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

% **Date of Decision: 7<sup>th</sup> February, 2025**

+ CS(COMM) 104/2025 & I.A. Nos. 3238/2025, 3239/2025, 3240/2025, 3241/2025 & 3242/2025

SIR RATAN TATA TRUST & ANR. ....Plaintiffs

Through: Mr. Rajiv Nayar, Senior Advocate  
with Mr. Pravin Anand,  
Mr. Achuthan Sreekumar,  
Mr. Swastik Bisarya and Mr. Saurabh  
Seth, Advocates.  
(M): 9079965359  
Email: [rohil@anandandanand.com](mailto:rohil@anandandanand.com)

versus

DR. RAJAT SHRIVASTAVA & ORS. ....Defendants

Through: Mr. Maitreya, Advocate for defendant  
no. 1 and 2.  
(M): 9315500552  
Email: [ranjanm722@gmail.com](mailto:ranjanm722@gmail.com)

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**MINI PUSHKARNA, J (ORAL)**

**I.A. No. 3242/2025 (Application seeking extension of time for filing Court fees and one-time process fee)**

1. The present application has been filed under Section 149, read with Section 151 CPC, seeking extension of time for filing Court fees and one-time process fee.
2. Learned Senior Counsel appearing for the plaintiffs, on instructions submits, that the Court fees shall be paid within a period of two days.
3. Noting the aforesaid, the present application is disposed of.



**CS(COMM) 104/2025 & I.A. 3238/2025 (Application under Order XXXIX Rules 1 and 2 CPC)**

4. Let the plaint be registered as suit.
5. The present suit has been filed for permanent injunction restraining the infringement of registered and well-known trademarks and infringement of copyright, passing off, dilution and tarnishment of registered and well-known trademarks and copyright, damages, rendition of accounts, delivery up etc.
6. Learned Senior Counsel appearing for the plaintiffs submits that the plaintiff no.1, i.e., Sir Ratan Tata Trust, is a philanthropic organization which was founded in the year 1919 and is a part of the group of Tata Trusts. The plaintiff no. 1 is also the registered proprietor of the trademark TATA TRUSTS and has obtained numerous registrations for the mark TATA TRUSTS.
7. It is submitted that the plaintiff no. 2, being the principal promoter and investment holding company of the TATA Group of Companies, represents its own and the interests of all Tata companies, as also the image and reputation of the name and well-known trademark TATA. The plaintiff no. 2 is the owner and registered proprietor of the mark TATA and permutations/combinations thereof.
8. It is submitted that the present suit is necessitated by the brazen disregard by the defendants for the plaintiffs' proprietary rights and concerns, and despite being notified, choosing to continue to advertise and publicize an unauthorized event and award, falsely claiming support by, and association with, the Tata Trusts and its former Chairman, late Mr. Ratan N. Tata. The Tata group, as a responsible corporate citizen and large



philanthropic institution, is seeking to protect against the defendants' misuse of the goodwill associated with its well-known name, brand, logo and reputation of its leaders, to mislead the public.

9. It is submitted that the plaintiff no. 2, its group companies, subsidiaries as well as the companies promoted by it, collectively are India's largest private-sector employer, comprising of over 100 major operating companies. The plaintiff no. 2 operates in more than 100 countries across six continents. There are about 26 publicly listed Tata Companies with a combined market capitalization of about \$365 billion (INR 30.6 trillion) as on 31<sup>st</sup> March, 2024. The TATA companies have employed over 1 Million people worldwide and the name 'TATA' has been respected in India for over 150 years for its adherence to strong values and business ethics.

10. It is submitted that the conglomeration of TATA Companies, collectively referred to as the 'House of TATA' was declared to be India's most valuable brand by 'Interbrand' in its coveted list of the 'Top 40 brands in India'. The multi brand portfolio of the 'salt to software' conglomerate has been valued at over US\$ 26 billion in 2023 by the UK-based consultancy firm (focused on the management and valuation of brands) called 'Brand Finance'.

11. It is further submitted that on account of its highly distinctive nature and the pioneering activities of its founder, the name and trademark TATA has acquired an excellent reputation from the very beginning and down the decades, has consistently been associated with, and exclusively denotes the conglomeration of Tata companies, colloquially referred to as the 'House of TATA' known for high quality of products manufactured and services rendered. The House of TATA consists of over 100 companies which use



the name/trademark TATA as a key and essential part of their corporate name. In addition, there are also numerous overseas companies, philanthropic bodies and autonomous public institutions promoted by the House of TATA.

