$~29

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

\# **CNR No. DLHC010476332026**

\+ CS(COMM) 1085/2026, I.A. 27460/2026, I.A. 27461/2026, I.A. 27462/2026, I.A. 27463/2026 & I.A. 27464/2026

HERMES INTERNATIONAL .....Plaintiff

Through: Mr. Pravin Anand, Ms. Vaishali Mittal, Ms. Ekta Sarin and Ms. Sugandha Yadav, Advs.

versus

EZIERE TECHNOLOGIES PRIVATE LIMITED .....Defendant

Through: Mr. Rishi Kapoor, Ms. Gitanjali Kapoor and Mr. Siddhartha Makhija, Advs.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

O R D E R

% 02.11.2026

CS(COMM) 1085/2026

1. The present suit has been filed by the plaintiff for infringement of trademarks, passing off, dilution, tarnishment, rendition of accounts, damages, delivery up, unfair competition and trade practice, misappropriation etc., in respect of its registered trademarks as enumerated in paras 18, 39 and 49 of the plaint.

2. Let plaint be registered as a suit.

3. Issue summons to the defendants.

4. Mr. Rishi Kapoor, learned counsel appearing on behalf of defendant

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 04/11/2026 at 22:14:08

accepts summons and waives formal service of summons.

5. When the matter was listed on 05.10.2026, Mr. Kapoor appeared on behalf of the defendant on advance service and submitted that the defendant has already removed pictures of the infringing products from its Instagram handle and website.

6. Mr. Pravin Anand, learned counsel appearing on behalf of the plaintiff, on instructions, stated that if an undertaking is given by the defendant to the satisfaction of the plaintiff, the plaintiff will not press for damages.

7. Again on 29.10.2026, the matter was adjourned to enable the learned counsels for the parties to sit and resolve the issue.

8. The Court is informed by Mr. Kapoor that the defendant has filed an undertaking dated 31.10.2026 during the course of the day *vide* dairy no. 466566/2026. The same is, however, not on record. However, another copy of the said undertaking has been handed over across the bar and the same is taken on record.

9. The Registry is directed to place the undertaking filed *vide* aforesaid dairy no. 466566/2026 on record.

10. In the undertaking, the defendant has undertaken to cease dealing in the impugned products, to remove and take down the offending listings, and to refrain from infringing the plaintiff's registered trademarks or passing off its goods as those of the plaintiff.

11. Mr. Anand submits that the suit can be disposed of on the basis of the undertaking given by the defendant in the form of the aforesaid affidavit dated 31.10.2026.

12. He further submits that the plaintiff is not pressing for any damages.

13. The plaintiff, Hermès International, is a French fashion house

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 04/11/2026 at 22:14:08

established in 1837. The suit concerns unauthorised replicas and lookalikes of its BIRKIN, PICOTIN and BOLIDE bags, H ORAN sandals, ORAN Nano and RODEO bag charms, and silk ribbons, as detailed in paragraph 70 of the plaint. The plaintiff alleges trademark infringement, passing off, dilution and tarnishment.

14. The plaintiff relies on registration nos.1715604 for the three-dimensional BIRKIN bag shape/  , 3485491 for H ORAN/  , 1868608 for the H logo/  and 5364021 for the H Raye logo/  , as detailed in paragraphs 18, 39 and 49 of the plaint. The BIRKIN bag shape and H ORAN mark have been declared well-known by this Court in ***Hermès International & Anr. v Macky Lifestyle Private Limited & Anr., CS(COMM) 716/2021***, decided on 24 November 2025, and ***Hermès International & Anr. v. Crimzon Fashion Accessories Private Limited, CS (COMM) 919/2022***, decided on 8 February 2023, respectively.

15. Mr. Kapoor, submits that though the defendant has infringed the plaintiff's proprietary rights only in some of its trademarks, the defendant,

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 04/11/2026 at 22:14:08

however, acknowledges the plaintiff's proprietary rights in the suit trademarks and products, including the registered BIRKIN bag shape, H device marks, H ORAN, PICOTIN, BOLIDE and KELLY bags, RODEO bag charms and silk ribbons.

16. Mr. Kapoor, on instructions, further undertakes to hand over the remaining eight (08) damaged units of the impugned products to the plaintiff's counsel.

17. Further, on the insistence of Mr. Anand, Mr. Kapoor submits that insofar as source of the infringing goods which were put on sale by his client is concerned, he has instructions to state that the defendant had purchased the said goods through the website *'Alibaba.com'*.

18. The affidavit dated 31 October 2026 is taken on record. The undertakings contained in it, together with the further undertakings recorded above, are accepted and taken on record. The defendant shall remain bound by them, and it acknowledges that any breach will expose it to proceedings for contempt.

19. In view of the above undertaking and the plaintiff's statement recorded that it would not press for damages, the suit is decreed in terms of prayers 103 (a), (b), (c) and (d) of the plaint. The plaintiff, however, foregoes prayers 103 (e), (f), (g) and (h).

20. Let the decree sheet be drawn accordingly.

21. At this stage, Mr. Anand prays for the refund of court fee. Mr. Anand submits that the court fee in the present case was paid through the account of the plaintiff's counsel i.e. Anand and Anand, therefore, the same may be refunded to the same account for onward transmission to the plaintiff in accordance with RBI Guidelines.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 04/11/2026 at 22:14:08

22. Since the suit has been disposed of on the basis of the settlement between the plaintiff and the defendant, the plaintiff is entitled to the refund of entire court fee in terms of Section 16 of the Court Fee Act, 1870 (as amended).

23. In view of the above, the Registry is directed to issue a certificate directing refund of the full court fee through the account of the plaintiff's counsel, the details of which are given hereinbelow, so as to enable the transmission of said amount to the plaintiff as per RBI Guidelines:

Name:- Anand and Anand
Bank:- State Bank of India
Account no. – 30215976757
IFSC Code:- SBIN0004077

24. The suit, along with pending applications, is disposed of in the above terms.

VIKAS MAHAJAN, J

NOVEMBER 2, 2026
nsa/VB

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 04/11/2026 at 22:14:08