



2025:DHC:776



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **CS(COMM) 566/2024, I.A. 33082/2024 & I.A. 33087/2024****ADITYA BIRLA FASHION AND RETAIL LIMITED** .....PlaintiffThrough: Mr. Ankur Sangal, Mr. Ankit Arvind  
and Mr. Shashwat Rakshit, Advs.  
M: 8874643389

versus

**FRIENDS INC & ANR.** .....DefendantsThrough: Ms. Sonia Bemera, Adv.  
M: 8920524605**CORAM:  
HON'BLE MS. JUSTICE MINI PUSHKARNA****ORDER**% **09.01.2025****MINI PUSHKARNA, J (ORAL)**

1. The present suit has been filed on behalf of the plaintiff seeking permanent injunction restraining the use of the impugned mark 'PETER ENGLAND' by the defendants causing infringement of the plaintiffs' trademark, copyright and artistic work on the mark 'PETER ENGLAND'



2. When the matter was listed for hearing on 12<sup>th</sup> July, 2024, this Court had restrained the defendants from putting the sign board with the mark 'PETER ENGLAND', and were restrained from using the mark on their invoice/ business paper.

3. This Court notes that on 05<sup>th</sup> September, 2024, learned counsel



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appearing for the defendants had submitted that defendants had already removed the sign board from outside their shop and that the defendants were not using the mark 'PETER ENGLAND' on their invoices, or any other material. The order dated 05<sup>th</sup> September, 2024, is reproduced as under:

*"1. Learned counsel for the defendants has appeared, along with the defendant in person. She submits that the defendants have already removed the Sign Board from outside their shop, reflecting the trademark 'PETER ENGLAND'. She further submits that the defendants are not using the mark 'PETER ENGLAND' on their invoices or on any other material.*

*2. Let an affidavit to the said effect be filed by the defendants before the next date of hearing.*

*3. It is clarified that the defendants can continue with their business of dealing in genuine 'PETER ENGLAND' shirts and other apparels. This Court has not injuncted the defendants, from carrying out their business of the genuine products.*

*4. Re-notify on 13th September, 2024."*

4. Subsequently, vide order dated 13<sup>th</sup> September, 2024, it was recorded that the defendants had filed an affidavit of compliance wherein, the defendants had stated that they were not using the 'PETER ENGLAND' mark either on their invoices, or on any other material. Further, the sign board outside their shop had also been removed. The affidavit of compliance dated 11<sup>th</sup> September, 2024, filed on behalf of the defendants, is reproduced as under:

*"xxx xxx xxx*

*2. I say that the present Affidavit is being filed in compliance with the order dated 5 September 2024 of this Hon'ble Court, and accordingly I confirm the following:*

*i. That I have taken down the sign board of the Plaintiffs artistic work/ trade mark from my shop, and will not use the same in future in any manner until and unless permitted in future by the plaintiff;*



*ii. That I have also removed the trade mark from all the invoices, printed material, stationery material or any other material and will not use the same in future in any manner for conducting the business through Defendant No. 1 or any other entity until and unless permitted in future by the plaintiff;*

*3. That I undertake that Defendant No. 1 will not use the trade mark 'PETER ENGLAND' or any other trade mark of the Plaintiff (either on its billboard / signboard / invoices) until and unless permitted in future by the plaintiff.*

*4. I say that Mr. Amandeep Singh i.e. Defendant No. 2 is the Manager at Defendant No. 1 (entity) and shall be covered by the aforesaid undertaking.*

*xxx xxx xxx”*

5. Learned counsel appearing for the plaintiff submits that he is satisfied with the aforesaid undertaking and submits that the suit can be decreed in favour of the plaintiff.

6. When the matter was listed for hearing on 13<sup>th</sup> September, 2024, learned counsel appearing for the plaintiff had prayed that the mark of the plaintiff, i.e., 'PETER ENGLAND' be declared as well-known. Accordingly, liberty was granted to the plaintiff to file evidence by way of affidavit in this regard.

7. Pursuant thereto, an evidence affidavit has been filed on behalf of the plaintiff. The matter was listed before the Joint Registrar (Judicial) on 06<sup>th</sup> November, 2024. The statement of counsel for defendants was noted, wherein, she stated that she has no objection to the affirmations made in the evidence affidavit. The order dated 06<sup>th</sup> November, 2024, is reproduced as under:

*“The plaintiff has already filed the affidavit of evidence in view of the directions dated 13.09.2024. The counsel for the defendants states that she has no objection to the affirmations made in this affidavit. Both these counsels thus states that the matter be now placed before the Hon'ble*



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*Court for final disposal. Accordingly list the matter before the Hon'ble Court on 18.12.2024.”*

8. Accordingly, considering the fact that the defendants have already removed the infringing board from outside their shop and in view of the compliance affidavit filed by the defendants, the suit is decreed in favour of the plaintiff and against the defendants in terms of prayer (a) to (d) of the plaint.

