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

+ **CS(COMM) 343/2025**

**HERMES INTERNATIONAL & ANR..... Plaintiffs**

Through: Mr. Pravin Anand, Ms. Sugandha  
Yadav & Ms. Tusha Malhotra,  
Advocates.

versus

**M/S COCO J THROUGH SOLE PROPRIETOR**

**MS. SONAL CHADHA..... Defendant**

Through:

**CORAM:**

**HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER**  
**17.04.2025**

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**I.A. 9709/2025 (u/O XI Rule 1(4) of CPC, 1908)**

1. The present application has been filed on behalf of the plaintiffs seeking leave to file additional documents under the Commercial Courts Act, 2015.
2. The plaintiffs are permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.
3. Accordingly, the application is disposed of.

**I.A. 9710/2025 (exemption from filing clearer/ copies with exact margins/ original documents)**

4. Allowed, subject to the plaintiffs filing certified/ translated/ clear

copies of documents and documents with proper margin within four (4) weeks from today.

5. The plaintiffs are exempted from filing the originals at this stage.

6. The application stands disposed of.

**I.A. 9711/2025 (u/S 12A of the Commercial Courts Act, 2015)**

7. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC Online SC 1382, exemption from the requirement of pre-institution mediation is granted.

8. The application stands disposed of.

**I.A. 9712/2025 (u/S 149 of CPC, 1908)**

9. Mr. Pravin Anand, counsel appearing on behalf of the plaintiffs, submits that the requisite court fees shall be paid within two (2) weeks.

9.1 The statement of counsel is taken on record.

10. The application stands disposed of.

**CS(COMM) 343/2025**

11. Let the plaint be registered as a suit.

12. Issue summons.

13. Summons be issued to the defendant through all permissible modes. The summons shall state that the written statement shall be filed by the defendant within thirty (30) days from the date of the receipt of summons. Along with the written statement, the defendant shall also file affidavit of admission/ denial of the documents of the plaintiffs, without which the written statement shall not be taken on record.

14. Liberty is given to the plaintiffs to file replication, if any, within thirty (30) days from the receipt of the written statement. Along with the

replication filed by the plaintiffs, affidavit of admission/ denial of the documents of the defendant be filed by the plaintiffs.

15. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

16. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

17. List before the Joint Registrar on 22<sup>nd</sup> July, 2025 for completion of service and pleadings.

18. List before the Court on 12<sup>th</sup> September, 2025.

**I.A. 9708/2025 (u/O XXXIX Rules 1 and 2 of CPC, 1908)**

19. The present suit has been filed seeking relief of permanent injunction restraining the defendant from infringing the trademark of the plaintiffs, along with passing off and other ancillary reliefs.


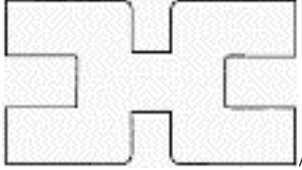
20. The plaintiff no. 1, Hermès International, is a French fashion house established in the year 1837, specialized in high-end leather, lifestyle accessories, perfumery and beauty products, luxury goods, jewellery and ready-to-wear. The plaintiff no. 2 is a subsidiary of plaintiff no. 1 incorporated in India, which is engaged in the business of the plaintiffs in India.

21. The plaintiff no. 1 is the adopter and registered proprietor of 'KELLY' trademarks and 'KELLY' formative trademarks, the three – dimensional shape trademark of the 'BIRKIN' Bag, trademark 'H ORAN'




by virtue of which the plaintiff no. 1 enjoys exclusive proprietary rights in the same. The details of the trademark registrations obtained by the plaintiff no. 1 are as under:

Trademark/ Application No.	Class	Date of application and user claim	Status
KELLY (word) / 1951726	Class 14, Class 18 Class 24, Class 25	Filed on 16/04/2010 on a proposed to be used basis	Registered
SO KELLY (word) / 1873852	Class 18	Filed on 15/10/2009 on a proposed to be used basis	Registered
KELLY CUT (word) / 1668594	Class 18	Filed on 25/03/2008 on a proposed to be used basis	Registered
ALPHA KELLY/ <b>ALPHA KELLY</b> (device) / 3694861	Class 6, Class 14	Filed on 22/09/2017 on a proposed to be used basis	Protection Granted
KELLYDEE/ <b>KELLYDÉE</b> (device) /2846697	Class 18	Filed on 05/05/2014 on a proposed to be used basis	Protection Granted
KELLYDOLE/ <b>KELLYDOLE</b> (de vice) / 4906268	Class 18	Filed on 15/01/2021 on a proposed to be used basis	Protection Granted

