IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
16.10.2025	11.11.2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

(T)OP(CR) No. 1 of 2024

Marico Limited
7th Floor,
Grande Palladium,
175, CST Road,
Kalina,
Santa Cruz (East),
Mumbai 400098

Petitioner (s)

Vs

1.Prahalad Rai Kedia
Proprietor, Kedia Industries,
Sy. No.12, Hayathnagar,
R.R.District,
Hyderabad,
Telangana.

2.The Registrar of Copyrights
Boudhik Sampada Bhawan,
Plot No.32, Sector 14,
Dwarka,
New Delhi - 110078

(2nd Respondent impleaded as per order
of this Court dated 19/06/2025 made in
(CR)A.No.9 of 2025 in
(T) OP (CR) No.1 of 2024)

Respondent(s)

PRAYER

Petition filed under Section 50 of the Copyright Act, 1957, (a) to suspend the impugned copyright registration No.A-85790/2009 of the Respondent from the Copyright Register during the pendency of the present proceedings; (b) to expunge the impugned copyright registration No.A-85790/2009 of the Respondent from the Copyright Register and (c) cost of present proceedings may be awarded to the petitioner.

For Petitioner (s): Mr.Rupikaa Srinivasan
for Mr.Shikha Sachdev

For Respondent(s): Mr.Subbu Rangha Bharathi (for R2)

R1 - Set exparte

ORDER

The present petition has been filed (a) to suspend the impugned copyright registration No.A-85790/2009 of the 1st Respondent from the Copyright Register during the pendency of the present proceedings and (b) to expunge the impugned copyright registration No.A-85790/2009 of the 1st Respondent from the Copyright Register.

2.The brief case of the petitioner is as follows:

2.1.The Petitioner is a company incorporated in 1988 under the Companies Act, 1956, engaged in the manufacture and sale of well-known consumer products viz., PARACHUTE, PARACHUTE ADVANSED JASMINE, Marico's HAIR & CARE, NIHAR, SAFFOLA, MEDIKER, LIVON, REVIVE, SILK-N-SHINE and SET WET. The present petition is filed under Section 50 of the Copyright Act, 1957, seeking removal or rectification of Copyright Registration No.A-85790/2009 dated 01.06.2009 granted in favour of the 1st Respondent, in respect of the artistic work used on the packaging of EVEREST COCONUT OIL.

2.2.The impugned registration has been wrongly granted and is fraudulently remaining on the Register of Copyrights, as the 1st Respondent's

label is a substantial, colourable imitation and copy of the Petitioner's prior copyrighted and trade marked PARACHUTE label, which features the distinctive Flag Device, the Broken Coconut Device, the unique blue and green colour combination and the overall layout and trade dress that have become exclusively associated with the Petitioner. The Petitioner holds prior copyright registration No.A-64997/2003 and multiple trade mark registrations, including Nos. 737893, 737894, 1033842, and 1033844, all of which predate the 1st Respondent's registration and the same has been used extensively and continuously since 1948 by the Petitioner and its predecessors, Bombay Oil Industries Limited.

2.3.The 1st Respondent, by concealing material facts and by misrepresenting the originality of his work, obtained registration in violation of Section 45(1) of the Copyright Act and failed to disclose the existence of the Petitioner's prior trade mark registrations for deceptively similar artistic works. The 1st Respondent's conduct amounts to copyright infringement, passing off, and unfair competition, as the impugned label replicates the essential features of the PARACHUTE label and deceives the public into believing that the 1st Respondent's product originate from or is associated with the Petitioner.

2.4.The 1st Respondent has a history of infringing behaviour, having

previously copied the PARACHUTE trade dress in 2002 under the mark SHRI LAXMI, and despite cease & desist notices and court proceedings, has continued to engage in unlawful imitation. The impugned registration violates the principles of equity, fair play and justice, and undermines the legislative intent of protecting only original artistic works under Section 13(1)(a) of the Act. Since the 1st Respondent's work is a pirated reproduction and not an original creation, the impugned registration has been entered in the Copyright Register without sufficient cause and wrongly remains on record. The Petitioner, therefore prayed to suspend and expunge the impugned Copyright Registration No.A-85790/2009 from the Register.

3.The 1st respondent was set exparte on 14.08.2025 by order of this Court.

4.Heard the learned counsel for the petitioner, learned counsel for the 2nd respondent and perused the available records.

