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

+ **CS(COMM) 1034/2025 & I.As. 24282-85/2025**

EBC PUBLISHING (P) LTD & ANR.

.....Plaintiffs

Through: Mr. Jayant Mehta, Sr. Advocate and
Ms. Swati Sukumar, Sr. Advocate
with Mr. Raghavendra Mohan Bajaj,
Ms. Garima Bajaj, Mr. Shagun
Agarwal, Mr. Zeephan Ahmed and
Mr. Ritik Raghuvanshi, Advocates

versus

RUPA PUBLICATIONS INDIA PRIVATE LIMITEDDefendant

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **25.09.2025**

I.A. 24285/2025

1. This is an application filed under Section 151 of the Code of Civil Procedure, 1908, ['CPC'], seeking leave of this Court to file hard copies and a complete scanned version of the passing off bare acts published by the defendant, along with the original copy published by the plaintiffs in sealed cartons/boxes.

2. This application shall be considered on the next date of hearing after the defendant has entered appearance.

I.A. 24284/2025 (seeking leave to file additional documents)

3. This is an application seeking leave to file additional documents under Order XI Rule 1(4) of CPC [as amended by the Commercial Courts Act, 2015], within thirty (30) days.



4. The plaintiffs, if they wish to file additional documents, will file the same within thirty (30) days from today, and they shall do so strictly as per the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018 ['DHC Rules'].

5. For the reasons stated in the application, the same is allowed.

6. Accordingly, the application is disposed of.

I.A. 24283/2025 (seeking exemption for instituting pre-litigation mediation)

7. The present application has been filed by the plaintiffs, seeking exemption from instituting pre-litigation mediation under Section 12A of the Commercial Courts Act, 2015 read with Section 151 of the CPC.

8. Having regard to the facts of the present suit, it contemplates urgent interim relief, and in light of the Supreme Court in **Yamini Manohar v. T.K.D. Keerthi**¹, exemption from the requirement of pre-institution mediation is granted to the plaintiff.

9. Accordingly, the application stands disposed of.

CS(COMM) 1034/2025

10. Let the plaint be registered as a suit.

11. Summons be issued to the defendant by all permissible modes on filing of the process fee. Affidavit of service(s) be filed within two (2) weeks.

12. The summons shall indicate that the written statement must be filed within thirty (30) days from the date of receipt of the summons. The defendant shall also file affidavit of admission/denial of the documents filed by the plaintiffs, failing which the written statement shall not be taken on record.



13. The plaintiffs are at liberty to file replication thereto within thirty (30) days after filing of the written statement. The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by the defendant, failing which the replication shall not be taken on record.

14. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

15. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

16. List before the learned Joint Registrar (J) for completion of service and pleadings on **20.11.2025**.

17. List before the Court on **26.02.2026**.

I.A. 24282/2025 (Under Order XXXIX Rule 1 and 2 CPC)

18. This is an application filed by the plaintiffs under Order XXXIX, Rules 1 and 2, read with Section 151 of CPC, seeking an interim and temporary injunction against the defendant.

19. The present suit pertains to the plaintiffs' rights in the distinctive trade dress, get-up, and overall presentation of their 'COAT POCKET edition' of the Bare Acts of the Constitution of India.

20. Mr. Jayant Mehta and Ms. Swati Sukumar, learned senior counsels for the plaintiffs, have set up the plaintiffs' case as under: -

20.1. Plaintiff No. 1, Eastern Publishing Pvt. Ltd., and plaintiff no. 2, a partnership firm comprising plaintiff no. 1 and Eastern Book Company Pvt. Ltd. as its partners. Plaintiff Nos. 1 and 2 are collectively referred to as plaintiffs hereinafter.

¹ (2024) 5 SCC 15.

