IN THE COURT OF DISTRICT JUDGE (COMMERCIAL)-04
WEST DISTRICT, TIS HAZARI COURTS, DELHI

CS (COMM) No. 368/2026
CNR No. DLWT01-004296-2025

In the matter of:-
M/S PLATINEX DB BATHWARE INDIA PVT.LTD.
Registered office at:
UGF, B- 15 New Multannagar,
Paschim Vihar, Delhi110056
Through Its AR Sh. Gaurav Jain ..... Plaintiff

VERSUS

SANGANI KAUSHIK BHIKHUBHAI
(Proprietor Of Radhe Tiles& Sanitary Ware)
At: B-269, Mahalaxmi Society,
Near Yogi Chowk,
Punagam, Surat-395010. ..... Defendant

Date of Institution :	03.05.2025
Date of Arguments:	09.09.2026
Date of Judgement:	09.09.2026

Appearance:
Ms. Stuti Wason & Sh. Sandeep Kr. Rajbanshi, Ld. Counsels for the plaintiff.
Defendant already proceeded ex parte.

JUDGMENT

1. By way of the present judgment, this Court shall decide the suit filed by the plaintiff against the defendant for mandatory

injunction, infringement of trademarks, copyright, passing off, delivery up, damages/rendition of accounts.

CASE OF THE PLAINTIFF

2. The case of the Plaintiff, as set out in the plaint, is that plaintiff is a private limited company, M/S Platinex DB Bathware India Private Limited (Earlier known as M/S Platinex DB Valves India Private Limited) incorporated under the Companies Act, 1956 and registered under Ministry of Micro, Small and Medium Enterprises. It is stated that the Plaintiff, through its predecessor-in-interest, has been carrying on the said business since 2008 and has a PAN-India presence. The Plaintiff's authorised representative is Mr. Gaurav Jain, Director of the Plaintiff, who has been authorised to institute the present proceedings by the Board Resolution dated 01.06.2024.

3. It is averred that the Plaintiff, after undertaking research and development in the year 2008, coined and adopted the trade marks "DB" and "D&B" and commenced use thereof from 2008. The Plaintiff claims to be the prior adopter and continuous prior user of the said marks in respect of sanitary installations, C.P. bathroom fittings and allied goods, including cistern tanks, flushing cisterns, toilet seat covers and parts, taps and cocks, wash basins, bathroom mirrors, sinks, soap dishes, cockroach traps, waste jalis, water tanks and other bathroom fittings and accessories. It is claimed that "DB", pronounced as "Dee and Bee", constitutes the prominent and predominant feature of the Plaintiff's marks.

4. The Plaintiff has pleaded that it is the registered proprietor of various trade marks comprising "DB" and "D&B" and their

respective logos in Classes 6, 7, 11, 35 and 40. The registrations include "**DB**" as a word mark under Application No. 6180727 in Class 11, claiming use since 14.04.2008, Application No. 5358024 in Class 11, claiming use since 14.04.2008 , under Application No. 2082902 in Class 11, claiming use since 10.04.2008 , under Application No. 2424562 in Class 11, claiming use since 15.09.2009 . "DB" represented as under Application No. 2513450 in Class 11, claiming use since 21.03.2011 and "**D&B**" as a word mark under Application No. 5358025 in Class 11, claiming use since 14.04.2008.

5. The Plaintiff also claims registration of logos under Applications Nos. 5358028, 6068094, 5358026, 5358030, 6068095 and 6040872 

and the marks "**DB**" and "**D&B**" under Applications Nos. 6180728, 5358027, 5358029 and 5358032 in the respective classes pleaded in the plaint.

6. It is further averred that the Plaintiff has acquired rights in certain of the aforesaid marks through assignments from its predecessor-in-interest. Applications Nos. 2082902 and 2424562  and  respectively were assigned to the Plaintiff under Assignment Deed dated 07.03.2019, while Application No. 2513450 was also assigned under the Assignment Deed dated 07.03.2019. The Plaintiff states that its registered marks are not subject to any conditions or

disclaimers and that no licence or assignment has otherwise been granted to any third party.

7. The Plaintiff further claims copyright registrations in the artistic works titled "A D&B PRODUCT", "DB VALVES & BATHWARE", "D&B VALVES & BATHWARE" and "A D&B PRODUCTS", bearing Registration Nos. A-132434/2019, A-132435/2019, A-135385/2020 and A-136474/2021 respectively. It is claimed that the Plaintiff has been using the said artistic works since 2008 and has acquired goodwill and reputation therein by reason of extensive use, sales and promotion.