5.It is to be noted that the Delhi High Court has restrained various third parties from violating Petitioner's various trade marks and copyrights in the following cases:

19

Marico Limited versus Sandeep Anaberu CS (OS) No. 3519 of 2012 Order dated 20th December 2012 Delhi High Court	
Marico Limited versus K T Kalesh CS (OS) No. 3336 of 2012 Order dated 27th November 2012 Delhi High Court	
Marico Limited versus Prakit Goyal CS (OS) No. 2304 of 2012 Judgment dated 26th September 2014 Delhi High Court	
Marico Limited versus Satish Bhimsen Agarwal CS (OS) No. 1209 of 2015 Order dated 30th April 2015 Delhi High Court	

20

Marico Limited versus Mahavir Oils Suit (L) No. 1079 of 2015 Order dated 16th October 2015 Bombay High Court	
Marico Limited versus Jin-x Healthcare Suit (L) No. 985 of 2015 Order dated 8th October 2015 Bombay High Court	

6.The primary contention of the petitioner is that the 1st respondent's product is deceptively similar to that of the respondents in the above cases and the colour, coconut tree description, broken coconut and design are all registered mark of the petitioner. The petitioner issued a cease and desist notice dated 17.06.2016 to the 1st respondent, alleging infringement of the petitioner's copyright and the 1st respondent has issued a response dated 04.07.2016, wherein, the 1st respondent has denied all the allegations of infringement and characterised the petitioner's claims as unfounded, and asserted their lawful right to continue using their registered marks. The petitioner also claims that their label has been used by the 1st respondent which is a substantial

reproduction of the petitioner's work and the said label of the parties are being extracted hereunder for the sake of clarity:

PETITIONER'S PRODUCT	RESPONDENT'S PRODUCT
PARACHUTE PARACHUTE (label) 	EVEREST COCONUT OIL EVEREST COCONUT OIL (label) 

7.The comparative description of the petitioner's product and the 1st respondent's product found in page 2 of the petition is extracted hereunder:

PETITIONER'S LABEL REGISTRATION	RESPONDENT'S LABEL REGISTRATION
	

8.The point for consideration is that whether the 1st respondent has infringed the copyright of the petitioner. There is no dispute with regard to the fact that the petitioner product's name, colour, design are registered one.

9.It is evident that the 1st respondent's product mark is also a registered device mark, and its colour has been duly approved by the 2nd respondent. Therefore, the petitioner's allegation of infringement by the 1st respondent appears to be an attempt to monopolise trade in the field of coconut oil. A comparison of both products reveals variations in colour, distinct wordings, different marks, and differing descriptions. The petitioner has failed to establish infringement by the 1st respondent.

10.The 1st respondent in his response dated 04.07.2016, stated that they have been engaged in the manufacture and marketing of coconut oil since 2002, using the trademark EVEREST since 2006 along with a corresponding label adopted in 2007. It is the claim of the 1st respondent in his response that the said mark and the label have been used continuously, and that the adoption of the mark was bonafide, honest and independent. They also claimed that their EVEREST products have gained wide market acceptance due to their quality and the 1st respondent relied upon their Copyright Registration No. A-85790/2009 in support of their claim.

11.While considering the response of the 1st respondent's it is clear that the 1st respondent's label and packaging are entirely distinct from those of the petitioner. The use of blue colour in the packaging of hair oils is common in the trade and cannot be claimed exclusively by any single manufacturer. The 1st respondent's trade dress is clearly distinguishable from that of the petitioner and the petitioner has not produced supporting materials to establish infringement by the 1st respondent.

12.In view of the aforesaid facts and circumstances this Court finds that the petitioner’s contention that the 1st respondent’s product is similar to that of the petitioner is wholly untenable and cannot be sustained. Accordingly, the Petition filed by the petitioner is dismissed. No costs.

11.11.2025

Index:Yes/No
Speaking
Internet:Yes
Neutral Citation:Yes

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To

1.Prahalad Rai Kedia
Proprietor, Kedia Industries,
Sy. No.12, Hayathnagar, R.R.District,
Hyderabad, Telangana.

2.The Registrar of Copyrights
BOUDHIK SAMPADA BHAWAN,
PLOT No.32, SECTOR 14, DWARKA,
NEW DELHI - 110078

N.SENTHILKUMAR J.

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Pre-delivery order made
in
(T)OP(CR) No. 1 of 2024

11.11.2025