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

\+ CS(COMM) 1035/2025 & I.A. 24286-89/2025

EBC PUBLISHING (P) LTD & ANR. .....Plaintiffs

Through: Mr. Raj Shekhar Rao, Sr. Advocate and Mr. J. Sai Deepak, Sr. Advocate with Mr. Raghavendra Mohan Bajaj, Ms. Garima Bajaj, Mr. Kumar Karan and Mr. Sajal Awasthi, Advocates

versus

PROFESSIONAL BOOK PUBLISHERS .....Defendant

Through: None

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 25.09.2025

I.A. 24289/2025

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. 24288/2025 (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. 24287/2025 (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 CPC.

8. Having regard to the facts of the present suit, it contemplates urgent interim relief, and in light of the judgment 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 plaintiffs.

9. Accordingly, the application stands disposed of.

CS(COMM) 1035/2025

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. 24286/2025 (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-PACKET edition' of the Bare Acts of the Constitution of India.

20. Mr. Raj Shekhar Rao, learned senior counsel for the plaintiffs, has set up the plaintiffs' case as under: -

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

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[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.

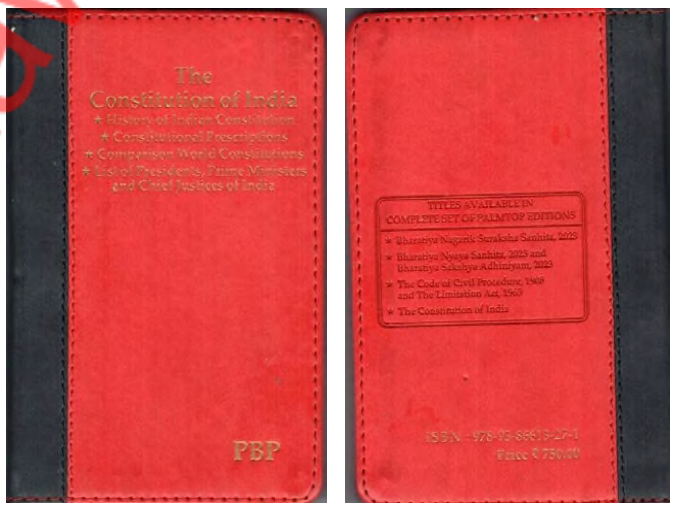
20.11. On account of extensive use, high demand, and superior quality, the coat-pocket editions have acquired significant goodwill and reputation in the Indian market.

Knowledge about the defendant

21. The defendant is known to be a publisher and is in the business of publishing bare acts of various statutes and rules, with its name and title in its distinct yellow colour.

21.1. Around July 2025, the plaintiffs discovered that the defendant is publishing, marketing, soliciting orders for, 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 plaintiffs' including online market places such as Amazon, Flipkart, third-party online channels, as well as retail stores.

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



21.3. The defendant, apart from publishing the impugned coat-pocket

editions, has also published its own regular bound edition of the bare act of the Constitution of India in yellow colour, over which the plaintiffs have no objection, as it does not infringe or constitute the act of passing of works of the plaintiffs.

However, the plaintiffs are aggrieved by the action of the defendant publishing a deceptively similar edition of the pocket edition of the Constitution of India, having striking similarity to the plaintiffs' pocket edition.

21.4. The plaintiffs' coat-pocket editions are sold at a price of Rs. 1,295/-; however, the defendant's impugned coat-pocket editions are being sold at a price of Rs. 585/-, i.e., at a price less than half of the price the plaintiffs sell their coat-pocket editions.

21.5. 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.

21.6. The defendant publishes the coat-pocket editions with ISBN No. 978-93-88613-27-1. This ISBN is registered against a book title, Arms Act, 1959, and has no relation to the Constitution of India.

Submissions on behalf of the plaintiffs

22. Mr. Rajshekhar Rao, learned senior counsel for the plaintiffs, states that a cease-and-desist notice was issued on 07.07.2025 to the defendant; however, the defendant, *vide* its reply dated 25.07.2025, refused to cease and desist the use of the trade dress deceptively similar to the plaintiffs' distinctive trade dress.

22.1. He relies upon 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 hereinbelow:

Features	Plaintiffs' Constitution Bare Act	Defendant's Constitution Bare Act
Dimension	19.7 X 9.6 X 2.3 cm	16.1 X 10.5 X 2.2 cm
Colour Scheme	Black-Red	Black-Red
Thread Colour	Red/Black	Red/Black
Front Cover		
Title placement	On top 1/3rd portion	On top 1/3rd portion
Font Type for the words 'The' and 'of'	Palatino Linotype	Similar
Font Size	11.5	Similar
Font Colour	Gold Leafing	Gold Leafing
Font Type for the word 'Constitution' and "India"	Palatino Linotype	Similar
Font Size	20.8	Similar
Logo Placement	Bottom right in gold	Bottom right in gold (for all their put
Spine		
Font Type	Palatino Lino Type	Similar
Font Size	20.7	Similar
Logo Placement	Bottom	Bottom
Font and Logo Colour	Gold Leafing	Gold Leafing
Back		
Logo	Embossed on the bottom	N/A
Inside		
Book Posteen Colour	Red	White with a printed red flower
Gilt Edging Colour	Golden	N/A
Index Style	Divided in Parts with sub-topics capitalized	Similar
Paper Quality	Bible	Similar
Font Type	Palatino Linotype	Similar

22.2. He submits that despite publishing the coat-pocket edition of the Constitution of India bare act in yellow, the defendant, in an attempt to undercut prices, has adopted and is publishing and selling the impugned coat-pocket editions at lower prices, comprising elements identical to the plaintiffs' coat-pocket editions.

22.3. He submits that the defendant is still selling and undercutting the price of the impugned coat-pocket editions at various platforms, both offline and online.

22.4. He places reliance on a judgment of the Coordinate Bench of this Court in '**Intercontinental Great Brands v. Parle Products Private Limited'**[2], wherein the Court has opined that the distinction between trademark infringement and passing off is often thin in practice, requiring assessment from the standpoint of a consumer of average intelligence and imperfect recollection.

22.5. He submits 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. This Court has heard the learned counsel for the plaintiffs and perused the record.

24. Mr. Rajshekhar Rao, learned senior counsel for the plaintiffs states

that advance service of the suit paper-book was served upon the defendant, by email, on which the parties have corresponded. However, none appears on behalf of the defendant.

25. 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/design adopted by the plaintiffs.

26. 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. 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. The plaintiff has placed on record material which shows that it has built good-will and reputation for this product.

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

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[2] 2023 SCC OnLine Del 728 [paragraph nos. 75 and 76]

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 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. As noted above, there is no restraint against the defendant in selling the yellow bare acts.

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

32. List before the Court on **25.02.2026.**

33. 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*