8. The Plaintiff has pleaded that its products bearing the said marks are sold throughout India and that it has continuously innovated and invested in its business. The Plaintiff has relied upon its VAT and GST returns for the financial years 2018-19 to 2023-24 and has stated that its turnover during the said period was as follows:

FINANCIAL YEARS	AMOUNT(RS)
2018-2019	4,68,14,168/-
2019-2020	5,69,88,567/-
2020-2021	6,80,62,988/-
2021-2022	6,45,45,956/-
2022-2023	6,08,19,984/-
2023-2024	8,16,07,038/-
TOTAL	**37,88,38,701/-**

The Plaintiff claims that, by reason of extensive and continuous use, its marks have acquired distinctiveness and substantial goodwill and reputation amongst the trade and purchasing public.

9. It is averred that the Plaintiff has undertaken substantial promotional and advertising activities in relation to its marks and products, including television advertising and engagement of Ms. Uorfi Javed as its Brand Ambassador. The Plaintiff states that it incurred approximately Rs.67,43,647.03/- towards advertising and marketing expenditure during the financial years 2019-20 to 2023-24. The Plaintiff also relies upon its website "dbbathware.com", social media presence, brochures and participation in exhibitions in support of its claim of goodwill and reputation. It is claimed that the mark "**DB**" constitutes a key and distinctive feature of the Plaintiff's business and that the public associates the said mark with the Plaintiff and the quality of its products.

10. It is the case of the plaintiff that the defendant, Ms. Sangani Kaushik Bhikhubhai, is stated to be the proprietor of M/s Radhe Tiles & Sanitary Ware and is engaged in the business of taps for water pipes and sanitary installations, including basin pillar taps, bath taps, shower taps, basin taps, basin mixers and mixer taps. The Plaintiff states that, in the last week of July 2024, it came to know that the Defendant had applied for registration of the trade mark 

under Application No. 6125108 in Class 11, dated 26.09.2023, claiming use since 11.02.2021, in respect of the aforesaid goods.

11. The Plaintiff alleges that the said mark contains "**DB**" and is deceptively and phonetically similar to the Plaintiff's registered "**DB**" and "**D&B**" marks. It is alleged that the marks are

visually, structurally, conceptually and aurally similar and that the Defendant has copied the prominent part of the Plaintiff's registered marks in relation to identical or allied goods. According to the Plaintiff, the Defendant's adoption is dishonest and calculated to trade upon the goodwill and reputation of the Plaintiff and is likely to cause confusion and deception amongst consumers and traders, besides resulting in dilution and weakening of the distinctiveness and exclusivity of the Plaintiff's marks.

12. The plaintiff has further alleged that the defendant intends to free-ride upon and usurp the goodwill and proprietary rights of the Plaintiff by falsely claiming proprietorship in a mark containing "**DB**". It is alleged that use of the impugned mark would lead consumers to believe that the defendant's goods originate from, or are associated with, the plaintiff, thereby causing diversion of customers, injury to the plaintiff's goodwill and reputation and irreparable loss. The plaintiff consequently claims infringement of its registered trade marks and copyright, as well as passing off. It is further alleged that use of the impugned mark may result in dilution and tarnishing the plaintiff's marks if consumers associate inferior goods of the defendant with the plaintiff.

13. It is stated that the plaintiff filed an interlocutory petition for cancellation of the defendant's Application No. 6125108 on 26.07.2024 and on the same date, issued a legal notice calling upon the defendant to cease use of the impugned mark and withdraw the said application. The defendant neither replied to the notice nor complied with the demands made therein.

14. The Plaintiff has also relied upon its previous enforcement actions against third parties using marks containing "**DB**" or deceptively similar marks. The Plaintiff refers to proceedings in Platinex DB Bathware India Pvt. Ltd. v. M/s FCML Distributors Pvt. Ltd. & Ors., CS(COMM) 764/2023, Platinex DB Valves India Pvt. Ltd. v. Mr. R&D Vimalkumar Narbherambhai Thoriya Proprietor of M/s D and D Sanitaryware, CS(COMM) 659/2023, M/s Platinex DB Bathware India Pvt. Ltd. v. Ms. Bhuraram Nirmala Sirvi, Proprietor of M/s Bhavani Enterprise, CS(COMM) 517/2024 and Platinex DB Valves India Pvt. Ltd. v. Mr. Nemaram, CS(COMM) 1157/2022, wherein proceedings concerning marks such as "**DBE**", "**D&D**", "**DBA**", "**DNB**" and "**DBT**" were instituted and interim or final reliefs were obtained or the matters were settled.

