

BY EMAIL & DoT website

**Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110 001
(Data Services Cell)**

No. 813-07/LM-22/2023-DS-II

Dated: 02.06.2023

To,

All Internet Service Licensee's

Subject: CS (COMM) No. 133 of 2023 Securitas AB v. C. Visvalingam & Anr.' before the Hon'ble High Court of Delhi

Kindly find the enclosed Hon'ble Delhi High Court order dated **10.03.2023** on the subject matter.

2. Please refer to the **para 22(iv)** of the said court order in respect of blocking of **one (01) website** enumerated in the aforesaid para.
3. Accordingly, in view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary action for blocking of the said website, as above, for compliance of the said court order.

[Handwritten Signature]
[Handwritten Date: 02.06.2023]

**Director (DS-II)
Tel: 011-2303 6860
Email: dirds2-dot@nic.in**

Encl:A/A

Copy to:

- (i) V.Chinnasamy, Scientist E (chinnasamy.v@meity.gov.in), Electronics Niketan, Ministry of Electronics and Information Technology (MeitY) New Delhi for kind information and necessary action.
- (ii) Sowmya, (Sowmya@fiduslawchambers.com) counsel for the plaintiff for kind information.
- (iii) IT wing of DoT for uploading on DoT websites please.

\$~17 (Original)

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

+ CS(COMM) 133/2023

SECURITAS AB Plaintiff

Through: Ms. Shwetasree Majumder, Mr.
Rohan Krishna Seth, Ms. Lalita Sowmya
Priya and Ms. Diva Arora, Advs.

Versus

C. VISVALINGAM AND ANR. Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **10.03.2023**

CS(COMM) 133/2023

1. The plaintiff alleges infringement, by the defendants, of the

word mark SECURITAS and the logo , by using the

impugned mark .

2. The plaintiff asserts that the plaintiff's predecessor Hälsingborgs
Nattvakt was founded by Erik Philip-Sörensen in Helsingborg,

Sweden in 1934 and that the "three red circles logo"  is a

representation of the values of integrity, vigilance and helpfulness
stated to have been adopted by Sörensen in 1958. It is further asserted
that, in 1972, all companies owned by Sörensen were merged under
the collective trade name SECURITAS and that the plaintiff,

thereafter, started using the  logo asserted in the present
plaint.

3. Insofar as operations in India are concerned, the plaint asserts
that the asserted marks SECURITAS and  were initially
being operated in India by M/s Group 4 Securitas, till 2005, when the
trade/corporate name of Group 4 Securitas was changed to G4S Plc.
and that, thereafter, in 2011, G4S Plc. assigned all Indian trademark
rights in the word mark SECURITAS and the  logo in
favour of the plaintiff.

4. Paras 7 to 9 of the plaint contain recitals to vouchsafe the
reputation and goodwill earned by the plaintiff by its activities over a
period of time as well as the various commendations and certificates
that the plaintiff has, over years, acquired. In India, it is asserted that
the plaintiff has been using the trademark “SECURITAS” at least
since 1989. It is further stated that the plaintiff operates in the cities of
New Delhi, Noida, Ahmedabad, Hyderabad, Bangalore, Chennai,
Kolkata, Pune, Gurugram and Mumbai.

5. Para 14 of the plaint sets out various encomiums and
commendations that have been awarded to the plaintiff over the years.

6. The plaintiff is, therefore, the registered proprietor of the
following trademarks in India:

S. No.	Trademark	Number	Classes	Date
1.	SECURITAS	1390679	6, 9, 35, 36, 37, 39, 41, 42	3 rd October 2005

2.		1390680	6, 9, 35, 36, 37, 39, 41, 42	3 rd October 2005
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7. The plaintiff is also the registrant of the global domain ‘securitas.com’ since 1995 and the India-specific domain name ‘securitas.in’ since 2006, both of which are accessible to public in India.

8. In these circumstances, the plaintiff asserts that the plaintiff’s marks are entitled to be treated as “well-known trademarks” within the meaning of Section 2(1) (zg) of the Trade Marks Act, 1999.

9. The plaintiff is aggrieved by the fact that the defendants are providing security services similar to those provided, by the plaintiff by adopting a logo which is deceptively similar to the plaintiff’s



logo. The impugned logo of the defendants is



THAI SECURITAS. The plaintiff also alleges that the use of the word mark THAI SECURITAS infringes the plaintiff’s registered word mark SECURITAS.

10. The plaintiff further asserts that Defendant 2 was incorporated only in 2020 and the domain name thaisecuritas.com was registered only in 2020, thereby clearly establishing that the plaintiff is both the prior adopter as well as the prior user of the marks, which are asserted in the present plaint. It is further averred, in the plaint, that the social media pages of the defendants indicate that they are involved in using the infringing marks only since 6th February 2021.

