

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-29/2022-DS-II**Dated: 16-07-2022****To,**

All Internet Service Licensee's

Subject: CS (Comm.) No. 683 of 2022 titled as CROCS INC Vs. www.fastshoes.in Before District Judge (Comm. Court)-02, South East District, Saket Court Complex, New Delhi

Kindly find the enclosed District Judge (Comm. Court)-02, South East District, Saket Court Complex, New Delhi order dated 19th July, 2022 in the subject matter court case **CS (Comm.) No. 683 of 2022** for compliance with respect to websites of defendant no. 1, 2 & 3 mentioned in the court order. DoT is defendant No. 4 in this case.

2. Hon'ble District Judge (Comm. Court)-02, South East District, Saket Court Complex, New Delhi, vide order dated 19th July, 2022 has, inter alia, directed that:

*Upon the facts and the circumstances, a prima facie case has been made out in favour of plaintiff and balance of convenience also appears to be in favour of plaintiff and in the event, if the defendant no(s). 1, 2 & 3 it will cause injury to the business and goodwill of plaintiff. Hence, defendant no(s). 1, 2 & 3 are restrained till next date of hearing by themselves and also through their individual proprietors, directors, partners, distributors, successors and all other acting for and on their behalf from trading, using, selling, manufacturing, marketing, displaying, advertising by any mode or manner and dealing in selling or in any manner footwears using the impugned domain names/website, impugned trademark CROCS and its variants with relation to which plaintiff has trademark via websites **www.fastshoes.in, www.crocsliteride.in and www.indiacrocs.in**.*

*Besides this, in the mean time, the Registrar of domain names i.e. defendant no. 7 and 8 are directed to suspend/block the websites **www.fastshoes.in, www.crocsliteride.in and www.indiacrocs.in** concerning defendants no. 1, 2 & 3 till the next date of hearing. Furthermore, for issuance of appropriate directions to defendant no(s). 4 – 6 with regard to the notification calling upon internet and telecom service provider registered under it to block access to the impugned websites/domain name of defendant no. 1, 2 & 3, it is appropriate to issue summons of suit and notice of the application via all means including email for the adjourned date.*

3. Accordingly, in view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary action for compliance of the court order dated 19.07.2022 with respect to websites of defendant no. 1, 2 & 3 mentioned in the court order.

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

Encl: A/A

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CS (COMM) 683/22

CROCS INC Vs. WWW.FASTSHOES.IN

19.07.2022

Present: Sh. Gaurav Gogia, Ld. Counsel for plaintiff.

Heard.

Ld. Counsel for plaintiff has stressed his prayer for grant of *ex-parte* ad-interim injunction against the defendants stating that the plaintiff company is engaged in the business of manufacture and trade of footwear and allied goods, having the wide spread range in more than 300 styles for men, women and children which are popular in India as well as worldwide. The plaintiff company was founded in the year 2002 by Scott Seamans, Lyndon Duke Hanson, and George, who in the year 2002 coined the trademark Crocs along with the device logo and adopted crocs/CROCS along with device/logo  and adopted CROCS as an integral and distinguishing part of their trade name M/s Crocs Inc. The plaintiff company in February, 2018 launched the new 'LITERIDE' range of footwear and simultaneously adopted the trademark 'LITERIDE' and shape trademark  for which it holds trademark registration in multiple jurisdiction abroad. In the course of its business, the plaintiff has devised several unique shapes, features in relation to its goods and business, some of which have become distinctive of plaintiff's source, origin and authority and are referred to in the market and by the trade as the CROCS footwear and have become an inseparable part of the plaintiff's goods and business.

It is further stated that plaintiff's said trademarks are duly registered and/or pending for registration in its favour in India under the Trademarks Act 1999 as per details mentioned in the Para no. 10 of the plaint. The plaintiff has exclusive right to use the said trademark in respect of services/goods for which



they are registered. It is further stated that, said trademark includes the art work involved in the plaintiff's CROCS stylized logo (crocs) as well as Duke logo, for formative/bearing and labels are original artistic works and plaintiff holds copyright there. Further in addition to its statutory right, with the advent of E-commerce, the internet, the trade therein the plaintiff adopted the said trademark CROCS as essential and material parts of its official domain name i.e. www.crocs.com. Apart from that, the plaintiff has an exclusive domain name for assess of consumers viz www.shopcrocs.in.