12. It is submitted that the plaintiff no. 2 is the proprietor of the trademark TATA by virtue of priority in adoption, long, continuous and extensive use as well as advertising, and the reputation consequently accruing thereto in the course of trade. The plaintiff no. 2, its group companies, subsidiaries and the companies promoted by it have exclusively used TATA as a trademark so that it is uniformly perceived as indicative of the source of the products/services emanating from the plaintiff and the House of TATA. The members of the House of TATA are acknowledged to be the standard bearers of excellence in quality and business ethics in India as well as abroad. The plaintiff no. 2, being the proprietor of the name/trademark TATA and various other TATA formative marks, holds exclusive rights in the said trademark and is entitled to take action against its unauthorized use by third parties in relation to any class of goods or services and in any manner whatsoever.

13. It is further submitted that the marks TATA and other TATA formative marks, have been acknowledged as well-known by this Court as well as the Trademark Registry, and the same entitles the plaintiffs to take action against its unauthorized use by third parties in relation to any class of goods or services, and in any manner whatsoever.

14. It is submitted that the plaintiff no. 1 is the registered proprietor of the mark TATA TRUSTS and its various permutations and combinations thereof, the details of some of which, as given in the plaint, is reproduced as



under:

| Sl. No. | Trademark                  | Registration No.          | Class  |
|---------|----------------------------|---------------------------|--|
| 1.      | TATA TRUSTS<br>(Word Mark) | 4420787<br>dt. 27/01/2020 | 16<br>printed matter;<br>photographs;<br>stationery and<br>office requisites |
| 2.      | TATA TRUSTS<br>(Word Mark) | 4420788<br>dt. 27/01/2020 | 36<br>financial affairs<br>monetary affairs<br>and real estate<br>affairs    |
| 3.      | TATA TRUSTS                | 4420791                   | 41   |

|    |                            |                           |  |
|----|----------------------------|---------------------------|--|
|    | (Word Mark)                | dt.27/01/2020             | education;<br>providing of<br>training; sporting<br>and cultural<br>activities                     |
| 4. | TATA TRUSTS<br>(Word Mark) | 4420789<br>dt. 27/01/2020 | 44<br>medical services<br>hygienic care for<br>human beings  |
| 5. | TATA TRUSTS<br>(Word Mark) | 4420790<br>dt. 27/01/2020 | 45<br>personal and<br>social services<br>rendered by<br>others to meet<br>the needs<br>individuals |
| 6. | TATA TRUSTS                | 5074577<br>dt. 05/08/2021 | 45<br>personal and<br>social services<br>rendered to meet<br>the needs of<br>individuals           |
| 7. | TATA TRUSTS                | 5119113<br>dt. 06/09/2021 | 45<br>personal and<br>social services<br>rendered to meet<br>the needs of<br>individuals           |
| 8. | TATA TRUSTS                | 5820584<br>dt. 23/02/2023 | 45<br>personal and<br>social services<br>rendered to meet<br>the needs of<br>individuals.          |
| 9. | TATA TRUSTS                | 5820585<br>dt. 23/02/2023 | 45<br>personal and<br>social services<br>rendered to meet  |



|     |                    |                           |   |
|-----|--------------------|---------------------------|---|
|     |                    |                           | the needs of individuals.   |
| 10. | <b>TATA TRUSTS</b> | 5820587<br>dt. 23/02/2023 | 45<br>personal and social services rendered to meet the needs of individuals. |
| 11. | <b>TATA TRUSTS</b> | 5238094<br>dt. 08/12/2021 | 45<br>personal and social services rendered to meet the needs of individuals. |

15. It is further submitted that the words 'Tata Trust(s)' have been used by the plaintiff and other allied Trusts as part of their name and also to so label themselves since more than 50 years. The mark TATA TRUSTS has been used solely and exclusively by the plaintiff no. 1 (and its allied trusts) as a word mark since the year 2014-15.

16. It is submitted that the defendant no. 1 is one Dr. Rajat Srivastava, who appears to be a journalist and founder of Delhi Today Group, who appears to be located at B-338, Amrapali Leisure Valley Villas, Noida, Uttar Pradesh, India - 201301.

