
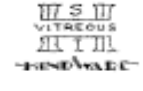
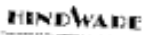





favour pertaining to its trademark HINDWARE, as brought forth in the Evidence Affidavit of PW-1, Exhibit PW-1/A:

S No	Reg. No.	Mark	Class	Date	Goods
1.	529823B		11	16.05.90	Installation for water supply and sanitary purposes
2.	529824		11	16.05.90	Sanitaryware & Installation For Sanitary Purposes
3.	608202B		11	30.09.93	Sanitary Fittings and Fixtures, Cisterns, Flushing Mechanism, and all other items used for plumbing
4.	1249275		42	12.11.03	Engineering services, bacteriological research, decorating interior and out construction, fixing equipments for water supply, ventilation and drainage, incineration and waste and trash,



					accommodation and house keeping, research and development falling in class 42
	1270477	Hindware	21	03.03.04	Steel kitchen sinks, racks and trays for utensils falling in class 21
6.	1270487	Hindware — PREMIUM —	21	03.03.04	Steel kitchen sinks, racks and trays for utensils falling in class 21
7.	1270478	Hindware ITALIAN COLLECTION	21	03.03.04	Steel kitchen, racks and trays for utensils, falling in class 21
8.	1291806	HSIL	37	22.06.04	Installation and repair of heating, ventilating water and air supply systems, kitchen and bathroom equipment, water supply & drainage appliances all being services





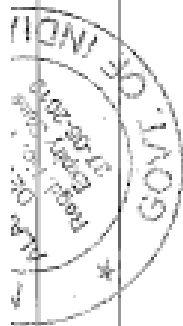
					falling in class 37
9.	1291807	HSIL	40	22.06.04	Installation and repair of air purification and fire proofing equipment, galvanizing engraving & tinting porcelain & glass all being services falling in class 40.
10.	1291808	HSIL	42	22.06.04	Engraving serve, bacteriological research, decorating, interior and out constructon, fixing equipment for water supply, ventilation & drainage, incineration & waste & trash, accommodation and house-keeping, research development for manufacturing





2/2/17

					marketing and sales all being services falling in class 42
11.	1780268		11	02.02.09	<p>All types of bathroom sanitary and plumbing items included in class 11</p> <p>[this mark was originally registered under registration no. 239214, having user dating back to 1964, which had lapsed subsequently. Thereafter, the mark was registered once again, and is related with the said registration no. 239214]</p>





69. Submission of the plaintiff as brought forth in the Evidence Affidavit of its witness, *Exhibit PW-1/A*, with regard to extensive use of the trademark “HINDWARE”, the sales figures of its products with the trademark “HINDWARE” and the amount spent on advertisement and promotion of the mark “HINDWARE”, is reproduced as under:

“xxx xxx xxx

8. I say that the Plaintiff company enjoys a market share of 40% in the organized sector of the sanitary-ware industry. I say that the Plaintiff company has 18 service centres across India, 25 HINDWARE boutiques and more than 450 HINDWARE shops. I say that while the Plaintiff predominantly caters to the Indian market, in this era of globalization, it also has a Building Products Division and a Container Glass Division which have expanded their horizons to cater to the international market as well. I say that the Plaintiff exports its products to various countries in Europe, Africa and the Middle East.

9. I say that the Plaintiff is recognized among the top 300 companies in India, while rated amongst the best 100 small and medium sized companies in the world by the Forbes Magazine. I say further that the Plaintiff has more than 1,235 institutional partners including respectable business houses such as DLF, Taj Hotels, GMR Group, Unitech, ITC Hotels, PepsiCo, Coca Cola, Dr. Reddy's Laboratories, Hindustan Unilever, Pfizer, Dabur and Nestle to name a few.

10. I say that the mark/brand HINDWARE is the flagship brand of the Plaintiff, offering the widest range of sanitaryware in India. I say that the brand/ trademark HINDWARE is a registered trademark of the Plaintiff since year 1991, and has been used exclusively, extensively and continuously since then by the Plaintiff in respect of Sinks, wash basins, bathtubs, bidets, water closets and other sanitary-ware products including bathroom accessories.

11. I say that the popularity of the product range sold under the trademark HINDWARE is evident from the growing sales of the products. I say that true copies of the Annual Report of Plaintiff company for 2011-2012, the Original Certificates from Chartered Accountants stating the sales and advertisement figures pertaining to the Plaintiff from 1990-1991 and 2010-2011 along with copies of some sample sale invoices from the years 1991-2008 have already been