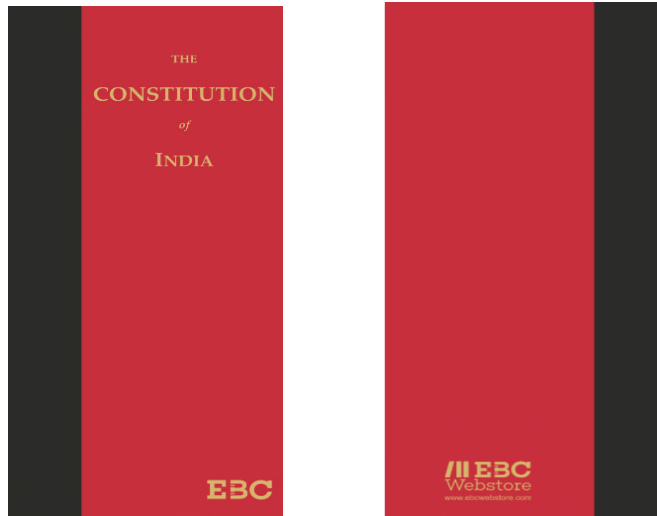


20.2. The plaintiffs are a well-known entity in the field of law-related content publishing, and for over 75 years, have been recognised for creating authentic and reliable law-related content, including but not limited to Legal Commentaries, Annotated Statutory Law, and Law Reports.

20.3. The plaintiffs hold a registered trademark under Class 16 and other classes for their device mark. The name 'Eastern Book Company' and its abbreviation 'EBC' have become synonymous with law textbooks, various editions and versions of books, and legal publications.

20.4. Through their expertise and experiences in the publishing industry, the plaintiffs curate content on SCC Online®, a web-based research database for students, academicians, and legal professionals. Furthermore, 'Supreme Court Cases' (SCC), a law report of the plaintiffs, is the most cited law report before all the Courts across India and abroad.

20.5. Since 2009, the plaintiffs have been publishing a COAT-POCKET edition of the bare act of the Constitution of India ['coat-pocket editions'] featuring a distinctive trade dress, including a signature 'black-red' colour combination, with a specific font style, gold leafing, and overall trade dress, on thin bible paper. The said trade dress has been incorporated in all the editions of the Constitution of India published to date. The trade dress employed by the plaintiffs on the said coat-pocket editions is reproduced as under:



20.6. The plaintiffs are pioneers of coat-pocket editions, which in due course have become one of their most iconic products.

20.7. The coat-pocket editions are not only the plaintiffs' most iconic products but also the flagship of the plaintiffs' publishing business. The phrase 'coat pocket' has been deliberately coined as the size of these bare acts makes them comparatively portable for carrying over the traditional versions.

20.8. The plaintiffs have made significant investments in advertising their coat-pocket editions and have incurred expenses of over Rs. 75 lakhs. Since the year 2010, the plaintiffs have sold over 1,04,805 copies of coat-pocket editions.

20.9. The plaintiffs' coat-pocket editions are being sold through various trade channels, including offline stores, third-party e-commerce platforms, and its own website, i.e., www.ebcwebstore.com.

20.10. The coat-pocket editions have become immensely successful and iconic due to their use by renowned politicians, judges, advocates, notable public figures, as well as by common citizens.



20.11. On account of extensive use, high demand, and superior quality, the coat-pocket editions have acquired significant goodwill and reputation in the Indian market.

Knowledge about the Defendant

21. The defendant is a private limited company incorporated on 19.02.2010, engaged in the business of publishing fiction and non-fiction books and novels of varied genres.

21.1. In November 2024, the plaintiffs discovered that the defendant is publishing, marketing, soliciting orders, and selling a COAT-POCKET version of the defendant's Constitution of India Bare Act ['impugned coat-pocket editions'], through similar trade channels as those of the plaintiff's including online market places such as Amazon, Flipkart, third-party online channels, as well as retail stores.

In fact, the impugned coat-pocket edition is shown along with the plaintiffs' listing of its coat-pocket editions on a simple Google search.