 (BI RKIN Bag)/ 1715604	Class 18	Filed on 29/07/2008 on a proposed to be used basis	Registered
 International Registration Designating India No. 3485491	Class 25	Filed on 08/09/2016 on a proposed to be used basis.	Protection Granted

22. In addition to the above, the plaintiff no. 1 has also applied for the three-dimensional shape trademark in the shape of the 'KELLY' Bag, which is currently pending before the Trade Marks Registry.

Trademark/ Application No.	Class	Date of application and user claim	Status
 (Kelly Bag) / 1715605	Class 18	Filed on 29/07/2008 on a proposed to be used basis	Opposed

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23. The plaintiffs created the ‘KELLY’ Bag in the 1930s, and the same is named after Grace Kelly, a famous Hollywood celebrity since the 1950s and the Princess of Monaco. The ‘KELLY’ Bag has also gained immense popularity in India and elsewhere on account of the blockbuster Hindi motion picture – ‘Zindagi Na Milegi Dobara’, in which the iconic Hermès Kelly in Ostrich skin played a vital role. The Kelly Bag was prominently displayed in the motion picture and was given a role of a character, viz., Bagwati. Snapshots of the plaintiffs’ ‘KELLY’ Bag is as below:



24. The plaintiffs’ ‘HERBAG’ Bag is crafted with inspiration from the iconic ‘KELLY’ Bag of the plaintiffs and is often called ‘the little sister of Hermès ‘KELLY’’. The plaintiffs’ ‘HERBAG’ Bag is also known as the “two-in-one bag” and has been around since 1998. Snapshots of the plaintiffs’ ‘HERBAG’ Bag is as below:



25. The plaintiffs designed 'BIRKIN' Bag in the year 1984 after Jean-Louis Dumas, the late Chairman of Hermès International, sat next to the actress Jane Birkin on an airplane, who expressed the limitations in the existing handbags on the market by struggling to find diapers in the bag she was then carrying. Snapshots of the plaintiffs' 'BIRKIN' Bag is as below:



26. In the year 1997, Mr. Pierre Hardy, Creative Director of Hermes Jewellery and a famous French designer, designed and conceptualized the 'H ORAN' sandals for the plaintiff no. 1. This Court *vide* judgement dated 8<sup>th</sup> February, 2023 passed in ***Hermes International & Anr. v. Crimzon Fashion Accessories Private Limited*** bearing no. CS(COMM.) 919 of 2022 declared plaintiffs' trademark 'H ORAN' as a well -known trademark within



the meaning of Section 2(1)(zg) of the Trade Marks Act 1999. Snapshots of the plaintiffs' 'H ORAN' Sandals is as below:




27. The defendant, M/s COCO J, is a sole proprietorship concern. It is submitted that the defendant has been found to be without any authorization manufacturing, using, advertising, displaying, offering for sale, exporting and selling identical products, passing off and infringing the three-

dimensional shape mark of the plaintiffs' 'KELLY' Bag, the plaintiffs' 'HERBAG' Bag, the 'KELLY' trademark, the



three-dimensional shape mark of the plaintiffs'