9. As regards the declaration of the mark as well-known, this Court notes that in the evidence affidavit, the plaintiff has clearly stated that the trademark ‘PETER ENGLAND’ was originally conceived and adopted more than a century ago, i.e., in the year 1889, by the plaintiff’s predecessor, Carrington Viyella Garments Limited (“CVGL”), England. Subsequently, the brand ‘PETER ENGLAND’ was introduced in India in the year 1997 by the plaintiff’s predecessor in title. The brand was subsequently acquired by the plaintiff group in the year 2000. The mark ‘PETER ENGLAND’ was assigned in favour of the plaintiff by an Assignment Deed dated 21<sup>st</sup> January, 2000.

10. It is deposed that the plaintiff has over 382 stores, with the mark ‘PETER ENGLAND’, spread across more than 180 towns and cities in the country.

11. It is deposed that the brand ‘PETER ENGLAND’ is a sustainable fashion brand and also is the only brand in India to have a design patent for its product, i.e., Cordeans, by PE Jeans.

12. It is deposed that the plaintiff is the registered proprietor of the trademark ‘PETER ENGLAND’ in different classes. The chart showing the list of registered trademarks of the plaintiff, is exhibited as *Ex. P-4*, which is reproduced as under:



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S. No.	Trade Mark	Reg. No.	Class	Description	Date of Reg.
1.	PETER ENGLAND	665416	25	Clothing, Footwear, Headgear	12/05/1995
2.		2009650	25	Readymade Garments, Clothing, Footwear, Headgear, Suits, Blazers, Shirts, Trousers, Knits, Jackets, Under Garments, Ties, Belts, Shoes, Leather Shoes, Leather Jackets, Leather Trousers, Leather Suits, Leather Belts	16/08/2010
3.		2011608	25	Readymade Garments, Clothing, Footwear, Headgear, Suits, Blazers, Shirts, Trousers, Knits, Jackets, Under Garment., Ties, Belts, Shoes, Leather Shoes, Leather Jackets, Leather Trousers, Leather Suits, Leather Belts.	20/08/2010
4.	Peter England Cordjeans	2225838	25	Readymade Garments, Clothing, Footwear, Headgear, Suits, Blazers, Shirts, Trousers, Knits, Jackets, Under Garments, Ties, Belts [Clothing], Shoes, Leather Shoes, Leather Jackets, Leather	27/10/2011



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				Trousers, Leather Suits, Leather Belts	
5.	PETER ENGLAND TROUSER WORLD	4995757	25	Readymade Garments, Clothing, Footwear, Headgear, Gloves; Suits, Blazers, Shirts, Trousers, Knits, Jackets, Under Garments, Ties, Belts, Shoes, Leather Shoes, Leather Jackets, Leather Trousers, Leather Suits, Leather Belts; Ski Gloves; Athletic Clothing; T-Shirts; Tops Knits; Tops Woven; Dresses; Jumpsuits; Bottom Wear; Jeans; Shorts; Skirts; T-shirts; Flat Knits; Sweaters; Outerwear	06/06/2021
6.		2007184	35	BRINGING TOGETHER FOR THE BENEFIT OF OTHERS OF COSMETICS, PERFUMES, FRAGRANCES, TOILET PREPARATIONS, SUNGLASSES, SPECTACLES, SPECTACLE CASES AND POUCHES, JEWELLERY, CUFF LINKS, TIE PINS AND CLIPS, KEYRINGS, WATCHES AND CLOCKS, LEATHER	10/08/2010



				AND IMITATIONS OF LEATHER AND GOODS MADE FROM THESE MATERIALS, TRUNKS AND TRAVELING BAGS, READYMADE GARMENTS, CLOTHING, SUITS, BLAZERS, SHIRTS, TROUSERS, KNITS, JACKETS, UNDER GARMENTS, TIES, BELTS, SHOES, HEADWEAR AND FOOTWEAR, ENABLING CUSTOMERS TO CONVENIENTLY VIEW AND PURCHASE THOSE GOODS IN A RETAIL OUTLET; RETAIL STORE SERVICES	
--	--	--	--	---	--

13. It is deposed that the registrations in favour of the plaintiff are legal, valid and subsisting in India. The printouts of the Online Status Registration Certificate of the various registrations, in favour of the plaintiff, have been filed as *Ex. P-5 Colly*.

14. It is further deposed that besides registrations in India, the plaintiff has got the said trademark registered in all major countries of the world, and across all continents and regions.

15. This Court notes that the plaintiff has deposed that the plaintiff is also using the ‘PETER ENGLAND’ trademark in an artistic manner, i.e.,



in relation to its goods and businesses and the art work involved in the said trademark/ label is an original artistic work. The plaintiff has secured copyright registrations in the

artistic works for  and its variants.



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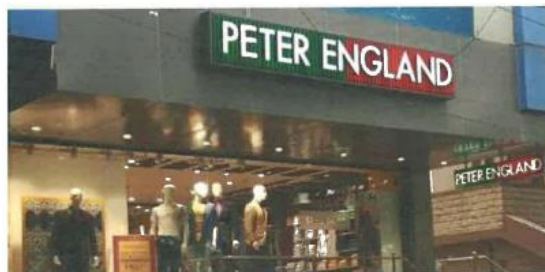
The plaintiff is the owner of the registered works bearing registration nos.

