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

+ **CS(COMM) 879/2025**

CALVIN KLEIN TRADEMARK TRUSTPlaintiff

Through: Mr. Pramod Kumar Singh, Ms.
Aastha Sharma, Ms. Priya Nagpal and
Mr. Armaan Bhardwaj, Advocates.

versus

ASHOK KUMAR (UNKOWN)Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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25.08.2025

I.A. 20640/2025 & I.A. 20641/2025(Additional Documents)

1. The present Applications have 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.
2. 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.
3. Accordingly, the Applications stand disposed of.

I.A. 20642/2025(Exemption from advance service to the Defendant)

4. This is an Application filed by the Plaintiff under Section 151 of the CPC, seeking exemption from advance service to the Defendant.
5. Mr. Pramod Kumar Singh, the learned Counsel for the Plaintiff, submitted that there is a real and imminent likelihood that the Defendant



may take immediate steps to dispose of, conceal or suppress its infringing business operations and digital footprints bearing the deceptively similar Trade Mark.

6. In view of the fact that the Plaintiff has sought an urgent *ex-parte ad-interim* injunction along with the appointment of the Local Commissioner, the exemption from advance service to the Defendant is granted.

7. The Application is disposed of.

I.A. 20643/2025(Exemption from pre-institution Mediation)

8. This is an Application filed by the Plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the CC Act.

9. 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.

10. The Application stands disposed of.

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11. Let the Plaint be registered as a Suit.

12. Issue Summons to the Defendant through all permissible modes upon filing of the Process Fee.

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

14. Liberty is granted to the Plaintiff to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication



filed by the Plaintiff, an Affidavit of Admission / Denial of the documents of Defendant be filed by the Plaintiff, without which the Replication shall not be taken on record.

15. 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.

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


17. List before the Joint Registrar on 14.10.2025 for completion of service and pleadings.

I.A. 20638/2025(U/O XXXIX Rule 1 and 2 of the CPC)

18. Issue Notice through all permissible modes upon filing of the Process Fees.

19. The present Suit has been filed for permanent injunction restraining infringement of Trade Mark, Copyright, passing off, delivery up and

damages for the Mark 'CALVIN KLEIN' / 'cK' / '  , /

'  , / ' Calvin Klein , ("Calvin Klein Marks") along with other ancillary reliefs.

20. The Plaintiff, Calvin Klein Trademark Trust, is a trust created under the laws of Delaware, USA, to protect, prosecute, enforce, manage The Trade Mark Rights of Calvin Klein, Inc. The company, Calvin Klein Inc. is a duly incorporated company under the laws of the State of New York, USA.



21. The Plaintiff is engaged in the business of manufacturing, distribution, and sale of a wide array of products including apparels, watches, eyewear, fragrances, cosmetics, jewellery, home furnishings, and other related lifestyle goods and accessories under the Calvin Klein Marks since the year 1967.

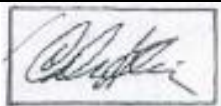

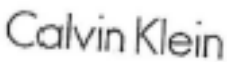

22. The learned Counsel for the Plaintiff submitted that Calvin Klein Inc. operates in India through 'PVH Arvind Fashion Private Limited' ("**Arvind Fashion**") since 1998 however, it had applied for registration of its Trade Mark in India in the year 1986, establishing its brand awareness and legal presence in India. Arvind Fashion operates the website, <https://calvinklein.nnnow.com/> which is the official online shopping portal for the Indian market along with multiple retail stores all over India. In addition to the retail stores, the Plaintiff also offers its products through its official international website, <https://www.calvinklein.us/en> enabling consumers to shop online conveniently from any location across the globe. The Plaintiff also sell its products through third-party e-commerce platforms such as Ajio Luxe, Tata Cliq Luxury, Myntra etc.

23. The learned Counsel for the Plaintiff submitted that Calvin Klein Inc. has spent huge amount of money in advertisement and promotion of its product under the Calvin Klein Marks. The net revenue of Calvin Klein Inc. in the year 2024 was \$3.857 billion.

24. The learned Counsel for the Plaintiff submitted that the Plaintiff is the registered proprietor of the Trade Marks 'CALVIN KLEIN' and 'cK' in several countries, including but not limited to the USA, the UK, the EU and India. The Plaintiff is the registered proprietor of various Trade Marks in various classes in India, including Class 25 which is set out in Paragraph No.