17. It is submitted that the present suit has been filed against the defendants owing to their unauthorized use of the following:

- Plaintiffs' registered and well-known trademark TATA; and
- Plaintiffs' registered trademark TATA TRUSTS; and



- c) Plaintiffs' copyrights in the logo and  
d) The well-known personal name RATAN TATA and his photograph



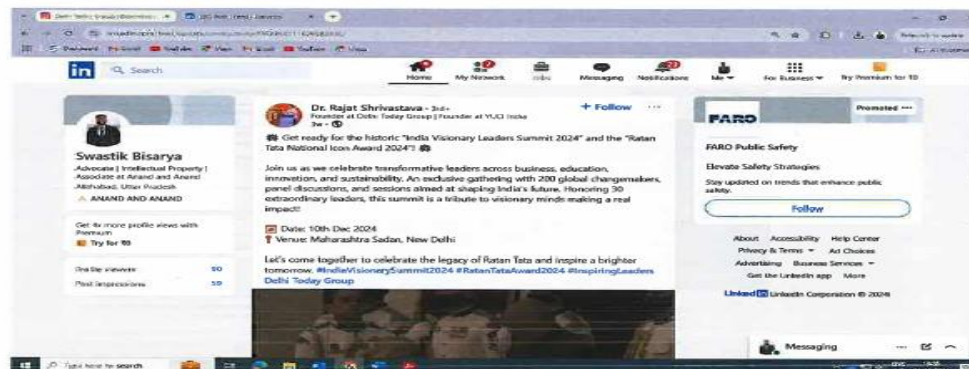
18. It is submitted that sometime in December 2024, the plaintiffs learnt through various sources that the defendants are unauthorizedly using the well-known personal name RATAN TATA to host a misleading and unauthorized event by the name of “THE RATAN TATA NATIONAL ICON AWARD 2024” at the Maharashtra Sadan, New Delhi on 10<sup>th</sup> December 2024. The defendant no. 1 was also unauthorizedly charging a nomination fee of Rs. 3,000 (Indian Applicants) and USD 100 (International Applicants) for the aforesaid event, and claiming association with, the name Tata Trusts, Tata group and Mr. Ratan Tata.

19. It is submitted that in furtherance to the above-mentioned, the defendants have also put up posts about the aforesaid unauthorized event on their website and social media accounts such as Facebook, Instagram and LinkedIn. Screenshots of the posts, as given in the plaint, are reproduced as under:





2025:DHC:793







20. It is submitted that the plaintiffs immediately upon receiving the information, sent their representatives to ascertain whether the aforementioned event was happening at the Maharashtra Sadan, New Delhi on 10<sup>th</sup> December 2024 or not. However, it was informed to the representatives of the plaintiffs that no such event is taking place at the Maharashtra Sadan, New Delhi on 10<sup>th</sup> December 2024.

21. It is submitted that thereafter, the plaintiffs also issued a takedown notice dated 13<sup>th</sup> December 2024 to defendant no. 1 asking him to immediately take down the said posts made on his website and social media accounts and also stop using the registered and well-known trademark TATA/ TATA TRUSTS along with its logo and the well-known personal name of Shri. Ratan Tata.

22. It is submitted that the *malafide* of defendant no. 1 is further apparent from the fact that defendant no. 1 whilst choosing not to reply to the takedown notice dated 13<sup>th</sup> December 2024 issued by plaintiff no. 1, took down some of the aforesaid posts. In fact, as on 3<sup>rd</sup> February 2025, the abovementioned unauthorized use of the plaintiffs' marks and the well-known personal name RATAN TATA is not visible on the defendants' website at [www.delhitodaygroup.com](http://www.delhitodaygroup.com), but still persists on other platforms owned and operated by the defendants.

23. It is, thus, submitted that the defendants are very well aware of plaintiffs' rights over their registered marks TATA, TATA TRUSTS, the



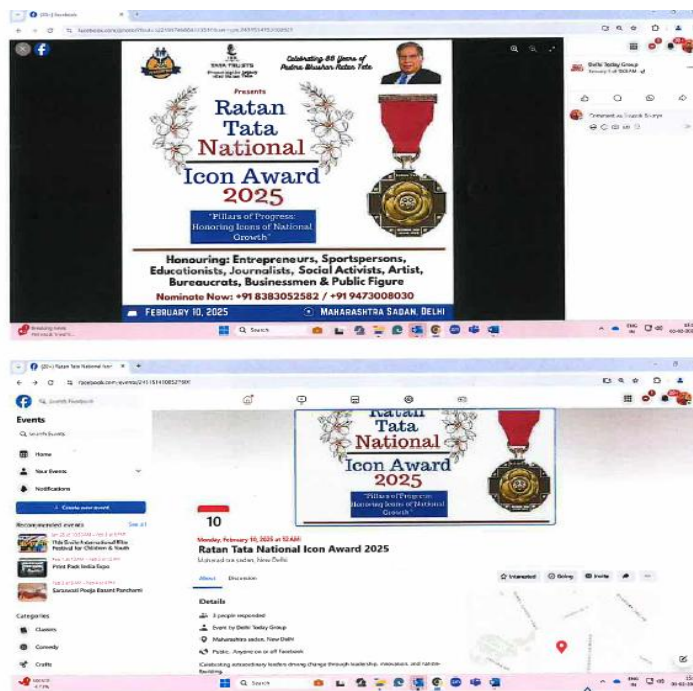
logo **TATA TRUSTS** and also the well-known personal name RATAN TATA



and the photograph .

