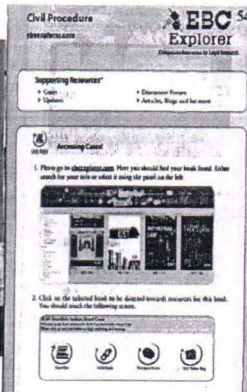
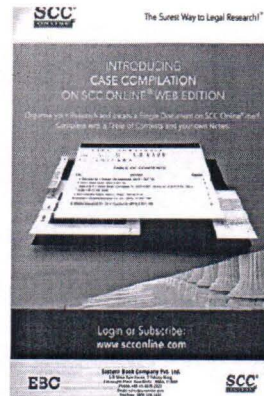
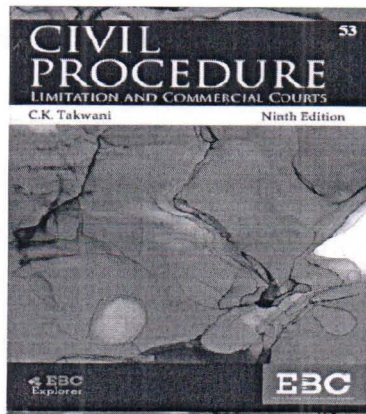
<i>Original books</i>	<i>Counterfeit books</i>
The cover page is printed in high quality with a glossy finish printed on a 350 gsm paper	The cover page is of much inferior quality with much less gloss. The cover page and back are photocopies of the respective originals.
The cover page is printed on card sheet.	The cover page is printed on art paper.
It is printed in a much higher quality paper of 64 gsm.	Printed in a much inferior quality paper which is instantly recognizable.
It is an original print in high quality.	It is a print of the scanned copy of the original book.
The ink used is of high, clear and shining quality.	Poor ink quality.
Accurately printed.	Pages are wrongly printed. Displacement of pages. Inverted pages.

The binding of the book is of high quality and pressed.	The book is thicker than its original counterpart due to its low-quality binding. The length and breadth are inappropriate.
The book is compact due to high quality binding.	The book is thicker than its original counterpart due to its low quality binding.
The book has a hologram at the bottom of the back cover.	The book has does not have a hologram at the bottom of the back cover.
Each book has its own and different ISBN Number with a functional bar code.	Since the books are counterfeited and pirated, the ISBN Number is same in all the books, but the bar code in nonfunctional and not clear.

23.9. To demonstrate that the counterfeit books are available on Defendant No. 8's e-commerce platform, reference is made to the following images of the counterfeit books annexed with the suit:

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This classic work provides an interesting study of the fundamental principles of criminal procedure in a legal system. The topic is treated in a systematic and comprehensive manner. The author has provided all the relevant provisions of the Code of Criminal Procedure, 1973. The following are the important features of the book:

An illuminating overview by distinguished Prof. B.B. Pande.

Latest case law including the various judgments (SC and HC) and the judgments (SC) have been incorporated wherever applicable in the book.

Amendments made by Criminal Law (Amendment) Act, 1988 are included.

"Putting the Professor" has been included at the end of the book, a customary practice for discussion discussions.

A new feature, Suggested readings, has been added. This is a compilation of selected articles included in SCC Online over the various Law Review Journals.

The author has also drawn attention to some difficult aspects of the Code with a view to focus the attention of the reader on the important provisions of the Code which are often overlooked.

Facility for lawyers, judges, teachers, students of criminal law, judicial officers, public prosecutors and all those concerned with criminal law administration will find this a most useful and comprehensive work.

Extract from the Foreword

As Kelkar has brought a fresh approach in this book while dealing with the subject of criminal procedure. Here a separate arrangement of the subject-matter and analysis of the subject-matter is provided with clarity.

Justice H.R. Khanna

Extract from the Chapter

With the arrival of Professor Kelkar's Criminal Procedure the study of understanding and articulating procedural law discussions in the courts will be not much of a task.

Prof. B.B. Pande  
Distinguished Professor, Law  
National Law University, New Delhi

CCBC Learning EBC Reader EBC Website SCC ONLINE

23.10. The Plaintiffs have the exclusive right to publish the afore-mentioned textbooks and the Defendants have no authority to either publish or reprint

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the same without Plaintiffs' consent. Further, given that these books do not originate from the Plaintiffs, they may also contain incorrect or outdated information, which could damage the Plaintiffs' well-established reputation.