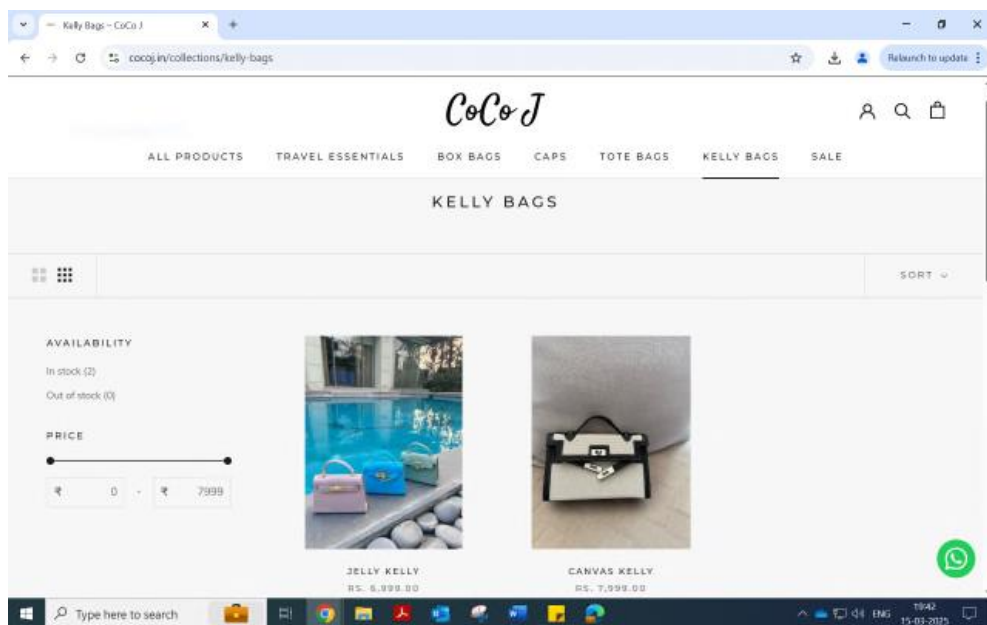


'BIRKIN' Bag and the trademark 'H ORAN' , leading to infringement of trademarks, passing off, misappropriation, dilution and

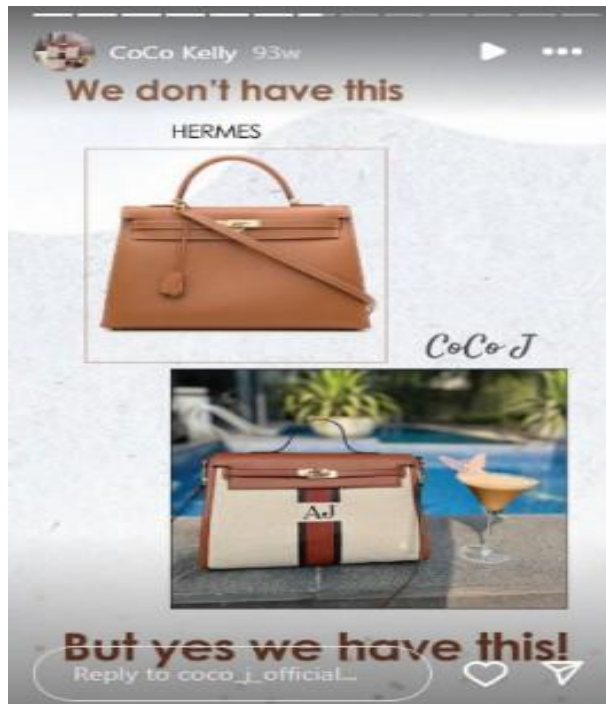


tarnishment of the reputation and goodwill earned by the plaintiffs on account of their decades old and well-known above trademarks.

28. It is submitted that the defendant operates through its website available at <http://www.cocoj.in/>. On top of the home page of the defendant's website, the defendant categorically offers for sale the 'KELLY BAGS' and named them as 'JELLY KELLY' and 'CANVAS KELLY'. The infringing products are listed at a price ranging INR 6,999 to INR 7,999. Illustrative screenshot evidencing the same is as follows:









29. It was also found that the defendant was making direct reference on its Instagram profile to the plaintiffs and the plaintiffs' products. Illustrative screenshot for the same is as follows:





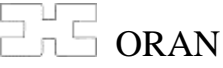



30. The defendant was also found to be extensively advertising, displaying, marketing on its website its other products along with the plaintiffs' 'ORAN' sandals bearing the plaintiffs' well-known 'H ORAN' 'H ORAN' trademark. Further, the defendant was also found to be displaying lookalikes of plaintiffs' 'BIRKIN' Bag. A comparison between the products of the plaintiffs with that of the defendant is detailed herein below:

S. No.	Plaintiffs' products bearing Plaintiffs' trademarks	Defendant's use of Plaintiffs' products to advertise, display and market its other products on its website <a href="http://www.cocoj.in">www.cocoj.in</a>
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1.	 <p>Plaintiffs' Oran sandals bearing the Plaintiffs' well-known "H ORAN"</p> 	 <p><a href="https://www.cocoj.in/products/aqua-blue-coco-cap">https://www.cocoj.in/products/aqua-blue-coco-cap</a></p>
2.	 <p>Plaintiffs' Oran sandals bearing the Plaintiffs' well-known "H ORAN"</p> 	 <p><a href="https://www.cocoj.in/products/straw-canvas">https://www.cocoj.in/products/straw-canvas</a></p>