24. It is submitted that thereafter, to the utter shock and surprise of the plaintiffs, sometime in last week of January 2025, the plaintiffs learnt that the defendants have put up a fresh post, now claiming to host an event by the name of RATAN TATA NATIONAL ICON AWARD 2025 and INDIA VISIONARY LEADERS SUMMIT 2025 on 10<sup>th</sup> February 2025 at the Constitutional Club of India, New Delhi and the Maharashtra Sadan, New Delhi.

25. It is further submitted that the defendants, with dishonesty and *malafides*, once again came up with misleading posts about the aforesaid event on its social media accounts such as Facebook, Instagram and LinkedIn. Screenshots of the posts, as given in the plaint, are reproduced as under:





2025:DHC:793



Srinagar, January 27: In a significant acknowledgment of his impactful leadership and unwavering dedication to public service, incarcerated Member of Parliament Er Rashid, representing the Baramulla Lok Sabha constituency, has been invited as the Guest of Honour at the India Visionary Leaders Summit 2025. The event will take place on February 10, 2025, at the Constitution Club of India, Sansad Marg, New Delhi.

Er Rashid, who also serves as the President of the Awami Ittehad Party (AIP), has been selected for the prestigious Ratan Tata National Icon Award 2025. The invitation, extended by Dr. Rajat Shrivastava, Founder of the Delhi Today Group, recognizes Er Rashid's "remarkable contributions to society" and his alignment with the summit's mission of fostering transformative leadership.

Commenting on the development, AIP Chief

**Ratan Tata National Icon Award 2025**  
Pillars of Progress  
Honoring Icons of National Development

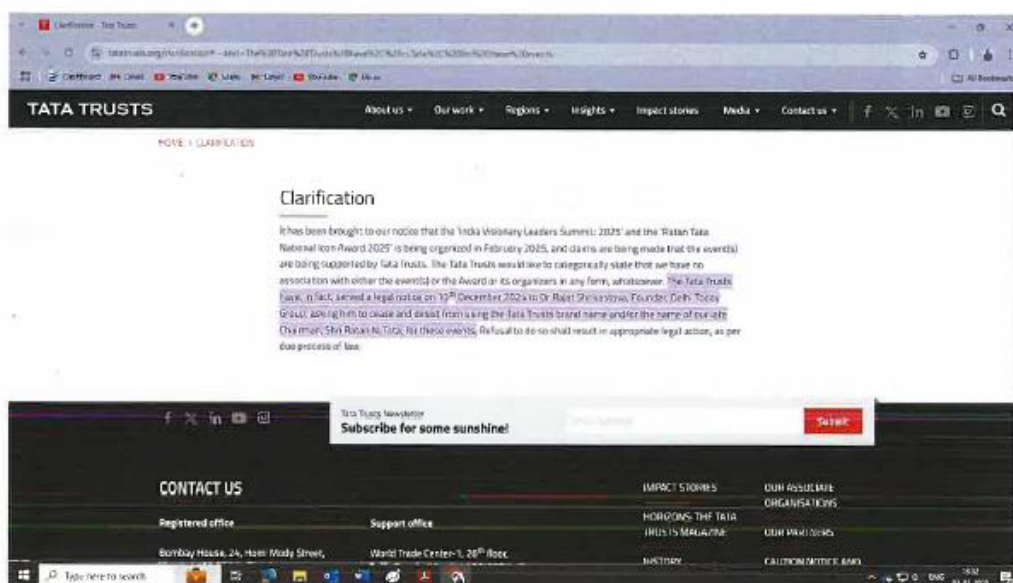
**Mr. Arash Sand Ghalib**  
"ARASH SAND GHALIB: A YOUTH EXPERT, 6 LEVEL GYMNASIUM, AWARD-WINNING ATHLETE, INSPIRING MENTOR SHAPING FUTURES FOR EXCELLENCE IN SPORTS, FITNESS, AND CHARACTER. ACHIEVING SUCCESS AND GROWTH."