15. It is further pleaded that the Plaintiff's registered office is situated in West Delhi and that this Court has territorial jurisdiction to entertain the suit.

16. Finding no other remedy, the plaintiff filed an application for Pre-Institution Mediation and Settlement under Section 12A of the Commercial Courts Act, 2015 on 18.10.2024 before the West District Legal Services Authority. However, despite issuance of the notice, defendant did not appear before the Authority nor gave any intimation to participate in mediation proceedings scheduled for hearing on 06.11.2024 and 04.12.2024. Consequently, the process of mediation was treated as non-starter vide Non-Starter Report dated 04.12.2024.

17. The plaintiff has accordingly sought permanent and mandatory injunction restraining the defendant passing off, infringement of copyright and use of its original artistic works, mandatory injunction for recall and delivery up for destruction of infringing goods, rendition of accounts of profits/damages of for loss of goodwill and reputation and illegal profits, costs of the proceedings

18. Despite service of summons on the defendant, the defendant neither appeared nor filed written statement rebutting the averments made in the plaint and thus, defence of the defendant was struck off and they were also proceeded against *ex-parte* vide order dated 25.02.2026.

19. Since no appearance or defense came from the side of the defendants despite service, matter was listed for *ex-parte* plaintiff's evidence, however when the plaintiff sough repeated adjournments for leading *ex-parte* evidence, this court declined to grant further opportunity to lead ex-parte plaintiff evidence and decided to press into service rulings of the Hon'ble Delhi High Court in ***Imagine Marketing (P) Ltd.*** **v.** ***Green Accessories*****, 2022 SCC OnLine Del 805**. While dealing with the issue of necessity of leading *ex-parte* evidence, the Hon'ble High Court, relying upon the earlier decisions in ***Disney Enterprises Inc.*** *v.* ***Balraj Muttneja***, CS (OS) No. 3466/2012, decided on 20.02.2014, ***S. Oliver Bernd Freier GMBH & CO. KG*** *v.* ***Jaikara Apparels***, (2014) 210 DLT 381, and ***United Coffee House*** *v.* ***Raghav Kalra***, (2013) 55 PTC 414 (Del), held as under:

"10.Under these circumstances, following the rationale of the judgment of a Ld. Single of this Court in Disney Enterprises Inc. v. Balraj Muttneja [CS (OS) 3466/2012 decided on 20th February, 2014], no ex parte evidence would be required in this matter. The same has been reiterated by the Court in S. Oliver Bernd Freier GMBH & CO. KG v. Jaikara Apparels [(2014) 210 DLT 381], as also, in United Coffee House v. Raghav Kalra [(2013) 55 PTC 414 (Del)]. The relevant observations from the judgment in Disney Enterprises Inc. (supra), are as under:

> *"3.Though the defendants entered appearance through their counsel on 01.02.2013 but remained unrepresented thereafter and failed to file a written statement as well. The defendants were thus directed to be proceeded ex-parte vide order dated 04.10.2013 and the plaintiffs permitted to file affidavits by way of exparte evidence.*
>
> *4.The plaintiffs, despite having been granted sufficient time and several opportunities, have failed to get their affidavits for leading ex-parte evidence on record.* ***However, it is not deemed expedient to further await the same and allow this matter to languish, for the reason that I have in*** *Indian Performing Rights Society Ltd. v. Gauhati Town Club* ***2013 SCC OnLine Del 382 held that where the defendant is ex parte and the material before the Court is sufficient to allow the claim of the plaintiff, the time of the Court should not be wasted in directing ex parte evidence to be recorded and which mostly is nothing but a repetition of the contents of the plaint.****""*

20. Hence, in view of the aforesaid ruling, this court proceeds to finally adjudicate the present matter accepting the plaintiff's case to the extent it pleads that it has copyright and has been using trademarks as pleaded and that defendant has been using the mark as alleged by the plaintiff.

21. This Court has considered the pleadings of the plaintiffs which has remain unquestioned, unrebutted and uncontroverted. The

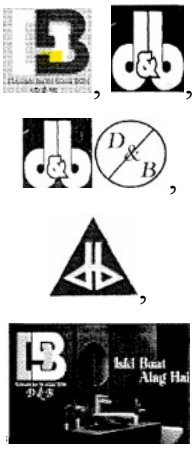
pleadings of the plaintiff is duly supported by affidavit with all necessary documents and the statement of truth.

22. It is well settled that merely because the defendant has been proceeded against *ex parte*, the plaintiff is not entitled to a decree as a matter of course. The plaintiff is still required to establish, from the material placed before the Court, its entitlement to the reliefs claimed. The fact that the pleadings and documents of the plaintiff have remained unrebutted would, however, mean that there is no contrary material before the Court.

