



COMPETITION COMMISSION OF INDIA

Case No. 12 of 2015

In Re:

Shri Ashok Kumar Sharma

RZ-J-7/ 262, Plot No.7

West Sagarpur, New Delhi

Informant

And

Agni Devices Pvt. Ltd.,

C-55, DSIDC, Industrial Complex,

Tilak Nagar, Delhi

Opposite Party

CORAM

Mr. S. L. Bunker

Member

Mr. Sudhir Mital

Member

Mr. M. S. Sahoo

Member

Present:

**Shri Kamal Anand, Advocate
for the Informant**



Order under Section 26(2) of the Competition Act, 2002

1. The information in the instant case has been filed under section 19(1)(a) of the Competition Act, 2002 (hereinafter referred to as the ‘Act’) by Shri Ashok Kumar Sharma (hereinafter referred to as the ‘**Informant**’) against M/s Agni Devices Private Ltd. (hereinafter referred to as the ‘**Opposite Party**’) alleging, *inter alia*, contravention of the provisions of sections 3 & 4 of the Act.
2. Facts of the case, may be briefly noted:
3. As stated in the information, the Informant is running a business under the name and style of ‘Agni Security Devices’ and trading of fire alarms, fire extinguishers and related equipments. It is submitted that the Informant, after complying with the statutory formalities, entered into the business of fire fighting systems in 2014 (with a different trade name and mark).
4. As per the information, the Opposite Party claims itself to be the leading manufacturer, developer, importer and exporter of fire alarm systems, fire alarm panels, signalling equipment, detectors, fire-fighting equipment, security system surveillance systems, auto dialers, integrated fire-cum-security systems etc. (hereinafter referred to as the “fire safety equipment”).
5. It is further submitted that the Opposite Party has been using the trademark/ trade name ‘AGNI’ from 1989 which it inherited from its sister- companies ‘Agni Instrument Engineers Pvt. Ltd.’ and ‘Agni Devices Pvt. Ltd.’. It is alleged that the Opposite Party alongwith its



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sister-companies is engaged in practices which are in violation of section 3 of the Act. The Informant has alleged that the trademark 'Agni' granted by the IP Authority in favour of the Opposite Party has led it to abuse its dominant position in the market.

6. The Informant has alleged that the Opposite Party had served a legal notice dated 16.09.2014 threatening the Informant to refrain from manufacturing fire safety equipment under the trademark 'AGNI Security Devices'. It is alleged that the threatening language of the said notice indicates abuse of dominance by the Opposite Party which is in contravention of the provisions of section 4 of the Act.
7. It is also submitted that the Opposite Party is engaged in family business under three different names – Agni, Agni Instrument Engineers Pvt. Ltd. and Agni Devices Pvt. Ltd. It is alleged that the agreement between these sister companies is in violation of the provisions of section 3 of the Act.
8. Based on the above allegations and the information, the Informant has alleged that the conduct of the Opposite Party is in contravention of the provisions of sections 3 & 4 of the Act in the instant matter. Accordingly, the Informant has prayed, *inter alia*, for initiating an investigation under section 26(1) of the Act.
9. The Commission perused the material available on record including the information. The Counsel on behalf of the Informant was also heard by the Commission on 29.04.2015.



10. Facts of the case reveal that the Informant is primarily aggrieved by the alleged threats by the OP through its notice to cease and desist from manufacturing fire safety equipment under the trademark 'AGNI Security Devices'.
11. The Commission notes that the issue involved in the instant case is regarding the use of trademark which appears to have already been registered by the Opposite Party with the Appropriate Authority. It is noteworthy to mention that the Informant has also filed an application before the Registrar of Trademarks for registration of his tradename and logo. The said application is pending for its final disposal.
12. It is further noted that the Informant has also not provided any cogent material to highlight the imposition of any unreasonable conditions on him.
13. Based on the facts and circumstances of the instant case, the Commission observes that the issue involved herein is purely a trademark dispute and does not raise any competition concern.
14. In the light of the above analysis, the Commission finds that no *prima facie* case of contravention of the provisions of sections 3 and 4 of the Act is made out against the Opposite Party in the instant matter. Accordingly, the matter is closed under the provisions of section 26(2) of the Act.



15. The Secretary is directed to inform all concerned accordingly.

Sd/-
(S. L Bunker)
Member

Sd/-
(Sudhir Mital)
Member

Sd/-
(M. S. Sahoo)
Member

New Delhi

Date: 7/ 5/ 2015