**DELHI TODAY GROUP**  
Presented by TATA TRUSTS  
Sponsored by G20

**FEBRUARY 10, 2025** | **MAHARASHTRA SADAN, NEW DELHI**



26. It is submitted that the defendants also announced that they intended to honor certain persons with the RATAN TATA NATIONAL ICON AWARD 2025, giving the impression that this was supported and endorsed by the plaintiffs. In response to this announcement, plaintiff no. 1 issued a caution notice/clarification that plaintiff no. 1 has no association with either the event, i.e., INDIA VISIONARY LEADERS SUMMIT 2025 or the award, i.e., RATAN TATA NATIONAL ICON AWARD 2025 or its organizers. Screenshot of the clarification issued by plaintiff no. 1, on its website, as given in the plaint, is reproduced as under:



27. It is further submitted that the plaintiffs also commented directly to the various posts put up by the defendant, about the aforesaid misleading and unauthorized event, informing and notifying that the TATA Trusts have no association whatsoever with the event, award or the organizers. Notably, the defendants deleted most of plaintiff no. 1's comments on such posts.

28. It is submitted that the plaintiffs after becoming aware of the defendants' unauthorized and misleading events that are scheduled to take

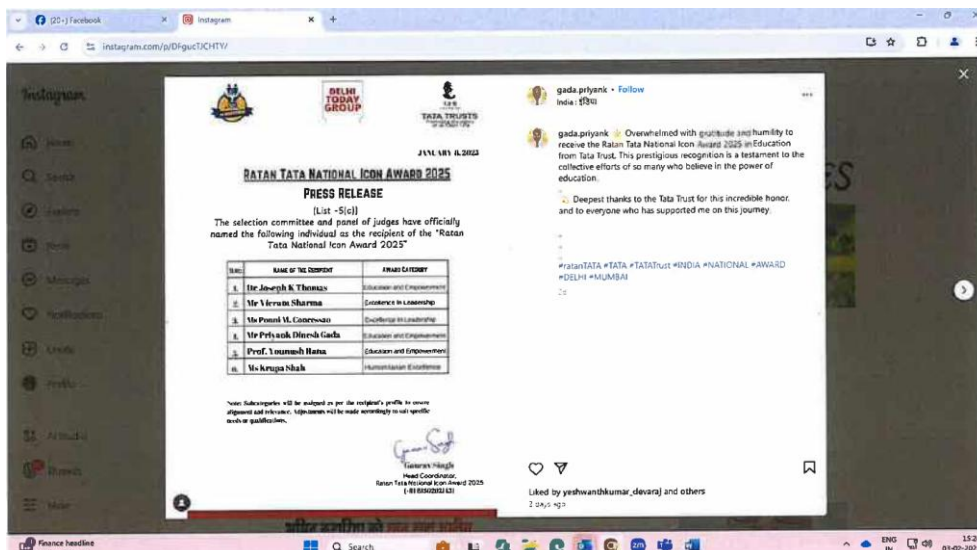




place on 10<sup>th</sup> February 2025 at the Constitutional Club of India and Maharashtra Sadan, New Delhi, sent their representative to the said venues to ascertain the genuineness of the defendants' claims. Upon enquiry at the Maharashtra Sadan, New Delhi, about the aforesaid event, it was informed that they are not aware of any such event and moreover surprised to know that such posts have been put up unauthorizedly using the name of their institution. However, upon enquiry at the Constitutional Club of India, New Delhi, it was informed to the representative of the plaintiffs that there appears to be a booking by the name of defendant no. 1, however, the officials of the Constitutional Club of India did not disclose any further information about the booking/event.

29. It is further submitted that the defendants have even gone ahead and released a list of awardees that would be honored with the unauthorized and misleading "RATAN TATA NATIONAL ICON AWARD 2025".

30. It is submitted that the infringing activities of the defendants have forced the gullible members of the public to believe that the aforesaid events, which are being hosted by the defendants, is sponsored by the plaintiffs or the plaintiffs are associated with, involved in or have approved or endorsed such event and/or the award. This can be seen from the screenshot where the person who has been allegedly honored/awarded by the defendants is thanking the plaintiffs by stating "*Deepest thanks to the Tata Trust for this incredible honor*". The said screenshot is reproduced as under:



31. It is further submitted that by way of abundant caution, the plaintiffs on 4<sup>th</sup> February 2025 issued an intimation letter to the two venues for the event i.e., New Maharashtra Sadan, New Delhi and Constitutional Club of India, New Delhi, informing them of the said events and requesting them not to be involved in assisting the organization of such unauthorized event at their premises.

32. It is submitted that the aforementioned activities of the defendants clearly show that they are fraudulently using the plaintiffs' registered marks



TATA, TATA TRUSTS, the logo and also the well-known



personal name RATAN TATA and the photograph in order to free ride upon the immense goodwill associated with the his personality. Moreover, the defendants are clearly hiding behind the walls of anonymity





on the internet whilst unauthorizedly using the plaintiffs' registered trademarks and well-known personal name RATAN TATA in the course of trade, with a view to impersonate and/or associate themselves with the plaintiffs for personal publicity, commercial/monetary gain, and in the process, to cheat, induce and mislead gullible members of the general public.

