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

*Date of decision: 21<sup>st</sup> May, 2019*

+ **CS(COMM) 522/2018 & CC 536/2004**

REVOLUTION CLOTHING PVT. LTD. .... Plaintiff

Through: Mr. Sahil Sehti & Mr. Shivam  
Sharma, Advocates (M-8800373757)

versus

LIBERTY FOOTWEAR CO. .... Defendant

Through: Mr. Shobhit Aggarwal & Mr. Devesh  
Ratan, Advocate (M-9650271872)

**CORAM:  
JUSTICE PRATHIBA M. SINGH**

**Prathiba M. Singh, J. (Oral)**

1. The present suit and counter claim have been filed in respect of the trademark/name – ‘*REVOLUTIONS*’. The case of the Defendant Liberty Footwear Co., (*hereinafter ‘Liberty’*) is that it started using the name ‘*REVOLUTIONS*’ in respect of fashion shows since the year 1995. The said name/mark was used for exhibitions, fashion clothing, accessories and related services. The first use of this name/mark was at an event conducted on 18<sup>th</sup> October, 1995 at Hotel Jai Mahal Palace, Jaipur. Thereafter, various events and shows have been held by Liberty wherein the name ‘*REVOLUTIONS*’ has been used along with the names of well-known fashion designers. Liberty has used various hybrid and derivative names such as ‘*REVOLUTIONS LAUNCH*’, ‘*REVOLUTIONS with Ashish Soni*’, ‘*REVOLUTIONS STALL*’, ‘*REVOLUTIONS with Rina Dhaka*’,

‘LIBERTY REVOLUTIONS’, ‘LIBERTY REVOLUTIONS with CUE’, ‘LIBERTY REVOLUTIONS MADE IN INDIA’, etc. Liberty also applied for copyright registration of the ‘*REVOLUTIONS*’ label which is registered bearing no. A-54028/97. It had also applied for registration of the trade mark ‘*REVOLUTIONS*’.

2. Liberty acquired knowledge that M/s Revolution Clothing Pvt. Ltd. (*hereinafter* ‘*RCPL*’) started using the mark/name ‘*REVOLUTIONS*’ for their garments and other clothing. Accordingly, it issued a legal notice dated 5<sup>th</sup> August, 2003. This led to the filing of the present suit by RCPL against Liberty. In the suit, the prayer sought by RCPL is that Liberty ought not to launch any clothing under the brand name ‘*REVOLUTIONS*’ as the said mark/name has been merely used for fashion shows and not on the goods themselves. Liberty filed its written statement and also filed a counter claim seeking an injunction against RCPL from using the mark/name ‘*REVOLUTIONS*’ for goods of its manufacture and sale, as also from using the same as part of its trading style. Both the suit and the counter claim are pending adjudication.

3. The matter is listed for final hearing. In the course of the arguments, Ld. counsel for RCPL has obtained instructions. It is submitted by him that the Plaintiff – RCPL no longer wishes to use the name/mark ‘*REVOLUTIONS*’ in respect of clothing, fashion, accessories, etc. and accordingly is willing to suffer an injunction in respect of the same. In view of the statement made by Ld. counsel for RCPL, under instructions from Mr. Pranay Somai, who is one of the Director/promoter of RCPL, a decree of permanent injunction is passed restraining RCPL, its promoters/Directors/employees/distributors/shareholders or anyone acting for or on its behalf

from selling, manufacturing, offering for sale any clothing/garments or accessories thereof under the mark/name 'REVOLUTIONS' including use of the word 'REVOLUTIONS' as part of the trading style of the company.

4. The said decree would come into effect from 1<sup>st</sup> September, 2019, as RCPL would be applying for change of name with the Registrar of Companies. In view of the statement made by the Ld. counsel for RCPL, the Ld. counsel for Liberty does not press for any rendition of accounts or costs. The suit is dismissed as not pressed. The counter claim is decreed in the above terms. The above order is passed with consent of parties. Decree sheet be drawn. No order as to costs.

**PRATHIBA M. SINGH**  
**JUDGE**

**MAY 21, 2019**  
*Rahul*

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