<p>3.</p>	 <p>Plaintiffs' Oran sandals bearing the Plaintiffs' well-known "H ORAN"</p> 	 <p><a href="https://www.cocoj.in/products/weekender-customize-it-yourself">https://www.cocoj.in/products/weekender-customize-it-yourself</a></p>
<p>4.</p>	 <p>Plaintiffs' Oran sandals bearing the Plaintiffs' well-known "H ORAN"</p> 	 <p><a href="https://www.cocoj.in/pages/our-story">https://www.cocoj.in/pages/our-story</a></p>




<p>5.</p>	 <p>Plaintiffs' Oran sandals bearing the Plaintiffs' well-known "H ORAN"</p> 	 <p><a href="https://www.cocoj.in/products/aruba">https://www.cocoj.in/products/aruba</a></p>
<p>6.</p>	 <p>Plaintiffs' Oran sandals bearing the Plaintiffs' well-known "H ORAN"</p> 	 <p><a href="https://www.cocoj.in/products/keily-1">https://www.cocoj.in/products/keily-1</a></p>

7.	 <p>Plaintiff's BIRKIN Bag</p>	 <p><a href="https://www.cocoj.in/pages/our-story">https://www.cocoj.in/pages/our-story</a></p>
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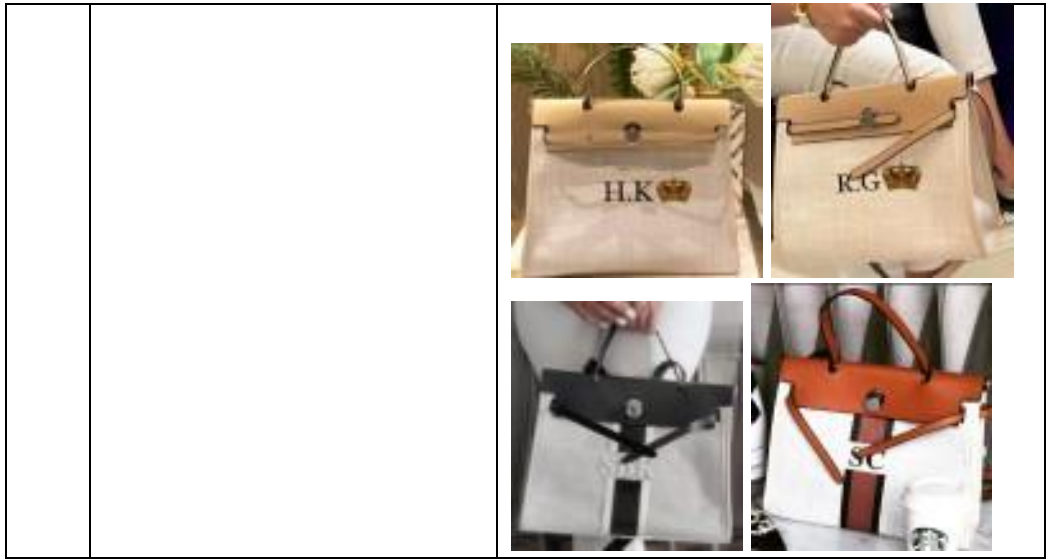
31. It was also found that there were several posts and stories with images of lookalikes of plaintiffs' bags on the defendant's Instagram profile, which is produced in the table below:

S. No.	Defendant's infringing products	Images obtained from Defendant's Instagram Profile
1.	<p>JELLY KELLY: Which is a lookalike of Plaintiffs' KELLY Bag.</p> <p><i>(First Image of JELLY KELLY bag was uploaded on their Instagram webpage on May 22, 2024)</i></p>	