A-69196/2005, A-112666/2014 and A-68774/2005 for

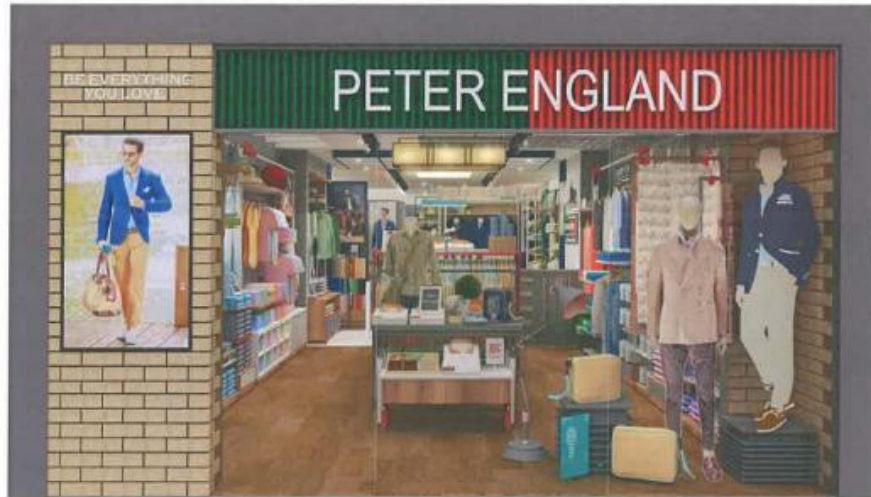
and its variants. The copyright certificates in favour of the plaintiff, have been exhibited as *Ex. P-6 Colly*.

16. It is deposed that apart from the plaintiff's trademark and artistic work, the stores of the plaintiff is also designed in a specific way, wherein

the artistic work or its variants are prominently placed as the sign of the plaintiff's store. The screenshots of the stores of the plaintiff, as given in the evidence affidavit, are reproduced as under:







17. Learned counsel appearing for the plaintiff also submits that the plaintiff has the registration of the domain name [www.peterengland.com](http://www.peterengland.com). The extracts from the plaintiff's website for its brand 'PETER ENGLAND' has been exhibited as **Ex. P-8**.

18. It is submitted that the domain name of the plaintiff was registered on 06<sup>th</sup> January, 1997. Further, printouts of the WHOIS record for plaintiff's domain name, has also been exhibited, as **Ex. P-7**.

19. This Court takes note of the submission on behalf of the plaintiff that the plaintiff's website under its domain name is accessible to customers worldwide and it provides information about the plaintiff's business and the products provided by it.

20. It is deposed by the plaintiff that plaintiff's products under the trademark 'PETER ENGLAND' have become trend setting products, due to their unmatched and remarkable quality. The plaintiff's products have been continuously, extensively and exclusively used throughout India and abroad on a very large scale. The various NEWS articles pertaining to the plaintiff's expansion of its retail presence in India, have been exhibited as **Ex. P-9**.

21. This Court also takes note of the deposition, where the plaintiff has



launched numerous different products with ‘PETER ENGLAND’ as a trademark, which are available throughout the world. The plaintiff has extensive sales of its products under the trademark ‘PETER ENGLAND’. The sales turnover of the plaintiff, has been exhibited as *Ex. P-11*, which is reproduced as under:

**Sales Turnover of Plaintiff:**

Year	Total Sales (In INR) (In Crores)
2014-15	822.85
2015-16	900.08
2016-17	855.11
2017-18	914.64
2018-19	1,055.29
2019-20	1,111.10
2020-21	662
2021-22	1,010.90
2022-23	1,324.50
2023-24	1,289.80

22. The invoices showing the sale of goods under the ‘PETER ENGLAND’ mark have been exhibited as *Ex. P-11*.

23. This Court also notes that the plaintiff has spent huge amount on the endorsement of the products and company by various superstars like Ayushman Khurrana, players of Chennai Super Kings Cricket Team, etc. The said public figures have regularly acted as the brand ambassador of the plaintiff’s product and represented the plaintiff’s product on various leading newspapers, journals, including, Times of India.

24. The photographs of some of the brand ambassadors of the plaintiff, as given in the evidence affidavit, is reproduced as under:



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25. This Court also takes note of the fact that the plaintiff has expended a





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lot on advertisement and its promotion. The CA certificate evidencing the sale and advertisements of the plaintiff is exhibited as *Ex. P-13*, which is reproduced as under:

**433**

**Reena K Gupta**  
Chartered Accountant

1-4-211/HU/60/WP  
Prathamapuri Colony  
Near Netaji Nagar X Road  
Kapra, Hyderabad - 500662

MOB: + 91-9347983915  
E-mail: reenag.hydr@gmail.com

**To whomsoever it may concern**

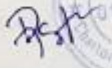

This is to certify, that Aditya Birla Fashion and Retail Limited, having its registered office at Piramal Agastya Corporate Park, Building 'A', 4th and 5th floor, Unit No 401, 403, 501, 502, L.B.S Road Kurla, Mumbai-400097, Maharashtra has the **total sales & total advertisement expenditure of brand "PE"** for the period specified as under;

**"PE"**

**Rs. In crores**

FY	Total Sales	Total Advertisement Expenditure
2014-15	822.85	33.82
2015-16	900.08	41.18
2016-17	855.11	26.79
2017-18	914.64	29.59
2018-19	1,055.29	48.07
2019-20	1,111.10	40.31

For Reena Gupta & Co.