It is further stated that the plaintiff has been carrying on its business activities through various exclusive stores as well as through e-commerce. The plaintiff's goods are also available on various online market places such as www.amazon.in, www.myntra.com, www.ajio.in, etc.

The grievance of the plaintiff is that the defendant(s) no. 1,2 & 3 are engaged in manufacturing, exporting, soliciting, selling advertising and displaying footwear and allied and cognate products (herein referred as impugned goods and impugned business) via their several websites being www.fastshoes.in, www.crocsliteride.in and www.indiacrocs.in respectively and are making such impugned goods available for sale in India. The plaintiff has learned that the defendant no(s). 1, 2 & 3 are selling their goods under the impugned trademarks/labels depicted as "CROCS". The defendant no(s). 1, 2 & 3 are involved in the sale of the impugned goods bearing the impugned marks through their impugned domain names/websites. The defendant no(s). 1, 2 & 3 are not the proprietor of the impugned trademark. They are using the impugned trademark without the leave and license of the plaintiff and they have no right to use it in any manner in relation to its impugned goods and business or for any other specification of the goods and business whatsoever being in violation of the plaintiff's rights both statutory and under common law. The defendant no(s). 7 and 8 are Registrar of said website belonging to defendant no(s). 1, 2 & 3. The plaintiff



has also arrayed the defendant no. 4, the Department of Telecommunication, defendant no. 5, Ministry of Electronics and Information Technology and defendant no. 6, National Internet Exchange of India with a relief for issuance of notification to internet and telecom service providers registered with it to block access of the defendant no(s). 1, 2 & 3 Website. It is submitted that defendant no(s). 1, 2 & 3 are taking advantage of establish goodwill/reputation and proprietary rights of plaintiff's, in the plaintiff's said trademark. During the course of submissions, attention is drawn to the comparative chart depicting the plaintiff's said trademark products and includes goods of defendant no(s). 1, 2 & 3 as per details mentioned in Para 43 of the plaint as well as the documents appended on page no. 109 to 148 to establish violation of plaintiff's right. *Prima facie* both appears to be similar and may also cause deception and confusion in the mind of general public.

Upon the facts and the circumstances, a *prima facie* case has been made out in favour of plaintiff and balance of convenience also appears to be in favour of plaintiff and in the event, if the defendant no(s). 1, 2 & 3 it will cause injury to the business and goodwill of plaintiff. Hence, defendant no(s). 1, 2 & 3 are restrained till next date of hearing by themselves and also through their individual proprietors, directors, partners, distributors, successors and all other acting for and on their behalf from trading, using, selling, manufacturing, marketing, displaying , advertising by any mode or manner and dealing in selling or in any manner footwears using the impugned domain names/website, impugned trademark CROCS and its variants with relation to which plaintiff has trademark via websites www.fastshoes.in, www.crocsliteride.in and www.indiacrocs.in.

Besides this, in the mean time, the Registrar of domain names i.e. defendant no. 7 and 8 are directed to suspend/block the websites www.fastshoes.in, www.crocsliteride.in and www.indiacrocs.in concerning defendants no. 1, 2 & 3 till the next date of hearing. Furthermore, for issuance of appropriate directions to



defendant no(s). 4 – 6 with regard to the notification calling upon internet and telecom service provider registered under it to block access to the impugned websites/domain name of defendant no. 1, 2 & 3, it is appropriate to issue summons of suit and notice of the application via all means including email for the adjourned date.

Issue summons in the suit and notice of the application to the defendants through all means including email on filing of PF/RC.

List this matter for **16.08.2022**.

The plaintiffs will comply with the provisions of Order 39 Rule 3 of CPC within 5 days from today.

Copy of this order be given dasti.



Sd/-

(Vineeta Goyal)
District Judge (Commercial Court)-02,
South-East District, Saket, Delhi
19.07.2022