

Modicare Ltd. Vs.amazon Seller Services Private Limited & Ors.

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SooperKanoon Citation : sooperkanoon.com/1223858

Court : Delhi

Decided On : Jul-08-2019

Appellant : Modicare Ltd.

Respondent : Amazon Seller Services Private Limited & Ors.

Advocate for Def. : Mr. Saikrishna Rajagopal, Mr. Sidharth Chopra, Ms. Sneha Jain, Ms. Savni Dutt, Mr. Devvrat Joshi, Ms. Nilofar Absar, Mr. Abhijit Vachher

Advocate for Pet/Ap. : Mr. Amit Sibal, Ms. Pooja Dodd, Mr. Saksham Dhingra, Mr. Vinay Tripathi, Ms. Aditi Menon, Mr. Aman Singhal

Judgement :

\$~ * IN THE HIGH COURT OF DELHI AT NEW DELHI Reserved on :

30. h May, 2019 Date of decision :

8. h July, 2019 + CS (OS) 75/2019 MODICARE LTD. ...Plaintiff Through: Mr. Amit Sibal, Senior Advocate with Ms. Pooja Dodd, Mr. Saksham Dhingra, Mr. Vinay Tripathi, Ms. Aditi Menon and Mr. Aman Singhal, Advocates (M:9811945646) versus AMAZON SELLER SERVICES PRIVATE LIMITED & ORS.Defendants Through: Mr. Saikrishna Rajagopal, Mr. Sidharth Chopra, Ms. Sneha Jain, Ms. Savni Dutt, Mr. Devvrat Joshi, Ms. Nilofar Absar and Mr. Abhijit Vachher, Advocates for Defendant No.1 (M:9810621272) CORAM: JUSTICE PRATHIBA M. SINGH JUDGMENT Prathiba M. Singh, J.

2) in CS(OS) 75/2019 1. A batch of seven suits viz. CS (OS) 410/2018, CS(OS) 453/2018, CS (OS) 480/2018, CS(OS) 531/2018, CS(OS) 550/2018, CS(OS) 75/2019 and CS(OS) 91/2019 having overlapping issues were heard by this Court from time to time. The interim application filed in this suit has been disposed of vide a detailed common judgment dated 8th July, 2019, in CS(OS) 410/2018. For detailed judgment, refer to CS(OS) 410/2018. CS (OS) 75/2019 Page 1 of 3 2. However, the operative portion of judgment dated 8th July, 2019, in respect of the present application, reads as under: 335. The Plaintiff in the present suit is M/s Modicare Ltd. The injunction application, qua Defendant No.1 - M/s Amazon Seller Services Pvt. Ltd., Defendant No.2 - M/s Laxmi Enterprises, and Defendant No.3 - M/s Modicare DP Store is disposed of in the following terms: a) Defendant Nos.2 & 3, i.e., the sellers are restrained by an interim order of injunction from advertising, displaying, offering for sale products of the Plaintiff, namely Modicare products, on the e-commerce platform www.amazon.in or on the mobile application - Amazon Online Shopping, or any other ecommerce platform or online mobile applications, without the consent of the Plaintiff - Modicare. b) Defendant No.1 - Amazon Sellers Services Pvt. Ltd. is restrained from displaying, advertising, offering for sale, selling, facilitating repackaging of any of the Plaintiff - Modicare's products on its website www.amazon.in and mobile application Amazon Online Shopping, except of those written permission/consent of the Plaintiff for listing of the Modicare products on the Amazon platform/mobile application. produce sellers who its products c) In case of the sellers, if any, who produce consent given by the Plaintiff-Modicare, allowing sale of through e-commerce platforms, Defendant No.1 - Amazon shall, clearly, provide the name, address and contact details of the said sellers, including the telephone numbers, email address, etc., in a prominent manner, along with the product description. d) If the Plaintiff finds during the pendency of the suit that any of the sellers have displayed its CS (OS) 75/2019 Page 2 of 3 products on the Amazon platform or mobile application without its consent, then it shall give notice to Amazon for taking down the listings of such sellers, which shall be duly taken down within a period of 36 hours by Amazon. The I.A. stands disposed of in the above terms.