19 of the Plaintiff and is reproduced hereunder:


Mark	Class	Trade Mark Application No.	Date of Registration	Valid Till
 CALVIN KLEIN (Label)	25	459673	04.09.1986	04.09.2027
CALVIN KLEIN (Word)	25	603423	05.08.1993	05.08.2027
 CK CALVIN KLEIN (Device)	25	678782	04.09.1995	04.09.2025
 CALVIN KLEIN (Device)	25	678783	04.09.1995	04.09.2025
 CK (LOGO)	25	698979	20.02.1996	20.02.2026
CALVIN KLEIN (Word)	99	1296354	15.07.2004	15.07.2024

25. The learned Counsel for the Plaintiff submitted that the Plaintiff's registrations of the abovementioned Trade Marks stands renewed from time to time by the learned Trade Marks Registry and the said Trade Marks, on account of renewal, are valid and subsisting in favour of the Plaintiff till date.



26. The learned Counsel for the Plaintiff further submitted that the artwork forming part of the various stylistic representations of the Calvin Klein Marks constitutes original artistic works under Section 2(c) of the Copyright Act, 1957 (“Act”). The Plaintiff is the first owner of the copyright in each of these works by virtue of Section 17 of the Act and such original works are protected under the Act, without the need for formal registration. Accordingly, the Plaintiff enjoys exclusive rights in these works under Section 14(c) of the Act.

27. The learned Counsel for the Plaintiff submitted that the Plaintiff during a periodical market survey carried out in the month of July, 2025, the Plaintiff came to know that the Defendant is engaged in manufacture, sale, distribution of different variety of accessories and products including but not

limited to socks bearing the specific Calvin Klein logo, i.e., ‘’, (“**Impugned Products**”) which is identical and deceptively, visually, structurally and confusingly similar to the Calvin Klein Marks.





28. The learned Counsel for the Plaintiff submitted that the Plaintiff’s authorized investigator on 23.07.2025 conducted a market survey in which the investigator visited the manufacturing unit and warehouse of the Defendant and found that the Defendant was manufacturing / storing / selling accessories including but not limited to socks and other products for different brands including the Impugned Products through its manufacturing unit and warehouse situated at Pooth Khurd, Delhi. The investigator purchased samples of socks of various brands, including the Impugned Product, i.e., 2 pairs of socks for an amount of ₹100/- (Rupees Hundred



only) and the Defendant did not issue any invoice and the investigator paid in cash.

29. The learned Counsel for the Plaintiff further submitted that a signboard bearing the name 'S.S. Products' was displayed outside the Defendant's manufacturing unit in which the Defendant has installed more than 10 manufacturing machines.

30. A comparison table of the Plaintiff's original product and the Defendant's Impugned Products is reproduced hereunder:



Plaintiff's Original Product	Defendant's Infringing Product
	
	



31. The learned Counsel for the Plaintiff submitted that the Defendant by falsifying the Calvin Klein Marks, is deceiving the purchasing public and causing huge monetary loss to the Plaintiff and diluting the goodwill and reputation of the Calvin Klein Marks.

32. Having considered the submissions advanced by the learned Counsel for the Plaintiff, the pleadings and the documents on record, a *prima facie* case has been made out by the Plaintiff for grant of an *ex-parte ad-interim* injunction. Balance of convenience is in favour of the Plaintiff and against the Defendant. Irreparable injury would be caused to the Plaintiff if the Defendant are allowed to continue the use of the Calvin Klein Marks.

33. Accordingly, it is directed that, till the next date of hearing the Defendant, its proprietors, partners, directors, principal officers, employees, agents, distributors, stockists, wholesalers, retailers, dealers, assigns and all other persons acting for and / or on its behalf are restrained from manufacturing, marketing, advertising, offering for sale, selling, soliciting, exporting, displaying or in any manner directly or indirectly dealing in socks or any other identical, allied, cognate or related goods under the Impugned Products bearing the Plaintiff's Calvin Klein Marks, 'CALVIN KLEIN' /

'cK' / '  , / '  , / ' Calvin Klein , and / or any other Mark which is identical or deceptively similar to the Calvin Klein Marks, amounting to infringement of the Calvin Klein Marks and passing off the Defendant's goods as those of the Plaintiff.



34. Let the Reply to the present Application be filed within four weeks after service of pleadings and documents. Rejoinder thereto, if any, be filed before the next date of hearing.