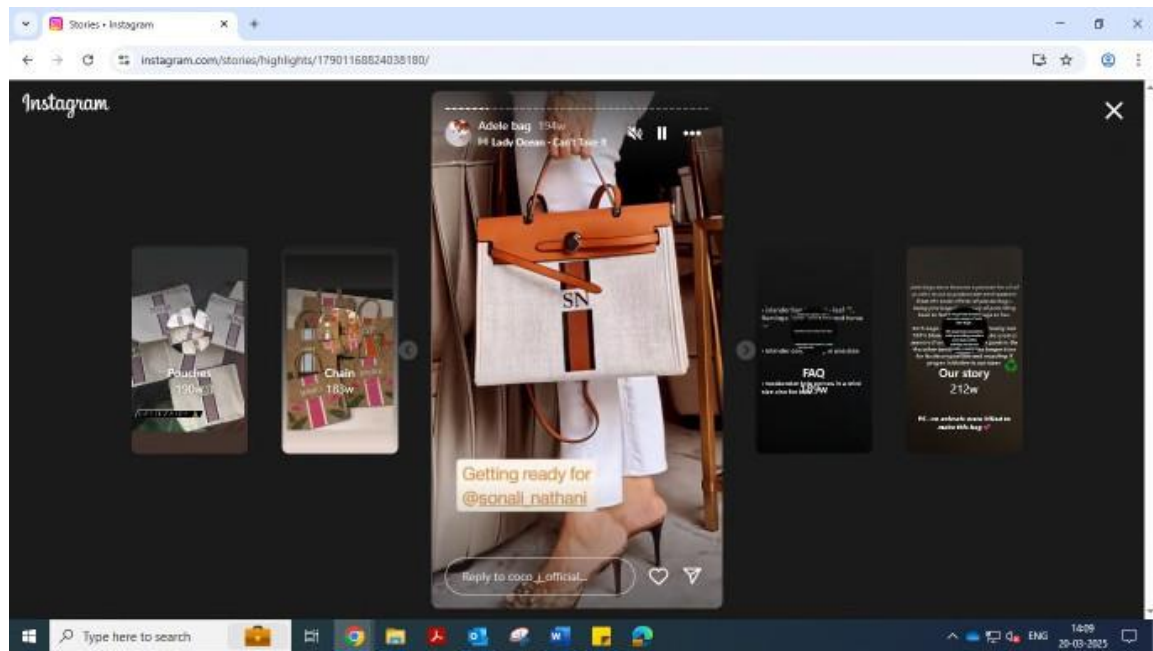
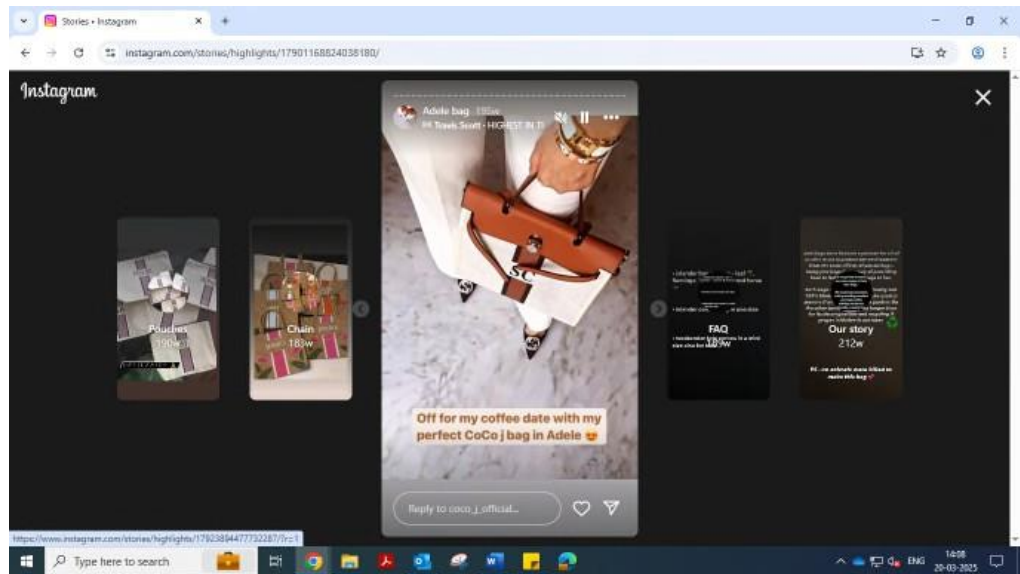
2	<p>KELLY MINI: Which is a lookalike of Plaintiffs' KELLY Bag.</p> <p><i>(First Image of KELLY MINI bag was uploaded on their Instagram webpage on March 08, 2022)</i></p>	
3	<p>KIN BAGS: Which is a lookalike of Plaintiffs' BIRKIN Bag.</p> <p><i>(Fist Image of KIN bag was uploaded on their Instagram webpage on March 11, 2022)</i></p>	
4	<p>ADELE BAGS: Which is a lookalike of Plaintiffs' HERBAG Bag.</p> <p><i>(First Image of ADELE bag was uploaded on their Instagram webpage on June 22, 2021)</i></p>	