24. The facts narrated above and the documents placed on record as well as the specimens of the original and infringing products produced during the hearing and returned, demonstrate that Defendants No. 1 to 7 have entirely replicated the make and design of the Plaintiffs' books. The differences highlighted by the Plaintiffs between the original and pirated books published by the Defendants are inconsequential, especially considering the mode through which the books are sold – on Amazon platform. Consumers purchasing the infringing books through online modes will be unable to identify the points of distinction, which would typically manifest in physical copies of the books. The Defendants are also *prima facie* using the Plaintiffs' registered trademarks on their products without Plaintiffs' approval, resulting in infringement of their trademarks. These activities can possibly cause financial losses to the Plaintiffs and damage their reputation and goodwill. It is thus a clear case of rank trademark and copyright infringement.

25. In view of the above, the Court is convinced that Plaintiffs have made out a *prima facie* case in their favour and in case an *ex-parte* ad-interim injunction is not granted, the Plaintiffs will suffer an irreparable loss; balance of convenience also lies in favour of the Plaintiffs and against Defendants No. 1 to 7.

26. Accordingly, till the next date of hearing:

26.1. Defendants No. 1 to 7, or any person acting on their behalf, are restrained from manufacturing, publishing, selling, offering for sale,

advertising, using, exporting, printing, directly or indirectly selling or dealing in products, including, but not limited to books under the trademarks “EBC” and “EASTERN BOOK COMPANY” or any other work which may be identical to, or deceptively similar with, or derived from, or be an imitation of the Plaintiffs’ registered trademarks or their trade dress/ label/ logo/ packaging/ get-up or be a colourable imitation and/ or a substantial reproduction of the Plaintiffs’ “EBC” and “Eastern Book Company” labels/ packaging/ logos that may amount to infringement and passing off of the Plaintiffs’ registered trademarks and copyright.

26.2. Defendant No. 8 is directed to block the listings of counterfeit/ infringing products published by Defendants No. 1 to 6 on its e-commerce portal that infringe the Plaintiffs’ trademarks and copyright. In case the Plaintiffs discover any other listings of counterfeit books, they shall identify the URLs and share the same with Defendant No. 8, who shall thereafter takedown/ block the listings, in accordance with law. In the event Defendant No. 8 comes to a conclusion that the listings supplied by Plaintiff are not identical to the content that has been enjoined today, they shall inform the Plaintiffs of the same, within a period of one week from the date of receipt of the request, whereafter Plaintiffs shall be free to take recourse to appropriate measures available under law.

26.3. Defendant No. 8 shall, within one week from today, provide the addresses/ location of premises/ stores/ warehouses/ godowns of Defendants No. 1 to 6 where the impugned counterfeit products are stored, to the counsel for Plaintiffs.

27. Upon filing of process fee, issue notice to the Defendants, by all permissible modes, returnable on the next date of hearing.

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28. Reply, if any, be filed within four weeks from the date of service. Rejoinder thereto, if any, be filed within two weeks thereafter.

29. Compliance of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 shall be done within two weeks from today.

30. List on 28<sup>th</sup> October, 2024.

**I.A. 30325/2024 (seeking certain urgent directions against D-8)**

31. Counsel for Plaintiffs contends that Defendant No. 8 – Amazon Seller Services Private Limited, who operates the online platform Amazon.com, is likely to have the copies of the counterfeit/ pirated books in their warehouse, which would be shipped to the customers to ensure a faster delivery of the products purchased from their website. In these circumstances, he states that Defendant No. 8 must be directed to make a full disclosure regarding the source of counterfeit versions of the books published by the Plaintiffs, which are in their possession. Additionally, he states that Defendant No. 8 must, for the time being, also surrender the counterfeit copies of the books to the Plaintiffs and must not be allowed to release any payments from such sale to Defendants No. 1 to 6.

32. Considering the overall facts and circumstances of the case, which demonstrate *ex-facie* infringement of Plaintiffs' trademarks and copyright through the sale of products on Defendant No. 8's platform, the Court finds merit in the request of the Plaintiffs, as noted above.

33. Accordingly, the following directions are issued:

33.1. Defendant No. 8 shall, within two weeks from today, hand over all the copies of respective counterfeit books of the Plaintiffs' original publications as detailed in paragraph No. 23.6 of this order to Plaintiffs on *superdari* on their undertaking to produce the same as and when further directions are

issued in this regard.

33.2. Defendant No. 8 shall, within two weeks from today, file an affidavit disclosing the available details of Defendants No. 1 to 6, such as, their address, mobile numbers, email addresses, total statement of accounts, including all the sales made by Defendants No. 1 to 6 since the date the listings were posted, and GST details. A copy of the said documents shall also be furnished to the counsel for Plaintiffs.

33.3. Defendant No. 8 shall not release any payments to Defendants No. 1 to 6 in respect of the sales effected through their website in relation to the counterfeit products.