Reena K Gupta (Proprietor)

M No. 408265  
UDIN 21408265AAAABH8365  
Place : Hyderabad  
Date: 16-06-2021



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Reena K Gupta  
Chartered Accountant

1-4-211/HU/60/WP  
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Near Netaji Nagar X Road  
Kapra, Hyderabad-500062

MOB: + 91-9347983915  
E-mail: reenag.hydg@gmail.com

**To whomsoever it may concern**

This is to certify, that Aditya Birla Fashion and Retail Limited, having its registered office at Piramal Agastya Corporate Park, Building'A', 4th and 5th floor, Unit No 401, 403, 501, 502, L.B.S Road Kurla, Mumbai-400097, Maharashtra has the **total sales & total advertisement expenditure of brand "PE"** for the period specified as under;

**"PE"**

**Rs. In crores**

FY	Total Sales	Total Advertisement Expenditure
2020-21	662.00	6.60
2021-22	1,010.90	21.70
2022-23	1,324.50	37.20
2023-24	1,289.80	30.90

For Reena Gupta & Co.  
( FRN 013084S)

REENA K GUPTA  
Digitally signed by  
REENA K GUPTA  
DN: cn=REENA K GUPTA,  
o=CA, ou=CA, email=reenag.hydg@gmail.com

Reena K Gupta(Proprietor)  
( M.No. 408265)

UDIN : 24408265BKFYKS2520  
Place : Hyderabad  
Date: 28/06/2024

26. Considering the aforesaid, it is manifest that the plaintiff's trademark 'PETER ENGLAND' has become distinctive and has acquired secondary significance with respect to the plaintiff and plaintiff's goods and business. The purchasing public, the trade and industry at large identify and distinguish the plaintiff's goods under the trademark 'PETER ENGLAND' with the plaintiff and from the plaintiff's source and origin alone.



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27. This Court also takes note of the various articles showing the business activities and growth of the plaintiff, as given in *Ex. P-10*, which is reproduced hereinabove:

**ADITYA BIRLA GROUP**

Home / Media / Stories / History and heritage

## Aditya Birla Group – the journey

27 May, 2022

Share

### From 1857 to 2022, retelling the story of how we became #BigInYourLife

The Aditya Birla Group can trace its antecedents back to 1857. The history of the Group dates back to a cotton trading business established in the village of Pilani in Rajasthan. The origin connect is still strong. In 1964, Pilani became home to the very first Birla Institute of Technology and Science.

Our story is one of vision, courage and audacity, along with a primal love for the nation. Our visionary founder Shri G.D. Birla played a defining role in India's freedom struggle. He also took big steps towards making our nation self-reliant by setting up Grasim just 10 days after the country's independence, and then Hindalco, our metals flagship.

The Group was also among the first in India to go global, with the legendary Aditya Vikram Birla setting up a series of manufacturing operations in south-east Asia. Our Chairman Kumar Mangalam Birla has taken the Group to new heights – 23x growth in 25 years – through a bold strategy of mergers and acquisitions.

It's been a fascinating journey through time – over 150 years - and space – we are now in 36 countries globally. Watch our story here.



DENIM BRANDS' PROFILE

# PETER ENGLAND

PETER ENGLAND

Peter England etched its beginnings in the latter half of the 19th century, when the foundation for a five-storey building was laid in Londonderry, Ireland, in the summer of 1885. By the turn of the century, the British war ministry placed an order with Peter England to outfit the troops being sent to fight in the Boer War. This marked a turning point in the history of the brand. The order meant that the highest quality apparel had to be delivered at a good price, a challenge that Peter England met with outstanding success. Charged with the honourable duty of outfitting British troops for battle, Peter England was born, donning the soldiers in the finest khaki. Since then, Peter England's popularity has filled chapters of clothing history, by offering excellent quality at honest-to-goodness prices. Today, Peter England is the largest menswear brand in India with over 10 million garments in sales.