33. It is further submitted that the plaintiffs do not have any control whatsoever over the activities of the defendants. The plaintiffs are already being associated with the misleading events of the defendants and general public will also hold the plaintiffs responsible and accountable for any loss that may be caused to them on account of the infringing and illegal activities of the defendants. Not only this, the illegal and infringing activities of the defendants are also damaging the business, goodwill and reputation of the plaintiffs and the immense goodwill, fame, reputation and commercial significance associated with the well-known personal name RATAN TATA.

34. It is submitted that the aforesaid clearly proves the defendants' *malafides* and evidence that the infringement being carried out is deliberate and intentional. It is submitted that the defendants' very well knew that by using the plaintiffs' registered and well-known trademarks TATA & TATA TRUSTS and the well-known name RATAN TATA on the advertisements for their purported award function, an unwary member of the public will make a quick decision to avail the opportunity to attend such an event, without application of mind as he/she would presume that the said award function being allegedly hosted by the defendants is genuine and have the plaintiffs' backing / support.

35. It is further submitted that the defendants can have no plausible



reason for the adoption of the plaintiffs' said registered marks TATA,



**TATA TRUSTS**

TATA TRUSTS, the logo and also the well-known



personal name RATAN TATA and the photograph without the plaintiffs' authorization.

36. It is submitted that the defendants are continuing to defraud unwary members of the public and may siphon off their money and go untraceable. If such a situation arises, where innocent persons part with their hard-earned money believing the defendants' services to be associated with the plaintiffs, then the same will dilute the immense goodwill and reputation associated with the plaintiffs' registered marks TATA, TATA TRUSTS, the logo



**TATA TRUSTS**

and also the well-known personal name RATAN TATA



and the photograph . The same will also erode the distinctiveness associated with the said registered and well-known trademarks and well-known personal name.

37. Learned Senior Counsel appearing for the plaintiffs has drawn the attention of this Court to the website of the defendant nos. 1 and 2, where,



the defendant nos. 1 and 2 are seeking nomination fees for the award. Further, attention of this Court has also been drawn to the documents on record to show that the defendant nos. 1 and 2 have falsely stated that awards are supported by the TATA Trust. Further, it is apparent that the activities of the defendants have led to confusion, wherein, the general public has been duped into associating the activities of the defendants with the plaintiffs.

38. Having heard learned Senior Counsel for the plaintiffs, this Court notes that from the pleadings in the plaint, following facts emerge:

38.1 The plaintiffs have filed this case seeking an order against the defendants for misuse of the plaintiffs' registered marks TATA, TATA TRUSTS, the logo and also the well-known personal name RATAN TATA



and the photograph, .

38.2 Shri Ratan Naval Tata, popularly known as RATAN TATA needs no introduction. He can modestly be described as India's leading philanthropic industrialist, who was a pioneer in the field of business and entrepreneurship. For his monumental contributions to the field of Indian industry and philanthropy, he was honored with Padma Bhushan in the year 2000 and with the country's second highest civilian award Padma Vibushan in the year 2008, which are two of India's most prestigious civilian awards.

38.3 Shri Ratan Tata's name falls in a category, wherein, besides being a personal name, it has attained a distinctive indica of its own. The said name, due to its peculiar nature, distinctive character, coupled with the gained popularity in several fields, whether as being an industry leader,



entrepreneur or philanthropist, has become well-known personal name, which enures him and his assignees and successors, the benefit to restrain others from using this name unjustifiably / without authorization.

38.4 On 25<sup>th</sup> March 1991, Shri Ratan Tata took up the responsibility as the Chairman of the Tata Group and Tata Trusts after succeeding the Bharat Ratna, Shri J.R.D Tata. Thereafter, Shri Ratan Tata played an instrumental role in elevating the Tata Group to global prominence. Known for his humility, compassion, and visionary leadership, Shri Ratan Tata guided the Tata Group through periods of economic reform and globalization, helping shape the Indian business landscape for over two decades. Beyond his business acumen, Shri Ratan Tata was recognized for his integrity, ethical leadership, and commitment to philanthropy, making him an iconic figure both in India & Internationally.

38.5 Under the able leadership of Shri Ratan Tata, the Tata Group expanded globally, acquiring companies like Tetley, Jaguar Land Rover and Corus while launching affordable and innovative products like Tata Nano, a car that was conceptualized for the middle-class Indian. Yet, Shri Ratan Tata's vision was always aligned with the social well-being of his fellow countrymen, which is demonstrated through his commitment to charitable causes and sustainability initiatives.