34. With the above directions, the application is disposed of.

**I.A. 30324/2024 (seeking appointment of local commissioners)**

35. Counsel for Plaintiffs submits that the Defendants are aware of the Plaintiffs and their products. The infringing materials placed on record are clear evidence of the intention of the Defendants to ride upon the goodwill and reputation of the Plaintiffs. The Plaintiffs believe that the infringing products are sold at the locations set out in paragraph No. 7(a) of the application and the Defendants are likely to remove all physical evidence or deny their involvement in the infringing activities. Therefore, in order to preserve evidence of infringement, it is necessary that Local Commissioners are appointed to visit the premises of the Defendants.

36. Accordingly, the following are appointed as Local Commissioners with a direction to visit the premises of the Defendants specified against their name:

<i>Name of the Local</i>	<i>Premises to be visited</i>
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<b>Commissioner</b>	
Mr. Bala Subramaniam Iyer, Advocate [Contact No.: +91-7875904684]	Defendant No. 1 – Parents Responsibility situated at H. No. 2402, Street No. 62, B Block, Hanuman Kunj, Sant Nagar, Burari, New Delhi-110084.
Mr. Rohith M. Subramoniam, Advocate [Contact No.: +91-7011924709]	Defendant No. 2 – Simra Collection situated at: a. KH No. 46, Kaushik Enclave, Burari, New Delhi-110084. b. Right Portion, 2 <sup>nd</sup> Floor, Kh No-244/6, Street No-4- 5, Near Madina Masjid, Sangam Vihar, Wazirabad, Delhi-110084.
Mr. Naman T.A. Gowda, Advocate [Contact No.: +91-8762765016/ +91-8076200273]	Defendant No. 3 – Renu Devi situated at BB Yadav Bhawan, Vill-Naya tola, Patna, Bihar- 800004. Defendant No. 4 – Chapter One situated at Arya Samaj Mandir, Naya Tola, Patna- 800004.
Ms. Muskan Yadav, Advocate [Contact No.: +91-7206951505]	Defendant No. 5 – Rajesh Ranjan Pandey situated at Shastri Park,

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	Ext., E Block, New Delhi-110084.
Mr. Satya Sabharwal, Advocate [Contact No.: +91-9999034034]	Defendant No. 6 – Shivam Kumar situated at Gali Number 11, House Number C 483, Majlis Park, North-West Delhi, New Delhi-110009.

37. The Local Commissioners, along with a representative of the Plaintiffs and their counsel, shall be permitted to enter upon the premises of the Defendants mentioned above or any other location/ premises that may be identified during the course of commission or through the addresses supplied by Defendant No. 8 pursuant to directions issued *vide* this order, in order to conduct the search and seizure. The Local Commissioners shall conduct a search at the respective Defendant's premises and seize the infringing products bearing Plaintiffs' registered trademarks or containing contents identical or deceptively similar to Plaintiffs' books, books without hologram, packaging, labels, printing material and other material that reflects infringement of copyright and trademark of the Plaintiffs.

38. After seizing infringing material, the same shall be inventoried, sealed, and signed by the Local Commissioners, in the presence of the parties, and released on *superdari* to the Plaintiffs on their undertaking to produce the same as and when further directions are issued in this regard. The Local Commissioners shall also be permitted to make copies of the books of accounts including ledgers, cash registers, stock registers, invoices, books, etc. insofar as they pertain to the infringing products. Further, the

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Local Commissioners shall be permitted to undertake/arrange for photography/ videography of the execution of the commission. Both the parties shall render full assistance to the Local Commissioners for carrying out the afore-noted directions.

39. In case any of the premises are found locked, the Local Commissioners shall be permitted to break open the lock(s). To ensure an unhindered and effective execution of this order, the SHO of the local police station is directed to render all assistance and protection to the Local Commissioners, if and when sought.

40. The fee of the Local Commissioners, to be borne by the Plaintiffs, is fixed at Rs. 55,000/- for Mr. Bala Subramaniam Iyer, Mr. Rohith M. Subramoniam, Ms. Muskan Yadav, and Mr. Satya Sabharwal, Advocates, and Rs. 1,10,000/- for Mr. Naman T.A. Gowda, Advocate. The Plaintiffs shall also bear expenses for travel and lodging of the Local Commissioners and other miscellaneous out-of-pocket expenses for the execution of the commission. Fee of the Local Commissioners shall be paid in advance by the Plaintiffs.

41. The report(s) of the Local Commissioners shall be filed within four weeks from the date of execution of the commission.

42. The application stands disposed of in the above terms.

43. The order passed today shall not be uploaded on the website for a period of two weeks.

44. *Dasti* under the signatures of Court Master.

-sd-

**SANJEEV NARULA, J**

**MAY 24, 2024/nk**

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