- Core value, mission and vision of the brand:** The brand's vision is to become the most loved apparel brand of India offering clothes and accessories of unmatched value, to help young consumers realise their full potential. Its core values lie in its goal to be its consumers' preferred choice while being the country's most trusted as well as the most exciting brand to be present in the retail sector.
- The brand's USP:** Peter England, specifically PE Jeans, is imagined and built on three basic philosophies: sustainability, fusion and fashion. Peter England sensitises fashion and evokes an emotion that truly symbolises the brand as most exciting as well as most trusted amongst consumers in the readymade apparel category.
- First to the brand's credit:** In its journey of 17 years in India, Peter England has registered many firsts

to its credit. Peter England was the first mid-priced menswear apparel brand in India. The brand was one of the first to introduce wrinkle-free shirts and trousers with adjustable waistbands. English Cottons, one of Peter England's first signature collections, made up of premium cotton blends, found immediate acceptance with consumers. It is also the only brand in India to have a design patent for one of its own products - Cordears, by PE Jeans. Cordears is a hybrid between corduroy and jeans. This is indeed a 'first' not only to the brand's credit but a first in the retail industry as a whole. Peter England's innovative Oxygens saves 80 litre of water during its production phase and it has several awards and accolades to its credit. Razor sharp is a hugely popular shirt from the brand's stable. The product is a formal shirt with extremely sharp and crisp stripes

like none other. This sharp nature of stripes is achieved by a special technique of weaving. Among others, the brand has at quick intervals launched innovative products for specific occasions, such as Aque Tech shirts (It keeps the wearer cool and comfortable due to a unique enzyme wash), Smart Pants (a collection of trousers with smart features like anti-wrinkle, water resistance and anti-microbial wash among others), and NO finish on jeans (which keeps the jeans free from odour and microbes).

- Awards and achievements registered by the brand:** The brand started 2014 with 3 consecutive wins at the most prestigious awards in the retail industry. These included Gold for the 'Best Store Front' and 'Best Store Front Signage', along with a Merit 2 for 'Western Fashion Apparel - Specialty Store' at the



**DENIM BRANDS' PROFILE**

visual merchandising and Retail Design (VM&RD) awards, 2014. The brand was also awarded winner of the 'Images Most Admired Fashion Design Concept of the Year' for its innovative product 'Oxygeans' at the Images Fashion Awards 2014, held in Mumbai.

Peter England was also awarded the most trusted brand award by ET for 6 consecutive years and the most exciting brand by ET for 2 years in a row.

- **Target consumers:** As the brand has a diverse range of products in its portfolio, they meet the needs of a wide variety of audience. The target audience of the brand would stand as:

*PE Jeans & Casuals:* They are between 18-25 years.

*Peter England Traction & Ethnic:* It is for the 25-30 years customers.  
*Elite & Elite Sport:* This targets 30 years and above customers.



- **Product assortment:** It provide its customers a diverse collection along with unique innovations. Championing the concept of 'Young Formals' - smart and stylish formalwear for young men in the early years of their career - Peter England has collection that comprises a diverse range of casuals, semi-formals, wedding and ethnicwear (suits and blazers, and partywear) among various others. In addition, Peter England' Elite and Elite Sport collection is a range that exudes confidence and authority and is meant for the suave and the sophisticated.
- **Most iconic collection from the brand:** One of the most iconic collections from Peter England is the Oxygeans collection, which is an eco-friendly line of jeanswear that saves approximately 80 litres of water, per pair through indigenously developed washing methods. The same product was

recognised as the winner of the 'Images Most Admired Fashion Design Concept of the Year', earlier this year.

- **Top advertising campaigns from the brand:** Peter England has been associated with quite a number of celebrities ever since its launch in India. Parvin Dabbas and Shiney Ahuja were among the first faces of the brand in the country. Since then, the brand has formed associations with MS Dhoni and the team of Chennai Super Kings and Siddharth. Kareena Kapoor Khan was also associated with Peter England when the brand launched the suits for the first time in early 2004.
- **Total no. of EBOs:** The brand has over 800 EBOs currently.
- **Total no. of MBOs and LFS:** The brand has more than 2,000 MBOs in its network. The brand also has presence in over 300 shop-in-shops in key large format stores





like Max, Reliance Trends, Central, Pantaloon and family-owned large format stores.

- Online retail:** Peter England market their products through their in-house fashion portal trends.in.com; and through leading portals like Mynta, Flipkart and Snapdeal. The brand inspires visitors on the online space with PE styling and showcases the best of PE products on the medium. The brand has strengthened its social media presence engaging and conversing real-time with customers and creating and fostering inspirational stories. It has been conversing, engaging and educating customers about what Peter England is all about.

Furthermore, with brands constantly looking for ways to connect with their target audience and engage with them. By actively involving their consumers on social media, Peter England has been able to create a two-way communication system, which connects the brand with its target audience in a better way, resulting in an enhanced consumer experience. The perfect example for the above is #TweetsGoal where Peter England invited fans to play the world's first game of football on Twitter. A platform where style met passion, the concept was so unique and engaging that it started trending on trendsmap within a day itself! With double fun and excitement, this contest showed that by thinking out of the box one could really get people to connect and engage with the brand on a different level. Following an initial buzz about the campaign, a micro site was launched that gave the



details on how to play besides telling about winning goodies and the list of winners. To stimulate the actual intensity of a football match, 'on field' rules were replicated on the online space as well. This activity received overwhelming response from the audience and the brand successfully used this medium to win over its target consumers across the country. The brand went out the extra mile to create a real life experience, which truly was a 'goal in one'! The site saw a high level of interest and involvement from the audience as a total impression of 28.7 million and a total reach of 5.17 lakh was reached. The love and enthusiasm that was received by the fans was overwhelming as the virtual

presence of the game was so lifelike, that people felt they were actually playing on the field! Export markets for the brand include many Middle East countries like Dubai, Bahrain, Kuwait, Doha, Saudi Arabia as well as SAARC countries like Sri Lanka and Nepal. The brand has about 50 shop-in-shops in these markets.