38.6 In the year 2012, Shri Ratan Tata stepped down as the Chairman of the plaintiff no. 2 company and was named its Chairman Emeritus. Thereafter, Shri Ratan Tata served on the international advisory boards of Mitsubishi Corporation and JP Morgan Chase. He continued as Chairman of the Tata Trusts and steered the plaintiff no. 1 and the Sir Dorabji Tata Trust, two of the largest private-sector-promoted philanthropic trusts in India. He



served as the Chairman of the Council of Management of the Tata Institute of Fundamental Research, on the board of trustees of Cornell University and the University of Southern California and initiated the Tata-Cornell Institute for Agriculture and Nutrition. He received honorary doctorates from several universities in India and overseas.

38.7 In the year 2013, the Tata Hall at the prestigious Harvard University was completed and named in honor of Shri Ratan Tata and in the year 2014, Shri Ratan Tata was awarded the Knight Grand Cross of the Order of the British Empire (GBE). In the same year, Shri Ratan Tata was also inducted into the Automotive Hall of Fame, recognizing his quest to produce the country's first fully indigenous car, i.e., Tata Indica, in the year 1998, following it with the ground-breaking Tata Nano in the year 2008.

38.8 Under Shri Ratan Tata's stewardship, the Tata Trusts introduced the Cancer Care Programme in the year 2017. It propelled the Trusts' efforts in this sector - spanning from establishment of the Tata Memorial Centre in Mumbai in year 1941 to the establishment of the Tata Medical Centre in Kolkata in the year 2011 - to a growing network of cancer care facilities and cancer hospitals across India.

38.9 Articles highlighting some of the achievements of Shri Ratan Naval Tata and various awards and accolades conferred on him during course of his lifetime, have been filed in the present proceedings.

38.10 On 9<sup>th</sup> October 2024, Shri Ratan Naval Tata passed away, leaving behind a legacy of leadership, ethical business practices and philanthropy.

39. In view of the detailed discussion hereinabove, the present is a clear case of fraud, where the defendants are blatantly misusing the plaintiffs'

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YEARS OF**TATA TRUSTS**

registered marks TATA, TATA TRUSTS, the logo and also the well-known personal name RATAN TATA and the photograph



to defraud the public into paying them nomination fee, the victims otherwise would not have parted with, had it not been for the misuse of the aforementioned trademarks, and well-known personal name.

40. This Court notes that TATA has already been declared as a well-known mark. Further, late Mr. Ratan Tata, who was the Chairman of the plaintiff no. 2, is a well-known figure and his name as such is liable to be protected and cannot be used by any third party without any consent or authorization, from the plaintiffs.

41. The aforesaid discussion clearly shows that the defendant no. 1 has intentionally put up posts which wrongly claim association with the plaintiff and misuse their name, by unauthorizedly using the plaintiffs' registered

125  
YEARS OF**TATA TRUSTS**

marks TATA, TATA TRUSTS, the logo and also the well-



known personal name RATAN TATA and the photograph in order to induce, cheat and mislead gullible members of public by promising





them association with/ endorsement from the plaintiffs, and soliciting and collecting money as nomination fee, etc. This is, *prima facie*, a bad faith and egregious infringement of plaintiffs' statutory and legal rights, in order to have a free ride on the tremendous goodwill of the plaintiffs and that of Late Mr. Ratan Tata, with a view to benefitting from and gaining publicity out of Late Mr. Tata's distinct and widely regarded personality and public persona.

42. The defendants' aforesaid unauthorized use amounts to infringement of the plaintiffs' registered trademarks TATA and TATA TRUSTS and also amounts to infringement of the plaintiffs' copyrights in the unique and



distinctive logo and in the photograph . The defendants' use of the well-known personal name RATAN TATA, which has acquired the significance of a well-known personality/ trademark under The Trademarks Act, 1999, also amounts to passing off of the defendants' services as that of the plaintiffs'.

43. The plaintiffs have relied on the Judgement of this Court in the case of *Mr. Arun Jaitley v. Network Solutions Private Limited & Ors., 2011 SCC OnLine Del 2660*, wherein, it has been held that a personal name is also distinctive due to its inherent distinctiveness, by virtue of the popularity of the person specific, and the same fulfils the criterion of the trademark. The relevant paragraphs of the aforesaid judgment, are reproduced as under:

- (a) "28 ...9. A "mark" has been defined in Section 2(m) as including "a device, brand, heading, label, ticket, name, signature, word, letter, numeral, shape of goods, packaging or combination of colours or any combination



thereof" and a 'name' includes any abbreviation of a name (s. 2k)."