23. In the present case, the plaintiff claims rights in the trade marks "**DB**" and "**D&B**" and in the corresponding marks , , , , . The plaintiff has also pleaded prior adoption and use of the said marks since 2008 and has placed on record material in support of its registrations and use. The defendant, on the other hand, is stated to have adopted the impugned mark in the year 2021. The goods of the parties are also similar and fall in the field of sanitary and bathroom fittings.

24. The principal question, however, is whether the impugned mark is identical with or deceptively similar to the plaintiff's registered trade marks so as to constitute infringement. For this purpose, the competing marks have to be considered as a whole and not by isolating one common element.

25. The side by side comparison of the two marks are as follows:

Plaintiff's Mark	Defendant's Mark
	

26. *Prima facie* it is clear that the plaintiff's marks, as placed on record, comprise "**DB**" and "**D&B**" in distinctive artistic representations. One of the plaintiff's marks comprises a circular device containing "**D&B**", while the other comprises a triangular device incorporating a stylised "**DB**". The impugned mark of the defendant, on the other hand, comprises a faucet device followed by the expression "DBS" and the word "aucet" appearing underneath, thereby conveying the expression "DBS Faucet".

27. A comparison of the competing marks, taken as a whole, does not disclose such a degree of visual or structural similarity as would lead to a likelihood of confusion or deception. The overall arrangement, device, lettering and presentation of the defendant's mark are different from the artistic representation adopted by the plaintiff. The defendant has also not reproduced the plaintiff's circular or triangular artistic devices.

28. The plaintiff has relied upon the common element "**DB**" appearing in the impugned mark. However, the impugned mark is not merely "**DB**", it comprises "**DBS**" along with the word "Faucet" and a prominent faucet device. The addition of the letter "S", the word "Faucet" and the distinct device materially alter the overall appearance and commercial impression of the mark. The common presence of the letters "DB", by itself, cannot be regarded as sufficient to hold that the impugned mark is deceptively similar to the plaintiff's marks.

29. The fact that the parties are dealing in similar goods and that the plaintiff claims prior use of the mark are relevant circumstances. However, such circumstances cannot dispense with the requirement of establishing deceptive similarity test between the rival marks. On an overall comparison, this Court is not satisfied that the defendant's mark is deceptively similar to the plaintiff's registered marks so as to constitute infringement.

30. The plaintiff has also claimed that the defendant's adoption of the impugned mark amounts to passing off. To succeed in an action for passing off, the plaintiff is required to establish goodwill, misrepresentation and likelihood of damage. The plaintiff has pleaded substantial goodwill and reputation in its marks. However, in the present case, the material placed before the Court does not establish that the defendant's mark, considered as a whole, amounts to a misrepresentation that its goods originate from or are associated with the plaintiff.

31. The plaintiff has further alleged infringement of its copyright in the artistic works comprising its marks. Copyright protection, however, the word "DB" is generic and not original artistic work as the same are alphabets of the English language nor is an idea or a commonly used representation of the goods. On comparison of the works placed before the Court, the defendant's mark does not reproduce the plaintiff's artistic representation or any substantial part thereof. The plaintiff has, therefore, failed to establish copyright infringement.

32. In view of the aforesaid discussion, this Court is of the view that although the plaintiff has established its prior adoption and use of the "**DB**" and "**D&B**" marks and the defendant has chosen not to contest the proceedings, the plaintiff has not established that the impugned mark, when considered as a whole, is deceptively similar to the plaintiff's marks. Consequently, the plaintiff is not entitled to the relief of permanent injunction on the grounds of trade mark infringement, passing off or copyright infringement.

33. Insofar as the relief of damages is concerned, the plaintiff has claimed damages of Rs.5,00,000/-. No material has been placed before the Court to ascertain the damages. Thus, the relief is denied.

34. The relief of rendition of accounts is also declined. In the absence of any material showing the volume of sales, turnover or profits earned by the defendant from the use of the impugned mark, there is no basis on which rendition of accounts can be directed.

35. Accordingly, the suit of the plaintiff is dismissed. Pending applications if any stands disposed off as not pressed or infructous.

36. Decree sheet be prepared accordingly.

37. **File be consigned to the Record Room after due compliance.**

HARISH KUMAR Digitally signed by HARISH KUMAR Date: 2026.09.09 16:10:28 +0530

(Harish Kumar)
District Judge (Commercial)-04
District West, Tis Hazari Courts
Delhi/09.09.2026

Announced in the open Court.
(Judgement contains 14 pages)