

Stamping Out Counterfeits

Trodat GmbH, an Austrian multinational company founded in 1912, operates a leading global stamps business under the 'TRODAT' brand name. It caters to customers in more than 150 countries around the world and has an Indian subsidiary named Trodat Marking India Pvt Ltd. Together, both entities filed a suit before the Delhi High Court (*Trodat GmbH & Anr. vs. Addprint India Enterprises Pvt. Ltd. [C.S. (COMM) 737/2022]*) in late 2022 against Addprint India Enterprises Pvt. Ltd. seeking permanent injunction for design infringement and passing off of Trodat's novel and unique designs for rubber stamps.



The stamps in question are sold by Trodat under the brand names 'Flashy 6330' and 'Flashy 6903' and the designs of these are registered designs in India under numbers 272348 and 272349. It was claimed by Trodat that both designs were unique and further, large sales (since 2017) and promotions *vis-à-vis* both products had also led to acquisition of substantial goodwill in the Indian market.

Addprint (the defendant) was selling rubber stamps under the brand name 'KVIK', however, Trodat's grievance was that the former's products were a slavish and obvious imitation (including shape, colour, get-up, mechanism etc.) of the latter's proprietary design rights. Interestingly, the defendant had also obtained registration of its impugned designs in India in 2020.

Upon comparing the products of both parties, the court opined that Trodat's products were unlike the ordinary rubber stamps available in the market – they were unique in design, get up as well as look and feel. Given Trodat's large sales and the fact that its designs had been registered prior to those of the defendants, made it rather obvious that the defendant had imitated Trodat's products. Accordingly, on October 28, 2022, the court issued an *ex-parte ad interim* injunction restraining the defendant from fresh manufacture of rubber stamps which were a fraudulent and obvious imitation of Trodat's registered designs.

This suit was filed by Trodat through Remfry & Sagar.