- Market share and future aspirations:** The brand sells about half a million denims per year and it plans to take it up to a million in the next 2-3 years.
- Green initiatives:** Peter England was one of the first brands in the country to create 'Sustainable Jeans Fashion'; its Oxygeans has been a part the portfolio for over 5 seasons now. It sold 62,748 Oxygeans in 2013, and saved 13,26,101 gallons of water, making it a one of a kind achievement.
- Expert take on the Indian denim market:** The denim market specifically is growing at 50-60 percent year-on-year and is a category that continues to expand. As the market increasingly moves towards casuals and denims, PE Jeans has helped reach out to the younger working professionals of India. At Peter England, the team believes that jeans is not only the most exciting but the fastest growing lifestyle evolution.
- Trends for the upcoming season:** The Autumn-Winter '14 collection is built around the theme 'Young India' or 'India Cool'. With its cool and refreshing look, the collection promises to be as quirky, fun and original as the brand itself.



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5/15/24, 11:13 AM Brands you thought were foreign-owned like Peter England are actually Indian, and is owned by this business tycoon, know ...

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**Business News / Lifestyle / Brands You Thought Were Foreign-Owned Like Peter England Are Actually Indian, And Is Owned By This Business Tycoon, Know About His Net Worth**

Misha has a net worth of a staggering \$5.6 billion, according to Forbes' estimates as of 2023, Kumar Mangalam Birla is undoubtedly one of the wealthiest and most influential individuals in India.

Written by **CELEBRITY**  
 July 20, 2023 08:18 IST

**FE News Live**



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In the bustling world of fashion and retail, there is one man who stands out as a visionary, shrewd businessman, and most of all, behind some of India's most beloved apparel brands. Kumar Mangalam Birla, the chairman of the Aditya Birla Group, has been at the forefront of the fashion industry, surprising many with his acquisitions.

With a net worth of a staggering \$5.6 billion, according to Forbes' estimates as of 2023, Kumar Mangalam Birla is undoubtedly one of the wealthiest and most influential individuals in India. But it's not just his financial success that sets him apart; it is his knack for identifying and nurturing diverse business opportunities that has made him a prominent figure in the global business community.

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5/15/24, 11:13 AM Brands you thought were foreign-owned like Peter England are actually Indian, and is owned by this business tycoon, know ...

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FILE PHOTO: India's Aditya Birla Group Chairman Devesh Birla speaks during Peter-England CEO Conference in Delhi (Image: September 14, 2021). PHOTO: Anand Mishra/ANI

But it was Kumar Mangalam Birla's astute moves in the fashion and retail sector that caught the nation's attention. Under the umbrella of **Aditya Birla Fashion and Retail Limited**, the group acquired renowned brands like Pantaloon, Louis Philippe, Allen Solly and **Peter England**, among others. These brands, initially of foreign origin, are now proudly India-owned, boasting millions of loyal customers and a vast network of over 3000 stores across India and beyond.

**Peter England**

Among these brands, 'Peter England' stands tall as one of the most trusted and popular names in the Indian market. The brand has a rich history, originating in England in 1893. Kumar Mangalam Birla's group acquired Peter England in 2000, and since then, it has soared to great heights, becoming the leading men's wear brand in India.

Peter England's success can be attributed to its commitment to delivering high-quality apparel at honest prices. Over the years, the brand has expanded its product portfolio to cater to a broader customer base, introducing categories such as sportswear, innerwear, and accessories. The brand's consistent innovation and focus on modernizing its supply chain have played a crucial role in its sustained growth.

**True copy ASL**

<https://www.thehindu.com/lifestyle/brands-you-thought-were-foreign-owned-like-peter-england-are-actually-indian-and-is-owned-by-this-...> 2/12



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5/15/24, 11:13 AM Brands you thought were foreign-owned like Peter England are actually Indian, and is owned by this business titan, know ...

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Shree Prakash

With a massive customer base of over 4 million individuals and a presence in 150 towns and cities through 700+ brand sources and 300+ multi-brand sources, Peter England's influence on the Indian fashion landscape is undeniable. The brand's achievements have been acknowledged with numerous awards, further cementing its position as a symbol of trust and reliability in the country.



Shree Prakash

Apart from his business ventures, Kumar Mangalam Birla is known for his philanthropic endeavors, driving various social initiatives and contributing to nation-building. He is also associated with prestigious educational institutions.

True copy ASL

<https://www.financialexpress.com/lifestyle/brands-you-thought-were-foreign-owned-like-peter-england-are-actually-indian-and-is-owned-by-thi-...> 3/12

28. On account of the extensive promotion of its brand undertaken by the plaintiff, and on account of the fact that the plaintiff has numerous stores across the country, it is evident that the customers across India recognize the mark of the plaintiff, i.e., 'PETER ENGLAND'.