21.2. The impugned coat-pocket editions bear striking similarity to the plaintiffs' coat-pocket editions of bare acts. The defendant has adopted a similar trade dress to that of the plaintiffs, as illustrated below:





21.3. The defendant has imitated the essential features of the trade dress being used by the plaintiffs, including the color scheme, title placement, font type, and gold leafing, which thereby showcases the defendant's malafide intention to ride upon the plaintiffs' goodwill and reputation.

Submissions on behalf of the plaintiffs

22. Mr. Jayant Mehta and Ms. Swati Sukumar, learned senior counsel for the plaintiffs submits that a cease-and-desist notice was issued by the plaintiffs on 15.11.2024 to the defendant; however, *vide* its reply dated 27.11.2024, the defendant refused to cease and desist the use of trade dress deceptively similar to that of the plaintiffs' coat-pocket edition of the Constitution of India bare act.

22.1. They have brought this Court's attention to a tabular representation of the similarities between the plaintiffs' coat-pocket editions and the defendant's impugned coat-pocket editions of the bare acts. The same is reproduced herein below: -

Features	Plaintiffs' Constitution Bare Act	Defendant's Constitution Bare Act
Dimension	197x96x23 (mm)	210x117x17 (mm)
Colour Scheme	Black-Red	Blackish Brown-Red
Thread Colour	Black- Red	Blackish Brown-Red
Front Cover		
Title placement	On top 1/3 rd portion	On top 1/3 rd portion
Font Type for the words 'The' and 'of'	Platino Lino Type	Platino Lino Type
Font Size	11.5	11.5
Font Colour	Gold Leafing	Gold Leafing
Font Type for the word 'Constitution' and "India"	Platino Lino Type	Platino Lino Type
Font Size	20.8	20.8



Logo Placement	Bottom right in gold	Bottom right in gold
Spine		
Font Type	Platino Lino Type	Platino Lino Type
Font Size	20.7	20.7
Logo Placement	Bottom	Bottom
Font and Logo Colour	Font - Gold Leafing Logo - Black Embossing	Gold Leafing (both Name and Logo)
Back		
Logo	Embossed on the bottom	N/A
Inside		
Book Posteen Colour	Red	Red
Index Style	Divided in Parts with sub-topics capitalized	Divided in Parts with sub-topics capitalized
Paper Quality	Bible	Similar
Font Type	Palatino Linotype	Similar

22.2. It is submitted that the trade dress imitation is also evident from the defendant's decision to part away with its popular Red-white colour scheme logo (as is evident from page no. '181' of the documents filed along with the plaint) which is consistently used by defendant for all its publications and generally placed on the top-right corner/bottom centre; however in its impugned coat-pocket editions the defendant is using a golden logo, which is located at the bottom-right corner. This change of the logo and its placement, is a clear giveaway of the defendant's intent to pass off its goods as that of the plaintiff.

22.3. It is submitted that the defendant's impugned coat-pocket editions are being sold across online e-commerce platforms, offline shops, and its own website.

Significantly, a search on the defendant's website revealed that the defendant is not selling/publishing any other law book/publication but is



only selling the impugned coat-pocket editions of the Constitution of India.

22.4. It is submitted that the defendant is also imitating the plaintiffs' layout and presentation style in their own listings on e-commerce platforms, which further establishes the defendant's intention to pass off its coat-pocket editions as those of the plaintiffs.

22.5. It is submitted that the defendant had stopped soliciting fresh orders, leading the plaintiffs to assume that the defendant had discontinued its product or altered its trade dress; however, the defendant is now selling in the same trade channel as the plaintiffs, and its impugned products are representing its prodigy to be a cheaper alternative.

22.6. It is submitted that in September 2025, the Plaintiffs suffered a major monetary setback when one of their confirmed orders for approximately 18,000 units of the coat-pocket edition of the Constitution of India was abruptly cancelled. The cancellation was solely on account of the Defendant's misrepresentation to the buyer that its coat-pocket edition of the Constitution of India is identical to that of the Plaintiffs and is available at a cheaper price.