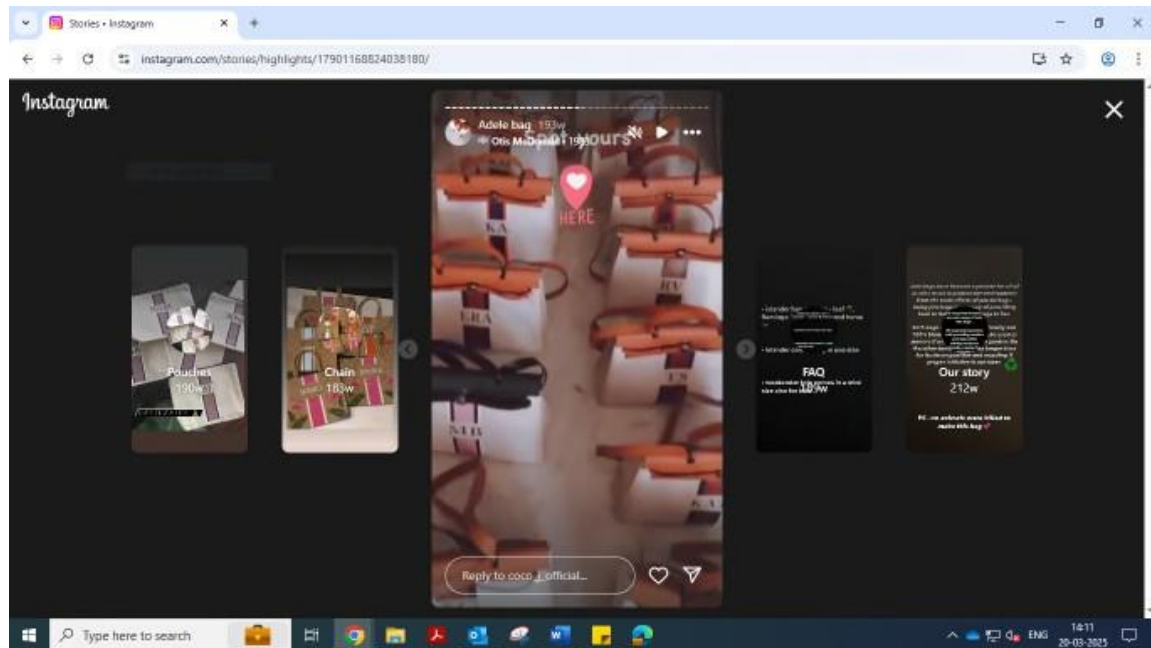




32. It is averred that the defendant is rampantly manufacturing, offering for sale, selling, above impugned goods which are fake/replica/lookalikes/counterfeit of and are blatantly infringing the plaintiffs' suit trademarks. It is also pertinent to highlight that, in addition to manufacturing fake/replica/lookalike/counterfeit of the plaintiffs' 'BIRKIN' Bag, the defendant has even gone to the extent of naming one of its impugned bags as 'KIN Bag', after the plaintiff's 'BIRKIN' Bag.

33. It is submitted that the defendant is further infringing the common law rights in the plaintiffs' 'HERBAG' Bag, as well. The same is evident from the following:





34. The plaintiffs also conducted an online sample purchase for the defendant's impugned products. Illustrative photographs of the infringing sample of one 'JELLY KELLY' Bag are reproduced below:









35. It is also submitted that the defendant is a habitual offender. It is submitted that the defendant has also copied the trademarks of other well-known brands such as 'Louis Vuitton' and 'Chanel' for its products. The defendant's trademark application for the mark has also been opposed by

‘Chanel’ before the Trade Marks Registry in India.

36. In view of the above, it is clear that the defendant’s aforesaid acts are violating the statutory and common law rights of the plaintiffs’ in the suit trademarks. The defendant has deliberately and dishonestly copied and created fake/replica/lookalike/counterfeit products of the plaintiffs’ well-known products bearing the suit trademarks. The defendant’s attempt to use the suit trademarks is nothing but a *mala fide* attempt to encash on the plaintiffs’ rights and amount to infringement and passing off of the suit trademarks, with a sole intention of riding piggyback on the plaintiffs’ immense reputation and goodwill to achieve immense publicity, marketing and business gains.