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29. This Court also takes note of the fact that the plaintiff has also been conferred with various awards/ recognition for its trademark ‘PETER ENGLAND’, details of which have been exhibited as *Ex. P-14*, which is reproduced as under:

Milestone Awards & Recognition

2011-12  
2024  
2023



1. Peter England Voted for fourth consecutive y Trusted Brand' in Readymade Garments in a of Most Trusted Brands in India by The Econc Equity
2. Madura Fashion & Lifestyle voted amongst fit Innovators by an Apparel magazine.
3. Peter England won a Bronze in the Best Web: category by BBC.com Campaign India Digital
4. Allen Solly awarded the Best website/micros spring/summer 2010 collection at Indian Digi (IDMA) 2011





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Milestone

Awards & Recognition

2013  
2011-12  
2024



1. Peter England won the Images Most Admired the year 2013 for 'Jeans Wear – Men'. The award Ozygeans Concept by the brand.
2. Madura Clothing won the 2013 Golden Peacock Corporate Social Responsibility
3. Peter England voted for sixth consecutive year 'Brand' in a recently concluded survey by The Brand Equity
4. MGE Europa Garments quality team won Exc Six Sigma Project at Circles 2013 – International QC, Taipei

Milestone

Awards & Recognition

2013  
2011-12  
2024



4. MGE Europa Garments quality team won Exc Six Sigma Project at Circles 2013 – International QC, Taipei
5. Louis Philippe won Gold for 'The Mystery of the Wardrobe' in the Best Integrated Media Campaign the Best WAP site for its mobile site at the In Awards 2013
6. Pantaloon bags a Gold in 'Web-rich Media Brand' and a Silver for 'Best Digital Innovation' at IDA
7. Pantaloon wins 'Most Preferred Fashion Retailer of the Year' at North-East Consumer Awards 2013

Milestone

Awards & Recognition

2014  
2013  
2011-12



1. Van Heusen Limited Edition Spring Summer 2014 'Marketing Campaign of the Year' Award at Global Excellence Awards 2014
2. Madura Fashion & Lifestyle won the 'Franchise Award' in the Franchise Awards category at A Franchise & Retail Awards 2014
3. Madura Fashion & Lifestyle awarded the Level 'strong commitment to excellence' at the CII EXIM
4. Peter England won the 'Most Trusted Brand in its category' by The Economic Times, Brand Equity
5. Madura Fashion & Lifestyle won the Knowledge



Milestone

Awards & Recognition

2014  
2013  
2011-12



- 5. Madura Fashion & Lifestyle won the Knowledge Leadership Award for 'Best Knowledge Manager' at the Asia Pacific HRM Congress Awards 2014
- 6. Utsha Sarkar – Area Retail Manager (Karnataka) and Suraj H Retail Manager (South), Peter England won The Young Leaders 2014
- 7. Allen Solly won gold under the Engagement Award for its Colour Lab at the Asia Consumer Forum Awards 2014
- 8. Allen Solly won silver under the 'Best Integrated Campaign' category for its Colour Lab at the Asia Consumer Forum Awards 2014

Milestone

Awards & Recognition

2014  
2013  
2011-12



- 8. Allen Solly won silver under the 'Best Integrated Campaign' category for its Colour Lab at the Media Awards 2014
- 9. Van Heusen won a bronze in the 'Best use of category' in Van Heusen's Most Fashionable Product Contest at GoaFest 2014.
- 10. Madura Fashion & Lifestyle won the CII's Supply Logistics Excellence (SCALE) Award in the retail category
- 11. Louis Philippe won a silver for the 'Best Use of User Generated Content' for the Louis Philippe App at GoaFest 2014.

Milestone

Awards & Recognition

2014  
2013  
2011-12



- 12. Peter England won the third position in the E Brand Equity's survey as the Most Exciting Brand 2014
- 13. Madura Fashion & Lifestyle won the 'Golden Product/Service Award 2014'.
- 14. Allen Solly won the 'VMRD Retail Design Award' for window display 'Color your winter' theme
- 15. Peter England won the Visual Merchandising awards for Best Store Front and Best Store Front Western Fashion Apparel, Speciality store category
- 16. Louis Philippe Won 'Retail sector – single special award'





Milestone

Awards & Recognition

2014  
2013  
2011-12



Western Fashion Apparel, Speciality store ca

- 16. Louis Philippe Won 'Retail sector – single spe  
'Champion of Champions – Loyalty/CRM pro  
awards for the Upper Crest Programme at th  
Summit 2014
- 17. Louis Philippe honoured as the 'Largest dom  
2013' in garments at the Textile Conclave, Br
- 18. Pantaloons was voted the Most Trusted Fash  
by The Economic Times, Brand Equity 2014:

Milestone

Awards & Recognition

2015  
2014  
2013



- 1. Van Heusen was voted the most trusted pre  
brand in The Economic Times, Brand Equity
- 2. Madura Fashion & Lifestyle Won the 'Franchi  
(Apparel) Award' at Franchise Awards'15 for E  
Franchising and Business Development at th  
Awards 2015
- 3. Van Heusen Won the Images Most Admired f  
for Store Design
- 4. Pantaloons was recognized as India's Most Tr  
Retailer for the third consecutive year in the  
survey of The Economic Times.