35. List before this Court on 15.12.2025.

I.A. 20639/2025(for Appointment of Local Commissioner)

36. The present Application has been filed by the Plaintiff under Order XXVI Rule 9 read with Order XXXIX Rule 7 of the CPC, seeking appointment of a Local Commissioner. The Court has considered the merits of the Plaintiff's case and has granted an *ex-parte ad-interim* injunction as recorded above in I.A. 20638/2025 under Order XXXIX Rule 1 & 2 of the CPC.



37. Accordingly, in order to ensure that the injunction is fully complied with, it is deemed appropriate to appoint Local Commissioner to visit the Defendant's premises at the following addresses:

Sr. No.	Particulars	Name of Local Commissioner
1.	Manufacturing unit situated at KH. No 155/255, Gali No. 10, Pooth Khurd, Delhi – 110039 AND Warehouse situated at KH. No 155/237, Gali No. 9, Pooth Khurd, Delhi – 110039	Mr. Shashank Mangal, Advocate [Mobile No. +91 9999031928]



38. The mandate of the Local Commissioner is as under:

i) The Local Commissioner shall visit the premises of the Defendant as per the above table, to inspect and seize any Impugned Products, fully or semi-manufactured Impugned Products of the Defendant bearing the Plaintiff's Calvin Klein Marks, 'CALVIN

KLEIN' / 'cK' / '  , / '  , / ' Calvin Klein ' , or packaging which is identical or deceptively similar to the Calvin Klein Marks.

ii) If knowledge is acquired of any other premises than the aforesaid premises, where the Impugned Products could be stored or services can be provided from, the Local Commissioner is free to record the same and then visit the other premises and conduct a seizure there as well;

iii) The Local Commissioner shall also inspect and seize any product materials including pamphlets, brochures, stickers, packaging materials, dyes or blocks used for preparing the manufacturing materials, display boards, sign boards, advertising material, dies or blocks, unfinished, packed, unpacked impugned goods or any other documents, wrapper etc. so that it can be ensured that no fresh manufacturing of the Impugned Products can take place;

iv) The Local Commissioner shall also obtain the details as to since when impugning goods or products are being used by the Defendant under the Impugned Products and obtain copies of the accounts if the same is found to be sold in market;



- v) The Local Commissioner shall obtain accounts including ledgers, stock registers, invoice books, receipt books, cash books, purchase and sale records and any other books of record or commercial transactions kept at the premises of the Defendant, and take photocopy and / or record of all such transactions that pertain to Impugned Products, if any. The Defendant shall cooperate and give passwords to the computers and the files containing the accounts, if the same is stored on the computer or a specific software;
- vi) After preparation of the inventory, the Impugned Products including packaging materials, advertising, promotional materials, pamphlets, brochures, boxes, videos, hoardings, banners, signage, cartons and other material bearing the Impugned Products and packaging which are similar to the Plaintiff's Calvin Klein Marks shall be released to the Defendant on *superdari*. The monetary value of the stock shall also be ascertained;
- vii) The Local Commissioner is also permitted to break open the locks, with police help, if access to the premises where the infringing goods and products have been stocked / manufactured, is denied to the Commissioner;
- viii) Upon being requested, the concerned Station House Officer (SHO) shall render necessary cooperation for execution of the Commission, as per this order;
- ix) The Local Commissioner is permitted to take photographs and videographs of the proceedings of the Commission, if it is deemed appropriate. Two representatives of the Plaintiff, which would include a lawyer, are permitted to accompany the Local Commissioner;



x) The Local Commissioner, while executing the Commission, shall ensure that there is no disruption to the business of the Defendant, except for the purposes of the execution of the Commission. The Commission shall be executed in a peaceful manner.

39. The fees of the Local Commissioner is fixed at ₹1,50,000/- (Rupees One Lakh Fifty Thousand only) excluding out of pocket expenses, travel etc. All the aforesaid expenses shall be borne by the Plaintiff and paid in advance to the Local Commissioner named hereinabove.

40. The Commission shall be executed on 29.08.2025, and the report of the Local Commissioner shall be filed within a period of two weeks thereafter.

41. Compliance of Order XXXIX Rule 3 of CPC shall be done within two weeks after the execution of the Commission.

42. It is directed that this Order shall be uploaded on the Court's website after the execution of the Commission is completed, to enable effective execution thereof.

43. List before this Court on 15.12.2025.

44. Order *dasti* under the signature of the Court Master.

TEJAS KARIA, J

AUGUST 25, 2025

'SMS' / 'N'