1. Under these circumstances, a *prima facie* case of infringement and passing off is made out on behalf of the plaintiffs in its favour. Clearly, an attempt has been made by the defendant to create an impression that the impugned products of the defendant are associated with the plaintiffs.


2. Balance of convenience is in favour of the plaintiffs and against the defendant. Irreparable injury would be caused to the plaintiffs if the defendant continues to use the impugned marks/labels. Prejudice would also be caused to the public as the marks/labels of the defendant are deceptively similar to that of the plaintiffs and likely to cause confusion in the market.

37. Accordingly, the defendant, its principal officers, servants, agents, its affiliates, subsidiaries, distributors, and all others acting for and on its behalf are restrained to do the following till the next date of hearing:

- a) from using, including manufacturing, displaying, marketing, advertising, exporting, selling, offering for sale on its own website <http://www.cocoj.in/> and on its social media websites

<https://www.facebook.com/cocojstore/> and  
[https://www.instagram.com/coco\\_j\\_official/](https://www.instagram.com/coco_j_official/), or any third party websites, and / or at the offices, stockists and warehouse of the defendant and/or third parties, the impugned products, i.e. the 'KIN' Bags, the 'JELLY KELLY', 'CANVAS KELLY/MINI KELLY' Bags and other products etc. under the identical, deceptively or confusingly similar registered 'KELLY' trademarks and 'KELLY' formative trademarks, or the three-dimensional shape mark



of the 'BIRKIN Bag' or the 'H ORAN'  trademarks, which are identical, deceptively or confusingly similar to registered suit trademarks of the plaintiffs for any goods and services including bags, wallets, clutches, footwear or any leather related goods or use the plaintiffs' suit trademarks in any manner whatsoever leading to infringement of plaintiffs' suit trademarks.

- b) from using, including manufacturing, displaying, marketing, advertising, exporting, selling, offering for sale on its own website <http://www.cocoj.in/> and on its social media websites <https://www.facebook.com/cocojstore/> and [https://www.instagram.com/coco\\_j\\_official/](https://www.instagram.com/coco_j_official/), or any third party websites, and / or at the offices, stockists and warehouse of the defendant and/or third parties, the impugned products including the




‘JELLY KELLY’ Bags, ‘CANVAS KELLY/KELLY MINI’ Bags, ‘ADELE’ Bags, ‘KIN’ Bags and other products etc. which are identical, deceptively or confusingly similar to the three-dimensional



shape mark of the plaintiffs’ ‘KELLY’ Bag, the plaintiffs’ ‘HERBAG’ Bag, ‘KELLY’ trademarks and ‘KELLY’ formative trademarks, the three-dimensional shape mark



of the plaintiffs’ ‘BIRKIN Bag’ and the ‘H ORAN’  trademarks, for any goods and services including bags, wallets, clutches, footwear or any leather related goods or use the said plaintiffs’ suit trademarks in any manner whatsoever so as to cause confusion or deception leading to passing off of the plaintiffs’ suit trademarks.

- c) The defendant is also directed to take down all the listings on the defendant’s own website <http://www.cocoj.in/> and its social media profiles, including Instagram, i.e., [https://www.instagram.com/coco\\_j\\_official/](https://www.instagram.com/coco_j_official/) and Facebook, i.e., <https://www.facebook.com/cocojstore/> or any other third party

websites, of the impugned products including the 'JELLY KELLY' Bags, 'CANVAS KELLY/KELLY MINI' Bags, 'ADELE' Bags, 'KIN' Bags etc. which are identical, deceptively or confusingly similar to the plaintiffs' suit trademarks, leading to infringement and passing off of plaintiffs' suit trademarks.

38. Despite advance service, none appears on behalf of the defendant.
39. Issue Notice.
40. Notice be issued to the defendant through all permissible modes, including e-mail.
41. Reply be filed within four (4) weeks.
42. Rejoinder thereto, if any, be filed within two (2) weeks thereafter.
43. Compliance under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 shall be done within five (5) days from today.
44. List before the Joint Registrar on 22<sup>nd</sup> July, 2025 for completion of service and pleadings.
45. List before the Court on 12<sup>th</sup> September, 2025.

**AMIT BANSAL, J**

**APRIL 17, 2025**

*at*