30. Considering the aforesaid facts and considering the widespread promotional and advertisement activities undertaken by the plaintiff, it is apparent that the trademark 'PETER ENGLAND' has become the single source identifier of the plaintiff and its goods and services. This Court also notes the fact that the plaintiff has the sole and exclusive rights in and over the trademark 'PETER ENGLAND'.

31. Taking note of the fact that the public in general is aware of the mark of the plaintiff, the immense knowledge and recognition of the trademark 'PETER ENGLAND', in the relevant section of consumers on account of



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extensive advertisement and promotion of the said trademark, is evident.

32. This Court also takes note of the fact that the plaintiff has spent huge amount on advertisement and promotion of its mark 'PETER ENGLAND' in the last several years. The plaintiff has around 380 outlets in more than 180 cities across the country. It is also to be noted that the plaintiff's sale figures since the year 2010 for its goods under the trademark 'PETER ENGLAND' have been in crores. Evidently the duration, extent and geographical area of the use of the trademark 'PETER ENGLAND' are immense.

33. Perusal of the documents on record also makes it manifest that the plaintiff has been using its mark 'PETER ENGLAND' regularly and has also asserted its right in the trademark 'PETER ENGLAND'.

34. The plaintiff satisfies all the principles adduced in Section 2(1)(zg) of the Trade Marks Act, 1999, as well as what has been elucidated by this Court in various judgments.

35. This Court takes note of the fact that the trademark 'PETER ENGLAND' has been registered for the last two decades vide several trademark registrations. The plaintiff has received various awards for its trademarks/ brand 'PETER ENGLAND'.

36. This Court also notes the fact that plaintiff has sales turnover of approximately INR 1289 Crores for the year 2023-2024 under the trademark 'PETER ENGLAND'. This Court also notes that the plaintiff has spent approximately INR 31 Crores on advertisement promotional expenses for the year 2023-2024.

37. While elucidating upon the scope of a well-known trademark carrying immense reputation amongst the general public and the factors which have



to be taken into consideration in dealing a mark as a well-known mark, this Court in the case of *Tata Sons Ltd. versus Manoj Dodia and Others, 2011 SCC OnLine Del 1520*, has held as follows:

“xxx xxx xxx

5. A well known trademark is a mark which is widely known to the relevant general public and enjoys a comparatively high reputation amongst them. On account of advancement of technology, fast access to information, manifold increase in international business, international travel and advertising/publicity on internet, television, magazines and periodicals, which now are widely available throughout the world, of goods and services during fairs/exhibitions, more and more persons are coming to know of the trademarks, which are well known in other countries and which on account of the quality of the products being sold under those names and extensive promotional and marketing efforts have come to enjoy trans-border reputation. It is, therefore, being increasingly felt that such trademark needs to be protected not only in the countries in which they are registered but also in the countries where they are otherwise widely known in the relevant circles so that the owners of well known trademarks are encouraged to expand their business activities under those marks to other jurisdictions as well.

The relevant general public in the case of a well known trademark would mean consumers, manufacturing and business circles and persons involved in the sale of the goods or service carrying such a trademark.

xxx xxx xxx

13. Trademarks Act, 1999 does not specify the factors which the Court needs to consider while determining whether a mark is a well known mark or not, though it does contain factors which the Registrar has to consider whether a trademark is a well known mark or not. In determining whether a trademark is a well known mark or not, the Court needs to consider a number of factors including (i) the extent of knowledge of the mark to, and its recognition by the relevant public; (ii) the duration of the use of the mark; (iii) the extent of the products and services in relation to which the mark is being used; (iv) the method, frequency, extent and duration of advertising and promotion of the mark; (v) the geographical extent of the trading area in which the mark is used; (vi) the state of registration of the mark; (vii) the volume of business of the goods or services sold under that mark; (viii) the nature and extent of the use of same or



similar mark by other parties; (ix) the extent to which the rights claimed in the mark have been successfully enforced, particularly before the Courts of law and trademark registry and (x) actual or potential number of persons consuming goods or availing services being sold under that brand. A trademark being well known in one country is not necessarily determinative of its being well known and famous in other countries, the controlling requirement being the reputation in the local jurisdiction.

xxx xxx xxx”

(Emphasis Supplied)

38. Considering the aforesaid detailed discussion, this Court is of the view that the mark of the plaintiff, ‘PETER ENGLAND’ is entitled to be declared as a ‘Well-Known’ mark. Accordingly, it is so declared.

39. Consequently, decree is passed in favour of the plaintiff in terms of prayer (e) of the plaint, declaring the plaintiff’s trademark PETER ENGLAND as a well-known trademark under Section 2(1)(zg) of the Trade Marks Act, 1999.

40. Let decree sheet be drawn up.

41. The present suit, along with the pending applications, stands disposed of.

**MINI PUSHKARNA, J**

**JANUARY 9, 2025**

Corrected & Released on: 07<sup>th</sup> February, 2025

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