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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ C.O. (COMM.IPD-TM) 168/2023 & I.A. Nos. 11370/2023 &
11371/2023

TTK PRESTIGE LTD

.....Petitioner

Through: Mr. Manish Kumar Mishra with
Ms. Saloni Kasliwal, Advocates.
(M): 9111432161

versus

MR GURMEET SINGH & ANR.

.....Respondents

Through: Mr. Raghav Bhalla, Advocate for
respondent no. 1.
(M): 9818958690

Email: advocate.shailenbhaha89@gmail.com

+ CS(COMM) 418/2023 & I.A. No. 11307/2023

TTK PRESTIGE LTD

.....Plaintiff

Through: Mr. Manish Kumar Mishra with
Ms. Saloni Kasliwal, Advocates.
(M): 9111432161

versus

MR GURMEET SINGH

.....Defendant

Through: Mr. Raghav Bhalla, Advocate for
respondent no. 1.
(M): 9818958690

Email: advocate.shailenbhaha89@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA



ORDER

11.11.2024

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1. Settlement Agreement dated 25th October, 2024 has been received from the Delhi High Court Mediation and Conciliation Centre.
2. The present suit has been filed seeking permanent injunction, restraining the defendant/respondent no. 1 from infringement of the plaintiff's/petitioner's trademarks, copyright, passing off, rendition of accounts of profits/damages, delivery up etc.
3. Vide order dated 02nd June, 2023, this Court had granted an *ex-parte ad-interim* injunction against the defendant/respondent no. 1, wherein, he was restrained from using the mark or logo PRESTIGE/



or any other mark or logo, which is deceptively similar to the registered trademarks and device marks of the plaintiff/petitioner.

4. The plaintiff/petitioner has also filed cancellation petition against the defendant/respondent no. 1, seeking cancellation of the trademark application registered under no. 1292459 under Class 09 for the mark PRESTIGE, dated 25th June, 2004 in the name of respondent no.1.
5. Vide order dated 05th August, 2024, the parties were referred to Delhi High Court Mediation and Conciliation Centre, wherein, they have successfully negotiated a settlement and executed a Settlement Agreement dated 25th October, 2024.
6. Counsel for the parties have appeared today and have confirmed the terms of the settlement. They further pray that the suit be decreed in terms thereof and that the cancellation petition be also disposed off, in terms of the



Settlement Agreement.

7. This Court has perused the terms of the settlement and finds the same to be lawful.

8. As per the settlement, the defendant/respondent no. 1 has acknowledged the plaintiff/petitioner to be the proprietor of the trademark



PRESTIGE/ label/logo and further acknowledges all the trade mark registrations of the plaintiff/petitioner.

9. The defendant/respondent no. 1 acknowledges the plaintiff/petitioner



to be the owner of copyright of the artistic work of label/logo and undertakes not to challenge the same in future. Further, the defendant/respondent no. 1 has undertaken and agreed not to manufacture, sell, offer for sale, advertise (online or offline) in any manner, and/or directly or indirectly, use the impugned mark PRESTIGE



and/or any other deceptively similar trade mark/



label/logo as that of the trade mark/label/logo PRESTIGE .

10. The defendant/respondent no. 1 proposes and confirms to use his new



mark/logo i.e. for limited purpose of sale of the 'Inverters' only. The defendant/respondent no. 1 confirms and assures not to use any mark which contains the word "Prestige" in it in any manner, with respect to any other goods or services apart from what has been agreed herein.

11. Further, the defendant/respondent no. 1 agrees and undertakes not to oppose the Cancellation Petition filed by the plaintiff/petitioner i.e. *CO (COMM-IPD-TM) 168/2023*, wherein, cancellation of the defendant/respondent no. 1's trademark registration has been sought.

12. Accordingly, the present suit is decreed in favour of the plaintiff and against defendant no. 1 in terms of the Settlement Agreement dated 25th October, 2024, which shall form part of the decree.

13. Parties shall remain bound by the terms and conditions of the settlement.

14. In terms of the settlement between the parties, the Cancellation Petition, i.e., *CO (COMM-IPD-TM) 168/2023*, is hereby allowed.

15. The trade mark registration no. 1292459 for the mark PRESTIGE dated 25th June, 2004 registered in the name of defendant/respondent no. 1, is hereby cancelled.

16. The Trade Mark Registry is directed to carry out requisite rectification in the Register of Trade Marks.

17. In view of the fact that the parties have arrived at a compromise, Registry is directed to issue a certificate for refund of full Court fees in



favour of the plaintiff.

18. Decree sheet be drawn up.

19. The Registry is directed to supply a copy of the present order to the Trademark Registry, at E-mail: llc-ipo@gov.in, for compliance.

20. Suit, along with the pending applications, as well as the cancellation petition, accordingly, stand disposed of.

MINI PUSHKARNA, J

NOVEMBER 11, 2024

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