11. The invocation of jurisdiction of this Court has been sought to

be justified in para 39 of the plaint on the basis of a claim, on the website of the defendants, that “THAI Securitas delivers client-focused integrated facilities management solutions because every one of our facilities management programs is custom built to provide individual solutions for each individual client in every city or locale in India.”

12. It is in these circumstances that the plaintiff has approached this Court seeking a permanent injunction against the defendants from continuing their infringing activities.

13. I have heard Ms. Shwetasree Majumder, learned Counsel for the plaintiff and perused the documents annexed with the plaint.

14. In the circumstances, let the plaint be registered as a suit. Issue summons in the suit.

15. Written statement, accompanied by affidavit of admission and denial of the documents filed by the plaintiff be filed within 30 days with advance copy to learned Counsel for the plaintiff who may file replication thereto, accompanied by affidavit of admission and denial of the documents filed by the defendants within 30 days thereof.

16. List before the learned Joint Registrar (Judicial) for completion of pleadings, admission and denial of documents and marking of exhibits on 10th May 2023, whereafter the matter would be placed before the Court for case management hearing and further proceedings.

17. This is an application by the plaintiff under Order XXXIX Rules 1 and 2 of the CPC, seeking *ad interim* injunctive relief.

18. The facts, as recited hereinabove, make out a *prima facie* case of infringement and passing off, by the defendants, of their services as those of the plaintiff. There is substance in the contention of the plaintiff that the THAI SECURITAS word mark of the defendants infringes the registered word mark of the plaintiff and the



logo of the defendants equally infringes the  device mark of the plaintiff, being deceptively similar thereto. The only difference between the logo of the defendant and that of the plaintiff is that there are four circles in the former, as compared to three circles in the latter and the letters "THAI" figure in the circles in the defendants' logo. There is every possibility of a customer, of average intelligence and imperfect recollection, confusing the defendants' logo with that of the plaintiff or believing the security services provided by the defendants to be either provided by the plaintiff or having an association therewith.

19. A *prima facie* case of infringement and passing off is made out, justifying an *ex parte* injunction as per the law laid down in *Laxmikant V. Patel v. Chetanbhai Shah*¹ and *Midas Hygiene Industries (P) Ltd v. Sudhir Bhatia*².

20. In the circumstances, issue notice to the defendants, returnable before the Court on 10th July 2023.

21. Reply be filed within four weeks with advance copy to learned Counsel for the plaintiff, who may file rejoinder thereto, if any, within four weeks thereof.

22. Till the next date of hearing, the following interlocutory directions are passed:

(i) Defendants 1 and 2, as well as all others acting on their behalf are restrained from using the mark THAI SECURITAS,

or the impugned logo  or any deceptively similar variant thereof, as would infringe the plaintiff's SECURITAS

word mark and  device mark, either physically or virtually or on any webpage or social media site, in respect of goods or services whatsoever.

(ii) Defendants 1 and 2 are directed to immediately discontinue their social media pages and profiles, including their pages on Facebook, Instagram and Twitter social media websites.

(iii) Defendants 1 and 2 are directed to suspend access to the domain name thaisecuritas.com or any other domain name which contains SECURITAS as any part thereof or any deceptively similar variant thereof and to maintain *status quo* with respect to the domain name(s) till the next date of hearing.

(iv) Defendant 3, the Department of Telecommunications, is directed to issue a notification to all internet and telecommunication service providers to suspend access to the

website www.thaisecuritas.com of Defendants 1 and 2.

23. Compliance with Order XXXIX Rule 3 of the CPC be done within one week, *inter alia*, by email.

I.A. 4718/2023 (Section 12A of the Commercial Courts Act, 2015)

24. In view of the judgment of the Division Bench of this Court in *Chandra Kishore Chaurasia v. R.A. Perfumery Works Pvt Ltd*³, exemption is granted from the requirement of pre-institution mediation under Section 12A of the Commercial Courts Act, 2015.

25. The application stands allowed accordingly.

I.A. 4719/2023 (Order XI Rule 1(4) of the CPC)

26. This application seeks permission to file additional documents. The plaintiff is permitted to place additional documents on record in accordance with Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (CPC) as amended by the Commercial Courts Act within four weeks from today.

27. The application stands disposed of accordingly.

I.A. 4720/2023 (Exemption)

28. Subject to the plaintiff filing legible copies of any dim or illegible documents, CDs etc. within 30 days, exemption is granted for the present.

29. The application is disposed of.

I.A. 4721/2023 (advance service)

30. For the reasons stated in the application, the plaintiff is exempted from the requirement of serving an advance notice on the defendants.

31. This application stands allowed accordingly.

I.A. 4722/2023 (court fee)

32. Three days' extension of time is granted to the plaintiff to deposit the court fee.

33. The application is disposed of.

C.HARI SHANKAR, J

MARCH 10, 2023

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... Defendant No. 3



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New Delhi
06 March 2023

Note: - Defendant No. 1 and 2 are the main contented party.