22.7. It is submitted that the defendant's acts of misrepresentation and passing off has resulted in significant financial loss and serious irreparable harm to their established reputation. The plaintiffs' product, which has been recognised by its unique trade dress and superior quality, is being wrongly associated with the defendant's impugned coat-pocket editions of the bare act of the Constitution of India, and thus creating confusion among the public.

Court's Findings

23. Learned counsel for the plaintiff states that advance copy of the



paper-book has been duly serve on the defendant as per the rules. However, none appears on behalf of the defendant.

24. A bare perusal of the plaint and comparison of the plaintiffs' coat-pocket editions with the defendant's impugned coat-pocket editions of the Constitution of India, it is *prima facie* evident that the impugned trade dress/design is deceptively similar to the trade dress adopted by the plaintiffs.

25. The defendant has adopted a similar colour scheme, text and font, gilt edging, book posteen colour, and embossed gold detailing. Considering, that the plaintiffs and the defendant operate in the same line of business, utilize identical trade channels, and cater to the same class of customers, there exists a strong likelihood of confusion. The tabular comparison presented by the plaintiff (noted above in paragraph '22.1') shows that defendant has entirely copied the layout of the plaintiff's product without any independent creativity. To an unwary consumer of average intelligence and imperfect recollection, the trade dress of the defendant's impugned coat-pocket editions is likely to appear identical to that of the plaintiffs' coat-pocket editions. Such a similarity is likely to mislead consumers regarding the source or origin of the said products.

26. The plaintiff has relied upon '**Colgate Palmolive Company & Another v. Anchor Health and Beauty Care Pvt. Ltd.**'², wherein the court opined that while no party can claim a monopoly over a single colour, a distinctive colour combination, when consistently used over time, can create customer recognition and goodwill. The Court further held that the substantial reproduction of such combinations in a similar order on



packaging can cause confusion and dilute distinctiveness. Trade dress, which includes colour combination, layout, container shape, and overall design, enjoys strong protection against imitation, as it identifies the source of goods. Even if minor differences exist in style, graphics, or textures, long-standing use in the market gives the product a secondary meaning and reinforces its reputation and goodwill.

27. In the overall conspectus, the plaintiffs have made out a *prima facie* case for the grant of an injunction against the defendant. This court is satisfied that if an interim injunction is not granted at this stage, irreparable harm/ injury would be caused to the plaintiffs. Balance of convenience also lies in favour of the plaintiffs, and against the defendant.

28. Accordingly, until the next date of hearing, the following directions are issued:

- i. The defendant by itself or through partners, legal heirs or successors, associates, assignees in business, licensees, franchisees, dealers, distributors, stockists and/or agents is restrained from manufacturing, publishing, marketing, soliciting orders, directly or indirectly selling/offering for sale, advertising, or dealing in any manner, the plaintiffs flagship 'coat pocket' edition of the bare acts of the Constitution of India in a trade dress similar to that used by the plaintiffs in the iconic red and black style as is mentioned above;
- ii. The defendant, its directors, partners, principals, employees, agents, distributors, franchisees, representatives, and assignees, to remove any/all and recall their unsold inventory of all the coat

² 2023 SCC OnLine Del 1005 [paragraph nos. 55, 56, 58, 60, 61 and 65]



pocket edition of the Constitution of India from the market and remove their listings or listings of the third parties of the coat pocket version of the Constitution of India from all the e-commerce platforms.

29. Compliance with Order XXXIX Rule 3 of CPC be done within a period of two (2) weeks from today.
30. List before the learned Joint Registrar (J) for completion of service and pleadings on **20.11.2025**.
31. List before the Court on **25.02.2026**.
32. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of the order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
SEPTEMBER 25, 2025/rhc/aa/MG