



\$~26

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of Decision: 21st August, 2024**

+ CS(COMM) 874/2022 & I.A. 4024/2023, I.A. 4680/2023

LOUIS VUITTON MALLETIERPlaintiff

Through: Mr. Ashim Sood, Ms. Pooja Dodd,
Ms. Rishika Aggarwal, Ms. Isha
Khurana, Mr. Ekansh Gupta, Mr.
Ankur Singhal, Advocates
(M:9811045646)

versus

WWW.HAUTE24.COM & ORS.Defendants

Through: Mr. Peeyoosh Kalra, Mr. Kartik
Gandotra, Mr. Yashwant S. Baghel,
Advocates for D-1 and 2
(M:9312777778)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL)

1. The present suit has been filed for copyright infringement, seeking relief of permanent injunction, damages and other appropriate reliefs against the defendants. The main grievance of the plaintiff is that sometime in January, 2022 and then again in November, 2022, the plaintiff discovered that defendant nos. 1 and 2 were offering for sale/selling products on their website using, certain photographs and images, without authorization, copyright of which, vests with the plaintiff.
2. Learned counsel for the plaintiff submits that the plaintiff regularly carries out photoshoots for advertising and marketing of the plaintiff's products and all rights in the said photographs/images so clicked, vests with



the plaintiff, as these are specially commissioned/contractual works.

3. On the last date of hearing, statement of learned counsel appearing for the defendants was recorded that the defendants had stopped doing their business in the products of the plaintiff.

4. Today, learned counsel for the defendants submits that defendants have been in the business of selling genuine products of the plaintiff, including new products, as well as certified pre-owned products.

5. Learned counsel for the defendants has drawn the attention of this Court to the various invoices to show that the products being sold by the defendants were the original products of the plaintiff, and not any counterfeit products.

6. He further states on instructions that the photographs and images, for which the plaintiff has raised objections in the present suit, have already been taken down from the website of the defendants.

7. Learned counsel for the plaintiff submits that the plaintiff has doubts with respect to the genuineness of the products being dealt with and sold by the defendants. He further submits that though the defendants have already taken down the infringing photographs and images from its website, in view of the admission made by the defendants, the plaintiff is entitled to costs.

8. This Court notes that the issue, regarding the genuineness of the products dealt by the defendants, is not an issue before this Court. The only issue in the present suit is *qua* the photographs and images, that have been used by the defendants, copyright of which, vests with the plaintiff.

9. Considering the submissions made before this Court, the following directions are issued:

I. The defendants are enjoined from using the photographs, images



and promotional material, of which, copyright vests with the plaintiff.

II. The defendants shall not deal in the new products of the plaintiff, except, with written agreement/permission, from the plaintiff.

III. The defendants shall continue their business of pre-owned goods of the plaintiff. However, the defendants shall conspicuously display on their website that the goods sold by them, are certified pre-owned goods of the plaintiff.

IV. A sum of ₹5,00,000/-, as costs, shall be paid by the defendants to the plaintiff, situated in France directly. This direction is being issued, since, it is the prayer of the plaintiff that the costs payable by the defendants, be paid directly to the plaintiff in France.

10. In view of the fact that the aforesaid directions are being passed without any trial having been conducted, the Registry is directed to issue a certificate of refund of 50% of Court fees, to the plaintiff/ authorized representative of the plaintiff.

11. Let decree sheet be drawn up, in terms of the aforesaid directions.

12. Accordingly, the suit, along with pending applications, stands disposed of.

MINI PUSHKARNA, J

AUGUST 21, 2024

au