- (b) "30. ... Afortiori it can be conveniently stated that the name which besides being a personal name is also distinctive due to its inherent distinctiveness and also by virtue of the popularity of the person specific also fulfils the criterion of trade mark."
- (c) "32. Therefore, the entitlement to restrain the use of the popular or well-known personal names accrues to a person on both the counts, first on the satisfaction of the principles of well-known marks envisaged under the trade mark law and second in view of his personal right and entitlement to use his personal name."
- (d) "31. I find that the name of Mr. Arun Jaitley falls in the category wherein it besides being a personal name has attained distinctive indicia of its own. Therefore, the said name due to its peculiar nature/ distinctive character coupled with the gained popularity in several fields whether being in politics, or in advocacy, or in part of emergency protest, or as leader or as debator has become well-known personal name/ mark under the trade mark law which enures him the benefit to refrain others from using this name unjustifiably in addition to his personal right to sue them for the misuse of his name."
- (e) "40. In the present case, as I have already come to the conclusion that the name ARUN JAITLEY is a well known name, the use of the same without any reason by the defendants as a domain name and keeping in possession the said domain without sufficient cause is violative of the ICANN policy and can be safely held to be a bad faith registration."

(Emphasis Supplied)



44. The plaintiffs have also relied on the judgement dated 03<sup>rd</sup> January, 1983 passed by the United States Court of Appeals, 11<sup>th</sup> Circuit in the case of *Martin Luther King Etc. v. American Heritage Prod., 694, F.2d 674 (1983)*, where the said Court, while answering the question as to whether the “right of publicity” survive the death of its owner (i.e., is the right inheritable and devisable), answered in the affirmative, and held as under:

“ ...The right of publicity is assignable during the life of the celebrity, for without this characteristic, full commercial exploitation of one’s name and likeness is practically impossible ... ”

“ ...We hold that the right of publicity survives the death of its owner and is inheritable and devisable. Recognition of the right of publicity rewards and thereby encourages effort and creativity. If the right of publicity dies with the celebrity, the economic value of the right of publicity during life would be diminished because the celebrity’s untimely death would seriously impair, if not destroy, the value of the right of continued commercial use. Conversely, those who would profit from the fame of a celebrity after his or her death for their own benefit and without authorization have failed to establish their claim that they should be the beneficiaries of the celebrity’s death. Finally, the trend since the early common law has been to recognize survivability, notwithstanding the legal problems which may thereby arise. ”

(Emphasis Supplied)

45. Thus, it is manifest that the name of Late Shri Ratan Tata is a well-known personal name/mark, which needs to be protected from any unauthorised use by any third party.

46. Accordingly, issue summons.

47. Summons is accepted by learned counsel appearing for defendant nos.



1 and 2.

48. Learned counsel appearing for defendant nos. 1 and 2 appearing on advance notice, submits that the impugned listing on the website has already been removed by the defendants. He further submits that the function, that was to happen on 10<sup>th</sup> February, 2025, has already been cancelled.

49. He further submits that he has no objection if the suit is decreed in favour of the plaintiffs, as the defendants do not intend to either use the name/mark of the plaintiffs, or confer any awards that would be in the nature of infringement or passing off of the marks of the plaintiffs.

50. Learned counsel appearing for the plaintiffs submits that the plaintiffs are satisfied with the statement made by learned counsel appearing for defendant nos. 1 and 2. They submit that decree can be passed in favour of the plaintiffs and that the plaintiffs shall give up their prayer for costs and damages.

51. However, they submit that defendant nos. 1 and 2 be directed to file an affidavit with respect to their undertaking that they shall not use the mark TATA or TATA Trust unauthorisedly, or deal with the marks of the plaintiffs, including, the name and photograph of late Mr. Ratan Tata in any manner whatsoever.

52. Accordingly, considering the submissions made before this Court, the present suit is decreed in favour of the plaintiffs and against the defendants in terms of para 79 (a), (b) and (c) of the plaint.

53. Let decree sheet be drawn up.

54. In view of the aforesaid, all the pending applications, stand disposed of.

55. Considering the submissions made before this Court, the defendant



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nos. 1 and 2 are directed to file an affidavit with respect to the submissions made before this Court that the defendant nos. 1 and 2, shall not use the registered trademarks TATA or TATA Trust and the name and photograph of late Mr. Ratan Tata, for any purpose whatsoever, including, conferring any awards.

56. Let the affidavit be filed within a period of two days from today.

57. List before the Court on 12<sup>th</sup> February, 2025.

**MINI PUSHKARNA, J**

**FEBRUARY 7, 2025**

c